

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator Truenow

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1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 17.11, F.S.; revising the
4 subsystem used for a certain report of disbursements
5 made; amending s. 17.13, F.S.; requiring the
6 replacement, rather than the duplication, of lost or
7 destroyed warrants; amending s. 110.113, F.S.;
8 deleting the Department of Financial Services'
9 authority to make semimonthly salary payments;
10 amending s. 112.3135, F.S.; authorizing a public
11 official to take specified actions in relation to the
12 employment of a relative as a firefighter; amending s.
13 215.422, F.S.; requiring agencies to pay interest from
14 available appropriations under certain circumstances;
15 amending s. 215.5586, F.S.; defining terms; revising
16 eligibility requirements for a hurricane mitigation
17 inspection under the My Safe Florida Home Program;
18 revising the circumstances under which applicants may
19 submit a subsequent hurricane mitigation inspection
20 application; deleting the requirement that licensed
21 inspectors determine mitigation measures during
22 initial inspections of eligible homes; deleting
23 inspectors' authorization to inspect townhouses;
24 revising the criteria for eligibility for a hurricane
25 mitigation grant; deleting an expiration date;
26 revising the improvements for which grants may be
27 used; requiring that improvements be identified in the
28 final hurricane mitigation inspection to receive grant
29 funds; deleting a provision related to grants for

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30 townhouses; revising the required prioritization of
31 inspection applications and grant applications;
32 revising the timeframe within which the department is
33 required to start accepting inspection applications
34 and grant applications; authorizing the program to
35 accept a specified certification directly from
36 applicants; requiring applicants who receive grants to
37 finalize construction and request a final inspection
38 within a specified timeframe; specifying that an
39 application is deemed abandoned, rather than
40 withdrawn, under certain circumstances; amending s.
41 215.89, F.S.; deleting provisions regarding the
42 reporting structure for charts of accounts relating to
43 the use of public funds by governmental entities;
44 amending s. 215.93, F.S.; revising the subsystems of
45 the Florida Financial Management Information System;
46 requiring that certain requests for records be made to
47 a specified entity; prohibiting such requests from
48 being made to the functional owner of the subsystem;
49 providing an exception; amending s. 215.94, F.S.;
50 providing that the department is the functional owner
51 of the Financial Management Subsystem rather than the
52 Florida Accounting Information Resource Subsystem;
53 revising the functions of such subsystem; amending s.
54 215.96, F.S.; revising the composition of the
55 coordinating council; deleting a requirement for the
56 design and coordination staff; requiring that minutes
57 of meetings be available to interested persons;
58 revising the composition of ex officio members of the

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59 council; revising the duties, powers, and
60 responsibilities of the council; amending ss. 215.985,
61 216.102, and 216.141, F.S.; conforming provisions to
62 changes made by the act; amending s. 440.13, F.S.;
63 revising the timeframe in which health care providers
64 must petition the department to resolve utilization
65 and reimbursement disputes; revising petition service
66 requirements; revising the timeframe in which the
67 panel determining the statewide schedule of maximum
68 reimbursement allowances must submit certain
69 recommendations to the Legislature; creating s.
70 497.1411, F.S.; defining the term "applicant";
71 specifying that certain applicants are permanently
72 barred from licensure; specifying that certain
73 applicants are subject to disqualifying periods;
74 requiring the Board of Funeral, Cemetery, and Consumer
75 Services to adopt rules; specifying requirements,
76 authorizations, and prohibitions for such rules;
77 specifying when a disqualifying period begins;
78 specifying that the applicant has certain burdens to
79 demonstrate that he or she is qualified for licensure;
80 specifying that certain applicants who have been
81 granted a pardon or restoration of civil rights are
82 not barred or disqualified from licensure; specifying
83 that such pardon or restoration does not require the
84 board to award a license; authorizing the board to
85 grant an exemption from disqualification under certain
86 circumstances; specifying requirements for the
87 applicant in order for the board to grant an

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88 exemption; specifying that the board has discretion to
89 grant or deny an exemption; specifying that certain
90 decisions are subject to ch. 120, F.S.; providing
91 applicability and construction; amending s. 497.142,
92 F.S.; prohibiting an application from being deemed
93 complete under certain circumstances; revising the
94 list of crimes to be disclosed on a license
95 application; amending s. 626.0428, F.S.; conforming a
96 provision to changes made by the act; amending s.
97 626.171, F.S.; deleting reinsurance intermediaries
98 from certain application requirements; revising the
99 list of persons from whom the department is required
100 to accept uniform applications; making clarifying
101 changes regarding the voluntary submission of cellular
102 telephone numbers; revising the exemption from the
103 application filing fee for members of the United
104 States Armed Forces; amending s. 626.292, F.S.;
105 revising applicant requirements for a license
106 transfer; amending s. 626.611, F.S.; requiring the
107 department to require license reexamination of certain
108 persons, and suspend or revoke the eligibility to hold
109 a license or appointment of such persons under certain
110 circumstances; amending the grounds for suspension or
111 revocation; amending s. 626.621, F.S.; authorizing the
112 department to require a reexamination of certain
113 persons; amending s. 626.731, F.S.; revising the
114 qualifications for a general lines agent's license;
115 amending s. 626.785, F.S.; revising the qualifications
116 for a life agent's license; amending s. 626.831, F.S.;

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117 revising the qualifications for a health agent's
118 license; amending s. 626.8417, F.S.; revising the
119 persons who are exempt from certain provisions
120 relating to title insurance licensing and appointment
121 requirements; amending s. 626.854, F.S.; requiring a
122 public adjuster, public adjuster apprentice, or public
123 adjusting firm to respond with specific information
124 within a specified timeframe and document in the file
125 the response or information provided; repealing s.
126 627.797, F.S., relating to agents exempt from title
127 insurance licensing; amending s. 648.34, F.S.;
128 revising requirements for bail bond agent applicants;
129 amending s. 648.382, F.S.; requiring officers or
130 officials of the appointing insurer to obtain, rather
131 than submit, certain information; amending s. 717.001,
132 F.S.; revising the short title; amending s. 717.101,
133 F.S.; revising and adding definitions; amending s.
134 717.102, F.S.; providing that certain intangible
135 property is presumed abandoned; deleting a provision
136 relating to the presumption that certain intangible
137 property is presumed unclaimed; specifying the
138 dormancy period for property presumed abandoned;
139 requiring that property be considered payable or
140 distributable under certain circumstances; deleting a
141 provision relating to when property is payable or
142 distributable; revising a presumption; providing that
143 property shall be presumed abandoned under certain
144 circumstances; providing an exception; amending s.
145 717.103, F.S.; requiring that intangible property be

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146 subject to the custody of the department under certain
147 circumstances; amending criteria for when intangible
148 property is subject to the custody of the department;
149 repealing s. 717.1035, F.S., relating to property
150 originated or issued by this state, any political
151 subdivision of this state, or any entity incorporated,
152 organized, created, or otherwise located in this
153 state; amending ss. 717.104, 717.1045, 717.105,
154 717.106, 717.107, 717.1071, 717.108, and 717.109,
155 F.S.; conforming provisions to changes made by the
156 act; amending s. 717.1101, F.S.; revising the
157 timelines and conditions under which stock, other
158 equity interests, or debt of a business association is
159 considered abandoned; requiring the holder to attempt
160 to confirm the apparent owner's interest in the equity
161 interest by sending an e-mail communication under
162 certain circumstances; requiring the holder to attempt
163 to contact the apparent owner by first-class United
164 States mail under certain circumstances; specifying
165 that equity interest is presumed abandoned under
166 certain circumstances; revising when unmatured,
167 unredeemed, matured, or redeemed debt is presumed
168 abandoned; specifying that the applicable dormancy
169 period ceases under certain circumstances; revising
170 the timeframe that a sum held for or owing by a
171 business association is presumed abandoned; amending
172 ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and
173 717.116, F.S.; conforming provisions to changes made
174 by the act; amending s. 717.117, F.S.; specifying that

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175 property is presumed abandoned upon the expiration of
176 the applicable dormancy periods; specifying that
177 property is not deemed abandoned for certain purposes
178 until the holder meets certain requirements; requiring
179 holders of property presumed abandoned that has a
180 specified value to use due diligence to locate and
181 notify the apparent owner; requiring, before a
182 specified timeframe, a holder in possession of
183 presumed abandoned property to send a specified
184 written notice to the apparent owner; specifying the
185 method of delivery of such notice; requiring, before a
186 specified timeframe, the holder to send a second
187 written notice under certain circumstances;
188 authorizing the reasonable cost for the notice to be
189 deducted from the property; specifying that a signed
190 return receipt constitutes an affirmative
191 demonstration of continued interest; specifying
192 requirements of the written notice; requiring holders
193 of abandoned property to submit a specified report to
194 the department; prohibiting certain balances,
195 overpayments, deposits, and refunds from being
196 reported as abandoned property; prohibiting certain
197 securities from being included in the report;
198 requiring the holder to report and deliver such
199 securities under certain circumstances; requiring the
200 report to be signed and verified and contain a
201 specified statement; deleting certain provisions
202 relating to the due diligence and notices to apparent
203 owners; amending s. 717.118, F.S.; revising the

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204 state's obligation to notify apparent owners that
205 their abandoned property has been reported and
206 remitted to the department; requiring the department
207 to use a cost-effective means to make an attempt to
208 notify certain apparent owners; specifying
209 requirements for the notice; requiring the department
210 to maintain a specified website; revising
211 applicability; amending s. 717.119, F.S.; conforming
212 provisions to changes made by the act; revising
213 requirements for firearms or ammunition found in an
214 abandoned safe-deposit box or safekeeping repository;
215 revising requirements if a will or trust instrument is
216 included among the contents of an abandoned safe-
217 deposit box or safekeeping repository; amending ss.
218 717.1201 and 717.122, F.S.; conforming provisions to
219 changes made by the act; amending s. 717.123, F.S.;
220 conforming provisions to changes made by the act;
221 revising the name of a certain trust fund; amending s.
222 717.1235, F.S.; conforming provisions to changes made
223 by the act; amending s. 717.124, F.S.; conforming
224 provisions to changes made by the act; deleting
225 provisions related to requirements of claimants'
226 representatives; specifying that the department is
227 authorized to make a distribution of property or money
228 in accordance with a specified agreement under certain
229 circumstances; requiring that shares of securities be
230 delivered directly to the claimant under certain
231 circumstances; deleting a provision authorizing the
232 department to develop a process by which a buyer of

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233 unclaimed property may electronically submit certain
234 images and documents; deleting provisions relating to
235 a buyer of unclaimed property's filing of a claim;
236 amending s. 717.12403, F.S.; conforming provisions to
237 changes made by the act; amending s. 717.12404, F.S.;
238 requiring that claims on behalf of an active
239 corporation include a specified driver license;
240 conforming provisions to changes made by the act;
241 amending ss. 717.12405 and 717.12406, F.S.; conforming
242 provisions to changes made by the act; amending s.
243 717.1241, F.S.; defining the term "conflicting claim";
244 conforming provisions to changes made by the act;
245 revising requirements for remitting property when
246 conflicting claims have been received by the
247 department; amending ss. 717.1242, 717.1243, 717.1244,
248 717.1245, 717.125, 717.126, 717.1261, 717.1262,
249 717.129, 717.1301, 717.1315, and 717.132, F.S.;
250 conforming provisions to changes made by the act;
251 amending s. 717.1322, F.S.; revising the acts that
252 constitute grounds for administrative enforcement
253 action by the department; conforming provisions to
254 changes made by the act; amending ss. 717.133,
255 717.1333, and 717.1341, F.S.; conforming provisions to
256 changes made by the act; amending s. 717.135, F.S.;
257 conforming provisions to changes made by the act;
258 deleting applicability; creating s. 717.1356, F.S.;
259 specifying that agreements for the purchase of
260 abandoned property reported to the department are
261 valid only under certain circumstances; authorizing

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262 the seller to cancel a purchase agreement without
263 penalty or obligation within a specified timeframe;
264 specifying that the agreement must contain certain
265 language; requiring a copy of an executed Florida
266 Abandoned Property Purchase Agreement be filed with
267 the purchaser's claim; prohibiting the department from
268 approving the claim under certain circumstances;
269 specifying that certain purchase agreements are
270 enforceable only by the seller; amending s. 717.138,
271 F.S.; conforming provisions to changes made by the
272 act; amending s. 717.1382, F.S.; conforming provisions
273 to changes made by the act; conforming a cross-
274 reference; amending s. 717.139, F.S.; providing
275 legislative findings; revising a statement of public
276 policy; deleting a legislative declaration; providing
277 legislative intent; prohibiting title to abandoned
278 property from transferring to the state except under
279 certain circumstances; amending s. 717.1400, F.S.;

280 requiring an individual to meet certain requirements
281 in order to file claims as a claimant representative;
282 revising application requirements for registering as a
283 claimant representative; requiring claimant
284 representatives to file and obtain payment on a
285 specified number of claims within a specified
286 timeframe to maintain active registration; requiring
287 the department to notify the claimant representative
288 in writing and provide a certain timeframe to
289 demonstrate compliance or good cause for noncompliance
290 under certain circumstances; requiring the department

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291 to revoke a registration under certain circumstances;
292 prohibiting a claimant representative from reapplying
293 under certain circumstances; amending ss. 1001.281 and
294 1001.282, F.S.; conforming provisions to changes made
295 by the act; amending ss. 197.582 and 626.9541, F.S.;
296 conforming cross-references; reenacting s.
297 772.13(6) (a), F.S., relating to postjudgment execution
298 proceedings to enforce a judgment entered against a
299 terrorist party, to incorporate the amendment made to
300 s. 717.101, F.S., in a reference thereto; providing an
301 effective date.

302
303 Be It Enacted by the Legislature of the State of Florida:

304
305 Section 1. Subsection (2) of section 17.11, Florida
306 Statutes, is amended to read:

307 17.11 To report disbursements made.—

308 (2) The Chief Financial Officer shall also cause to have
309 reported from the Financial Management ~~Florida Accounting~~
310 ~~Information Resource~~ Subsystem no less than quarterly the
311 disbursements which agencies made to small businesses, as
312 defined in the Florida Small and Minority Business Assistance
313 Act; to certified minority business enterprises in the
314 aggregate; and to certified minority business enterprises broken
315 down into categories of minority persons, as well as gender and
316 nationality subgroups. This information shall be made available
317 to the agencies, the Office of Supplier Diversity, the Governor,
318 the President of the Senate, and the Speaker of the House of
319 Representatives. Each agency shall be responsible for the

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320 accuracy of information entered into the Financial Management
321 ~~Florida Accounting Information Resource~~ Subsystem for use in
322 this reporting.

323 Section 2. Section 17.13, Florida Statutes, is amended to
324 read:

325 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

326 (1) The Chief Financial Officer is required to replace
327 ~~duplicate~~ any Chief Financial Officer's warrants that may have
328 been lost or destroyed, or may hereafter be lost or destroyed,
329 upon the owner thereof or the owner's agent or attorney
330 presenting the Chief Financial Officer the statement, under
331 oath, reciting the number, date, and amount of any warrant or
332 the best and most definite description in his or her knowledge
333 and the circumstances of its loss; if the Chief Financial
334 Officer deems it necessary, the owner or the owner's agent or
335 attorney shall file in the office of the Chief Financial Officer
336 a surety bond, or a bond with securities, to be approved by one
337 of the judges of the circuit court or one of the justices of the
338 Supreme Court, in a penalty of not less than twice the amount of
339 any warrants so replaced ~~duplicated~~, conditioned to indemnify
340 the state and any innocent holders thereof from any damages that
341 may accrue from such replacement ~~duplication~~.

342 (2) The Chief Financial Officer is required to replace
343 ~~duplicate~~ any Chief Financial Officer's warrant that may have
344 been lost or destroyed, or may hereafter be lost or destroyed,
345 when sent to any payee via any state agency when such warrant is
346 lost or destroyed prior to being received by the payee and
347 provided the director of the state agency to whom the warrant
348 was sent presents to the Chief Financial Officer a statement,

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349 under oath, reciting the number, date, and amount of the warrant
350 lost or destroyed, the circumstances surrounding the loss or
351 destruction of such warrant, and any additional information that
352 the Chief Financial Officer shall request in regard to such
353 warrant.

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

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

359 110.113 Pay periods for state officers and employees;
360 salary payments by direct deposit.—

361 (1) The normal pay period for salaries of state officers
362 and employees shall be 1 month. The Department of Financial
363 Services shall issue either monthly or biweekly salary payments
364 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
365 ~~make semimonthly salary payments by direct deposit pursuant to~~
366 ~~s. 17.076~~, as requested by the head of each state agency and
367 approved by the Executive Office of the Governor and the
368 Department of Financial Services.

369 Section 4. Subsection (16) of section 215.422, Florida
370 Statutes, is amended to read:

371 215.422 Payments, warrants, and invoices; processing time
372 limits; dispute resolution; agency or judicial branch
373 compliance.—

374 (16) ~~Nothing contained in~~ This section may not ~~shall~~ be
375 construed to be an appropriation. Any interest which becomes due
376 and owing pursuant to this section must be paid ~~shall only be~~
377 ~~payable~~ from the appropriation charged for such goods or

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378 services. However, if sufficient funds are not available within
379 the appropriation charged for such goods or services, the agency
380 must pay the interest from a similar or appropriate
381 appropriation category.

382 Section 5. Paragraphs (a) through (e) of subsection (1),
383 subsections (2) and (3), paragraph (a) of subsection (8), and
384 subsection (10) of section 215.5586, Florida Statutes, are
385 amended to read:

386 215.5586 My Safe Florida Home Program.—There is established
387 within the Department of Financial Services the My Safe Florida
388 Home Program. The department shall provide fiscal
389 accountability, contract management, and strategic leadership
390 for the program, consistent with this section. This section does
391 not create an entitlement for property owners or obligate the
392 state in any way to fund the inspection or retrofitting of
393 residential property in this state. Implementation of this
394 program is subject to annual legislative appropriations. It is
395 the intent of the Legislature that, subject to the availability
396 of funds, the My Safe Florida Home Program provide licensed
397 inspectors to perform hurricane mitigation inspections of
398 eligible homes and grants to fund hurricane mitigation projects
399 on those homes. The department shall implement the program in
400 such a manner that the total amount of funding requested by
401 accepted applications, whether for inspections, grants, or other
402 services or assistance, does not exceed the total amount of
403 available funds. If, after applications are processed and
404 approved, funds remain available, the department may accept
405 applications up to the available amount. The program shall
406 develop and implement a comprehensive and coordinated approach

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407 for hurricane damage mitigation pursuant to the requirements
408 provided in this section.

409 (1) HURRICANE MITIGATION INSPECTIONS.—

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

411 a. “Attached” means a dwelling unit that shares a wall with
412 another dwelling unit.

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

418 c. “Single-family” means a residence designed for and
419 containing only one dwelling unit.

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

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

426 (I) A detached residential property; or

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

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

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

433 (b)1. An application for a hurricane mitigation inspection
434 must contain a signed or electronically verified statement made
435 under penalty of perjury that the applicant has submitted only

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436 one inspection application on the home or that the application
437 is allowed under subparagraph 2., and the application must have
438 documents attached which demonstrate that the applicant meets
439 the requirements of paragraph (a).

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

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

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

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

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

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

463 (d) Licensed inspectors are to provide initial ~~home~~
464 inspections of eligible homes to determine ~~what mitigation~~

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465 ~~measures are needed,~~ what insurance premium discounts may be
466 available, and what improvements to existing residential
467 properties are needed to reduce the property's vulnerability to
468 hurricane damage. ~~An inspector may inspect a townhouse as~~
469 ~~defined in s. 481.203 to determine if opening protection~~
470 ~~mitigation as listed in subparagraph (2) (c)1. would provide~~
471 ~~improvements to mitigate hurricane damage.~~

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

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

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

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

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

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

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

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494 2. The home must be a dwelling with an insured value of
495 \$700,000 or less. ~~Homeowners who are low-income persons, as~~
496 ~~defined in s. 420.0004(11), are exempt from this requirement.~~

497 3. The home must undergo an initial acceptable hurricane
498 mitigation inspection through the program as provided in
499 subsection (1) within the 24 months immediately preceding the
500 date of application.

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

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

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

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

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

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

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

521 (b)1. An application for a grant must contain a signed or
522 electronically verified statement made under penalty of perjury

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523 that the applicant has submitted only one grant application or
524 that the application is allowed under subparagraph 2., and the
525 application must have documents attached demonstrating that the
526 applicant meets the requirements of paragraph (a).

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

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

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

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

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

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

551 (d) All hurricane mitigation performed under the program

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552 must be based upon the securing of all required local permits
553 and inspections and must be performed by properly licensed
554 contractors.

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

558 1. Opening protection improvements, including:

559 a. Exterior doors.~~.~~

560 b. Garage doors.~~.~~

561 c. Windows.~~.~~ and

562 d. Skylights.

563 2. Roof improvements, including:

564 a. Reinforcing roof-to-wall connections.

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

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

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

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

578 (h) Low-income applicants ~~homeowners~~, as defined in s.
579 420.0004(11), who otherwise meet the applicable requirements of
580 this subsection are eligible for a grant of up to \$10,000 and

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581 are not required to provide a matching amount to receive the
582 grant.

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

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

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

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

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

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

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

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

606 a. Initially, from applicants prioritized under sub-
607 subparagraph 2.a.;

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

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610 applications;

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

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

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

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

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

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

635 (3) REQUESTS FOR INFORMATION.—The department may request
636 that an applicant provide additional information. An application
637 is deemed abandoned ~~withdrawn~~ by the applicant if the department
638 does not receive a response to its request for additional

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639 information within 60 days after the notification of any
640 apparent error or omission.

641 (8) CONTRACT MANAGEMENT.—

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

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

663 Section 6. Subsection (3) of section 215.89, Florida
664 Statutes, is amended to read:

665 215.89 Charts of account.—

666 ~~(3) REPORTING STRUCTURE.—~~

667 ~~(a) The Chief Financial Officer shall accept comments from~~

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668 ~~state agencies, local governments, educational entities,~~
669 ~~entities of higher education, and other interested parties~~
670 ~~regarding the proposed charts of account until November 1, 2013.~~

671 ~~(b) By January 15, 2014, the Chief Financial Officer, after~~
672 ~~consultation with affected state agencies, local governments,~~
673 ~~educational entities, entities of higher education, and the~~
674 ~~Auditor General, shall submit to the Governor, the President of~~
675 ~~the Senate, and the Speaker of the House of Representatives a~~
676 ~~report recommending a uniform charts of account which requires~~
677 ~~specific enterprise-wide information related to revenues and~~
678 ~~expenditures of state agencies, local governments, educational~~
679 ~~entities, and entities of higher education. The report must~~
680 ~~include the estimated cost of adopting and implementing a~~
681 ~~uniform enterprise-wide charts of account.~~

682 Section 7. Subsections (1) and (5) of section 215.93,
683 Florida Statutes, are amended to read:

684 215.93 Florida Financial Management Information System.—

685 (1) To provide the information necessary to carry out the
686 intent of the Legislature, there shall be a Florida Financial
687 Management Information System. The Florida Financial Management
688 Information System shall be fully implemented and shall be
689 upgraded as necessary to ensure the efficient operation of an
690 integrated financial management information system and to
691 provide necessary information for the effective operation of
692 state government. Upon the recommendation of the coordinating
693 council and approval of the board, the Florida Financial
694 Management Information System may require data from any state
695 agency information system or information subsystem or may
696 request data from any judicial branch information system or

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697 information subsystem that the coordinating council and board
698 have determined to have statewide financial management
699 significance. Each functional owner information subsystem within
700 the Florida Financial Management Information System shall be
701 developed in such a fashion as to allow for timely, positive,
702 preplanned, and prescribed data transfers between the Florida
703 Financial Management Information System functional owner
704 information subsystems and from other information systems. The
705 principal unit of the system shall be the functional owner
706 information subsystem, and the system shall include, but shall
707 not be limited to, the following:

708 (a) Planning and Budgeting Subsystem.

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

710 (b)(e) Financial Management Subsystem.

711 (c)(d) Purchasing Subsystem.

712 (d)(e) Personnel Information System.

713 (5) Functional owners are legally responsible for the
714 security and integrity of all data records existing within or
715 transferred from their information subsystems. Each agency and
716 the judicial branch shall be responsible for the accuracy of the
717 information entered into the Florida Financial Management
718 Information System. A request for a copy of a document or an
719 accounting record, whether made by public records request or
720 subpoena, must be made to the state entity for which the
721 document or accounting record is recorded. The request may not
722 be made to the functional owner of the subsystem unless the
723 document or accounting record was recorded for such entity.

724 Section 8. Subsections (2) and (3) of section 215.94,
725 Florida Statutes, are amended to read:

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726 215.94 Designation, duties, and responsibilities of
727 functional owners.-

728 (2) The Department of Financial Services shall be the
729 functional owner of the Financial Management ~~Florida Accounting~~
730 ~~Information Resource~~ Subsystem established pursuant to ss.
731 17.03, 215.86, 216.141, and 216.151 and further developed in
732 accordance with the provisions of ss. 215.90-215.96. The
733 subsystem shall include, but shall not be limited to, the
734 following functions:

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

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

739 ~~(3) The Chief Financial Officer shall be the functional~~
740 ~~owner of the Financial Management Subsystem. The Chief Financial~~
741 ~~Officer shall design, implement, and operate the subsystem in~~
742 ~~accordance with the provisions of ss. 215.90-215.96. The~~
743 ~~subsystem shall include, but shall not be limited to, functions~~
744 ~~for:~~

745 (c) ~~(a)~~ Recording and reconciling credits and debits to
746 treasury fund accounts.

747 (d) ~~(b)~~ Monitoring cash levels and activities in state bank
748 accounts.

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

750 (f) ~~(d)~~ Administering the provisions of the Federal Cash
751 Management Improvement Act of 1990.

752 Section 9. Subsections (2) and (3) of section 215.96,
753 Florida Statutes, are amended to read:

754 215.96 Coordinating council and design and coordination

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755 staff.-

756 (2) The coordinating council shall consist of the Chief
757 Financial Officer; the Commissioner of Agriculture; the Attorney
758 General; the Secretary of Management Services; the state chief
759 information officer; the executive director of the Department of
760 Revenue; and the Director of Planning and Budgeting, Executive
761 Office of the Governor, or their designees. The Chief Financial
762 Officer, or his or her designee, shall be chair of the council,
763 and the design and coordination staff shall provide
764 administrative and clerical support to the council and the
765 board. ~~The design and coordination staff shall maintain the~~
766 Minutes of each meeting shall be ~~and make such minutes~~ available
767 to any interested person. The Auditor General, the State Courts
768 Administrator, ~~a an executive officer of the Florida Association~~
769 ~~of state agency administrative services director selected by the~~
770 council Directors, and ~~a an executive officer of the Florida~~
771 ~~Association of state budget officer selected by the council~~
772 ~~Officers~~, or their designees, shall serve without voting rights
773 as ex officio members of the council. The chair may call
774 meetings of the council as often as necessary to transact
775 business; however, the council shall meet at least once a year.
776 Action of the council shall be by motion, duly made, seconded
777 and passed by a majority of the council voting in the
778 affirmative for approval of items that are to be recommended for
779 approval to the Financial Management Information Board.

780 (3) The coordinating council, assisted by the design and
781 coordination staff, shall have the following duties, powers, and
782 responsibilities pertaining to the Florida Financial Management
783 Information System:

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

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

805 (c) ~~(b)~~ To recommend to the board solutions, policy
806 alternatives, and legislative budget request issues that will
807 provide ensure a framework for the timely, positive, preplanned,
808 and prescribed data transfer between information subsystems ~~and~~
809 ~~to recommend to the board solutions, policy alternatives, and~~
810 ~~legislative budget request issues that ensure the availability~~
811 ~~of data and information that support state planning, policy~~
812 ~~development, management, evaluation, and performance monitoring.~~

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

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

823 Section 10. Paragraph (a) of subsection (4) of section
824 215.985, Florida Statutes, is amended to read:

825 215.985 Transparency in government spending.—

826 (4) The Executive Office of the Governor, in consultation
827 with the appropriations committees of the Senate and the House
828 of Representatives, shall establish and maintain a website that
829 provides information relating to the approved operating budget
830 for each branch of state government and state agency.

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

832 1. Disbursement data for each appropriation by the account
833 value ~~object code~~ associated with each expenditure established
834 within the Financial Management Florida Accounting Information
835 ~~Resource~~ Subsystem. Expenditure data must include the name of
836 the payee, the date of the expenditure, the amount of the
837 expenditure, and the voucher ~~statewide document~~ number. Such
838 data must be searchable by the name of the payee, the paying
839 agency, and fiscal year, and must be downloadable in a format
840 that allows offline analysis.

841 2. For each appropriation, any adjustments, including

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842 vetoes, approved supplemental appropriations included in
843 legislation other than the General Appropriations Act, budget
844 amendments, other actions approved pursuant to chapter 216, and
845 other adjustments authorized by law.

846 3. Status of spending authority for each appropriation in
847 the approved operating budget, including released, unreleased,
848 reserved, and disbursed balances.

849 4. Position and rate information for positions provided in
850 the General Appropriations Act or approved through an amendment
851 to the approved operating budget and position information for
852 positions established in the legislative branch.

853 5. Allotments for planned expenditures of state
854 appropriations established by state agencies in the Financial
855 Management ~~Florida Accounting Information Resource~~ Subsystem,
856 and the current balances of such allotments.

857 6. Trust fund balance reports, including cash available,
858 investments, and receipts.

859 7. General revenue fund balance reports, including revenue
860 received and amounts disbursed.

861 8. Fixed capital outlay project data, including original
862 appropriation and disbursements throughout the life of the
863 project.

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

865 10. Links to state audits or reports related to the
866 expenditure and dispersal of state funds.

867 11. Links to program or activity descriptions for which
868 funds may be expended.

869 Section 11. Subsections (1) and (2) and paragraph (f) of
870 subsection (3) of section 216.102, Florida Statutes, are amended

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871 to read:

872 216.102 Filing of financial information; handling by Chief
873 Financial Officer; penalty for noncompliance.—

874 (1) By September 30 of each year, each agency supported by
875 any form of taxation, licenses, fees, imposts, or exactions, the
876 judicial branch, and, for financial reporting purposes, each
877 component unit of the state as determined by the Chief Financial
878 Officer shall prepare, using generally accepted accounting
879 principles, and file with the Chief Financial Officer the
880 financial and other information necessary for the preparation of
881 annual financial statements for the State of Florida as of June
882 30. In addition, each such agency and the judicial branch shall
883 prepare financial statements showing the financial position and
884 results of agency or branch operations as of June 30 for
885 internal management purposes.

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

891 1. The deposit has been recorded in the Financial
892 Management ~~Florida Accounting Information Resource~~ Subsystem
893 using proper, consistent codes that designate deposits as
894 federal funds.

895 2. The deposit and appropriate recording required by this
896 paragraph have been verified by the office of the Chief
897 Financial Officer.

898 (b) The Chief Financial Officer shall publish a statewide
899 policy detailing the requirements for recording receipt and

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900 disbursement of federal funds into the Financial Management
901 ~~Florida Accounting Information Resource~~ Subsystem and provide
902 technical assistance to the agencies and the judicial branch to
903 implement the policy.

904 (2) Financial information must be contained within the
905 Financial Management ~~Florida Accounting Information Resource~~
906 Subsystem. Other information must be submitted in the form and
907 format prescribed by the Chief Financial Officer.

908 (a) Each component unit shall file financial information
909 and other information necessary for the preparation of annual
910 financial statements with the agency or branch designated by the
911 Chief Financial Officer by the date specified by the Chief
912 Financial Officer.

913 (b) The state agency or branch designated by the Chief
914 Financial Officer to receive financial information and other
915 information from component units shall include the financial
916 information in the Financial Management ~~Florida Accounting~~
917 ~~Information Resource~~ Subsystem and shall include the component
918 units' other information in its submission to the Chief
919 Financial Officer.

920 (3) The Chief Financial Officer shall:

921 (f) Consult with and elicit comments from the Executive
922 Office of the Governor on changes to the Financial Management
923 ~~Florida Accounting Information Resource~~ Subsystem which clearly
924 affect the accounting of federal funds, so as to ensure
925 consistency of information entered into the Federal Aid Tracking
926 System by state executive and judicial branch entities. While
927 efforts shall be made to ensure the compatibility of the
928 Financial Management ~~Florida Accounting Information Resource~~

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929 Subsystem and the Federal Aid Tracking System, any successive
930 systems serving identical or similar functions shall preserve
931 such compatibility.

932
933 The Chief Financial Officer may furnish and publish in
934 electronic form the financial statements and the annual
935 comprehensive financial report required under paragraphs (a),
936 (b), and (c).

937 Section 12. Subsection (3) of section 216.141, Florida
938 Statutes, is amended to read:

939 216.141 Budget system procedures; planning and programming
940 by state agencies.—

941 (3) The Chief Financial Officer, as chief fiscal officer,
942 shall use the Financial Management ~~Florida Accounting~~
943 ~~Information Resource~~ Subsystem developed pursuant to s.
944 215.94(2) for account purposes in the performance of and
945 accounting for all of his or her constitutional and statutory
946 duties and responsibilities. However, state agencies and the
947 judicial branch continue to be responsible for maintaining
948 accounting records necessary for effective management of their
949 programs and functions.

950 Section 13. Paragraph (a) of subsection (7) and paragraph
951 (j) of subsection (12) of section 440.13, Florida Statutes, are
952 amended to read:

953 440.13 Medical services and supplies; penalty for
954 violations; limitations.—

955 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

956 (a) Any health care provider who elects to contest the
957 disallowance or adjustment of payment by a carrier under

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958 subsection (6) must, within 60 ~~45~~ days after receipt of notice
959 of disallowance or adjustment of payment, petition the
960 department to resolve the dispute. The petitioner must serve, by
961 the United States Postal Service certified mail or by common
962 carrier with verifiable tracking methods, a copy of the petition
963 on the carrier and on all affected parties listed on the notice
964 of disallowance or adjustment ~~by certified mail~~. The petition
965 must be accompanied by all documents and records that support
966 the allegations contained in the petition. Failure of a
967 petitioner to submit such documentation to the department
968 results in dismissal of the petition.

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

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

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

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

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

985 4. Submit recommendations on or before January 15, 2031
986 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President

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987 of the Senate and the Speaker of the House of Representatives on
988 methods to improve the workers' compensation health care
989 delivery system.

990
991 The department, as requested, shall provide data to the panel,
992 including, but not limited to, utilization trends in the
993 workers' compensation health care delivery system. The
994 department shall provide the panel with an annual report
995 regarding the resolution of medical reimbursement disputes and
996 any actions pursuant to subsection (8). The department shall
997 provide administrative support and service to the panel to the
998 extent requested by the panel. The department may adopt rules
999 pursuant to ss. 120.536(1) and 120.54 to implement this
1000 subsection. For prescription medication purchased under the
1001 requirements of this subsection, a dispensing practitioner shall
1002 not possess such medication unless payment has been made by the
1003 practitioner, the practitioner's professional practice, or the
1004 practitioner's practice management company or employer to the
1005 supplying manufacturer, wholesaler, distributor, or drug
1006 repackager within 60 days of the dispensing practitioner taking
1007 possession of that medication.

1008 Section 14. Section 497.1411, Florida Statutes, is created
1009 to read:

1010 497.1411 Disqualification of applicants and licenses;
1011 penalties against licensees; rulemaking.—

1012 (1) For purposes of this section, the term "applicant"
1013 means an individual applying for licensure or relicensure under
1014 this chapter, or an officer, director, majority owner, partner,
1015 manager, or other person who manages or controls an entity

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1016 applying for licensure or relicensure under this chapter.

1017 (2) An applicant who has been found guilty of or has
1018 pleaded guilty or nolo contendere to any of the following
1019 offenses, regardless of adjudication, is permanently barred from
1020 licensure under this chapter:

1021 (a) A felony of the first degree.

1022 (b) A felony involving conduct prohibited under chapter
1023 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
1024 825, chapter 827, or chapter 847.

1025 (c) A felony involving moral turpitude.

1026 (3) An applicant who has been found guilty of, or has
1027 entered a plea of guilty or nolo contendere to an offense not
1028 subject to the permanent bar under subsection (2), regardless of
1029 adjudication, is subject to the following disqualifying periods:

1030 (a) A 10-year disqualifying period for any felony to which
1031 the permanent bar in subsection (2) does not apply.

1032 Notwithstanding subsection (4), an applicant who has completed
1033 at least one-half of the disqualifying period may apply for a
1034 probationary license for the remainder of the disqualifying
1035 period if, during that time, the applicant has not been found
1036 guilty of, or has not entered a plea of guilty or nolo
1037 contendere to, any offense.

1038 (b) A 5-year disqualifying period for all misdemeanors
1039 directly related to chapter 497.

1040 (4) The board shall adopt rules to administer this section.
1041 Such rules must provide additional disqualifying periods for
1042 applicants who have committed multiple criminal offenses and may
1043 provide additional factors for disqualification reasonably
1044 related to the applicant's criminal history. The rules must also

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1045 establish mitigating and aggravating factors. However,
1046 mitigation may not reduce any disqualifying period to less than
1047 5 years and may not be applied to reduce the 5-year
1048 disqualifying period provided in paragraph (3) (b).

1049 (5) For purposes of this section, a disqualifying period
1050 begins upon the applicant's final release from supervision or
1051 upon completion of the applicant's criminal sentence. The board
1052 may not approve issuance of a license to an applicant until the
1053 applicant provides proof that all related fines, court costs,
1054 fees, and court-ordered restitution have been paid.

1055 (6) After the disqualifying period has expired, the burden
1056 is on the applicant to demonstrate to the board that he or she
1057 has been rehabilitated, does not pose a risk to the public, is
1058 fit and trustworthy to engage in business regulated by this
1059 chapter, and is otherwise qualified for licensure.

1060 (7) Notwithstanding subsections (2) and (3), an applicant
1061 who has been found guilty of, or has pleaded guilty or nolo
1062 contendere to, a crime in subsection (2) or subsection (3), and
1063 who has subsequently been granted a pardon or the restoration of
1064 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
1065 State Constitution, or a pardon or the restoration of civil
1066 rights under the laws of another jurisdiction with respect to a
1067 conviction in that jurisdiction, is not barred or disqualified
1068 from licensure under this chapter; however, such a pardon or
1069 restoration of civil rights does not require the board to award
1070 such license.

1071 (8) (a) The board may grant an exemption from
1072 disqualification to any person disqualified from licensure under
1073 subsection (3) if:

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1074 1. The applicant has paid in full any fee, fine, fund,
1075 lien, civil judgment, restitution, or cost of prosecution
1076 imposed by the court as part of the judgment and sentence for
1077 any disqualifying offense; and

1078 2. At least 2 years have elapsed since the applicant
1079 completed or has been lawfully released from confinement,
1080 supervision, or any nonmonetary condition imposed by the court
1081 for a disqualifying offense.

1082 (b) For the board to grant an exemption under this
1083 subsection, the applicant must clearly and convincingly
1084 demonstrate that he or she would not pose a risk to persons or
1085 property if licensed under this chapter, evidence of which must
1086 include, but need not be limited to, facts and circumstances
1087 surrounding the disqualifying offense, the time that has elapsed
1088 since the offense, the nature of the offense and harm caused to
1089 the victim, the applicant's history before and after the
1090 offense, and any other evidence or circumstances indicating that
1091 the applicant will not present a danger if licensed or
1092 certified.

1093 (c) The board has discretion whether to grant or deny an
1094 exemption under this subsection. The board's decision is subject
1095 to chapter 120.

1096 (9) The disqualification periods provided in this section
1097 do not apply to the renewal of a license or to a new application
1098 for licensure if the applicant has an active license as of July
1099 1, 2026, and the applicable criminal history was considered by
1100 the board on the prior approval of any active license held by
1101 the applicant. This section does not affect any criminal history
1102 disclosure requirements of this chapter.

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1103 Section 15. Subsection (9) and paragraph (c) of subsection
1104 (10) of section 497.142, Florida Statutes, are amended to read:
1105 497.142 Licensing; fingerprinting and criminal background
1106 checks.—

1107 (9) If any applicant under this chapter has been, ~~within~~
1108 ~~the 10 years preceding the application under this chapter,~~
1109 convicted or found guilty of, or entered a plea of nolo
1110 contendere to, regardless of adjudication, any crime in any
1111 jurisdiction, the application may ~~shall~~ not be deemed complete
1112 until such time as the applicant provides such certified true
1113 copies of the court records evidencing the conviction, finding,
1114 or plea, as required in this section or as the licensing
1115 authority may by rule require.

1116 (10)

1117 (c) Crimes to be disclosed are:

1118 1. Any felony ~~or misdemeanor,~~ no matter when committed,
1119 ~~that was directly or indirectly related to or involving any~~
1120 ~~aspect of the practice or business of funeral directing,~~
1121 ~~embalming, direct disposition, cremation, funeral or cemetery~~
1122 ~~preneed sales, funeral establishment operations, cemetery~~
1123 ~~operations, or cemetery monument or marker sales or~~
1124 ~~installation.~~

1125 2. Any misdemeanor, no matter when committed, that was
1126 directly or indirectly related to the practice or activities
1127 regulated under this chapter ~~Any other felony not already~~
1128 ~~disclosed under subparagraph 1. that was committed within the 20~~
1129 ~~years immediately preceding the application under this chapter.~~

1130 3. Any other misdemeanor not already disclosed under
1131 subparagraph 2. which ~~subparagraph 1. that~~ was committed within

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1132 the 5 years immediately preceding the application under this
1133 chapter.

1134 Section 16. Subsection (3) of section 626.0428, Florida
1135 Statutes, is amended to read:

1136 626.0428 Agency personnel powers, duties, and limitations.—

1137 (3) An employee or an authorized representative located at
1138 a designated branch of an agent or agency may not initiate
1139 contact with any person for the purpose of soliciting insurance
1140 unless licensed and appointed as an agent or customer
1141 representative. As to title insurance, an employee of an agent
1142 or agency may not initiate contact with any individual proposed
1143 insured for the purpose of soliciting title insurance unless
1144 licensed as a title insurance agent or exempt from such
1145 licensure pursuant to s. 626.8417(4) ~~and (5)~~.

1146 Section 17. Section 626.171, Florida Statutes, is amended
1147 to read:

1148 626.171 Application for license as an agent, customer
1149 representative, adjuster, or service representative, ~~or~~
1150 ~~reinsurance intermediary~~.—

1151 (1) The department may not issue a license as agent,
1152 customer representative, adjuster, or service representative, ~~or~~
1153 ~~reinsurance intermediary~~ to any person except upon written
1154 application filed with the department, meeting the
1155 qualifications for the license applied for as determined by the
1156 department, and payment in advance of all applicable fees. The
1157 application must be made under the oath of the applicant and be
1158 signed by the applicant. An applicant may permit a third party
1159 to complete, submit, and sign an application on the applicant's
1160 behalf, but is responsible for ensuring that the information on

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1161 the application is true and correct and is accountable for any
1162 misstatements or misrepresentations. The department shall accept
1163 the uniform application for resident and nonresident agent and
1164 adjuster licensing. The department may adopt revised versions of
1165 the uniform application by rule.

1166 (2) In the application, the applicant must include all of
1167 the following shall set forth:

1168 (a) The applicant's ~~His or her~~ full name, age, social
1169 security number, residence address, business address, mailing
1170 address, contact telephone numbers, including a business
1171 telephone number, and e-mail address.

1172 (b) A statement indicating the method the applicant used or
1173 is using to meet any required prelicensing education, knowledge,
1174 experience, or instructional requirements for the type of
1175 license applied for.

1176 (c) Whether the applicant ~~he or she~~ has been refused or has
1177 voluntarily surrendered or has had suspended or revoked a
1178 license to solicit insurance by the department or by the
1179 supervising officials of any state.

1180 (d) Whether any insurer or any managing general agent
1181 claims the applicant is indebted under any agency contract or
1182 otherwise and, if so, the name of the claimant, the nature of
1183 the claim, and the applicant's defense thereto, if any.

1184 (e) Proof that the applicant meets the requirements for the
1185 type of license for which he or she is applying.

1186 (f) The applicant's gender (male or female).

1187 (g) The applicant's native language.

1188 (h) The highest level of education achieved by the
1189 applicant.

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1190 (i) The applicant's race or ethnicity (African American,
1191 white, American Indian, Asian, Hispanic, or other).

1192 (j) Such other or additional information as the department
1193 may deem proper to enable it to determine the character,
1194 experience, ability, and other qualifications of the applicant
1195 to hold himself or herself out to the public as an insurance
1196 representative.

1197
1198 However, the application must contain a statement that an
1199 applicant is not required to disclose his or her race or
1200 ethnicity, gender, or native language, that he or she will not
1201 be penalized for not doing so, and that the department will use
1202 this information exclusively for research and statistical
1203 purposes and to improve the quality and fairness of the
1204 examinations. The department may ~~shall~~ make provisions for
1205 applicants to voluntarily submit their cellular telephone
1206 numbers as part of the application process solely ~~on a voluntary~~
1207 ~~basis only~~ for the purpose of two-factor authentication of
1208 secure login credentials ~~only~~.

1209 (3) Each application must be accompanied by payment of any
1210 applicable fee.

1211 (4) An applicant for a license issued by the department
1212 under this chapter must submit a set of the individual
1213 applicant's fingerprints, or, if the applicant is not an
1214 individual, a set of the fingerprints of the sole proprietor,
1215 majority owner, partners, officers, and directors, to the
1216 department and must pay the fingerprint processing fee set forth
1217 in s. 624.501. Fingerprints must be processed in accordance with
1218 s. 624.34 and used to investigate the applicant's qualifications

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1219 pursuant to s. 626.201. The fingerprints must be taken by a law
1220 enforcement agency or other department-approved entity. The
1221 department may not approve an application for licensure as an
1222 agent, customer ~~service~~ representative, adjuster, or service
1223 representative, ~~or reinsurance intermediary~~ if fingerprints have
1224 not been submitted.

1225 (5) The application for license filing fee prescribed in s.
1226 624.501 is not subject to refund.

1227 (6) Members of the United States Armed Forces and their
1228 spouses, and veterans of the United States Armed Forces who have
1229 separated from service ~~within 24 months~~ before application for
1230 licensure, are exempt from the application filing fee prescribed
1231 in s. 624.501. Qualified individuals must provide a copy of a
1232 military identification card, military dependent identification
1233 card, military service record, military personnel file, veteran
1234 record, discharge paper or separation document that indicates
1235 such members are currently in good standing or such veterans
1236 were honorably discharged.

1237 (7) Pursuant to the federal Personal Responsibility and
1238 Work Opportunity Reconciliation Act of 1996, each party is
1239 required to provide his or her social security number in
1240 accordance with this section. Disclosure of social security
1241 numbers obtained through this requirement must be limited to the
1242 purpose of administration of the Title IV-D program for child
1243 support enforcement.

1244 Section 18. Paragraph (c) of subsection (2) of section
1245 626.292, Florida Statutes, is amended to read:

1246 626.292 Transfer of license from another state.—

1247 (2) To qualify for a license transfer, an individual

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1248 applicant must meet the following requirements:

1249 (c) The individual must submit a completed application for
1250 this state which is received by the department within 90 days
1251 after the date the individual became a resident of this state,
1252 along with payment of the applicable fees set forth in s.

1253 624.501 and submission of the following documents:

1254 1. A certification issued by the appropriate official of
1255 the applicant's home state identifying the type of license and
1256 lines of authority under the license and stating that, ~~at the~~
1257 ~~time the license from the home state was canceled,~~ the applicant
1258 was in good standing in that state or that the state's Producer
1259 Database records, maintained by the National Association of
1260 Insurance Commissioners, its affiliates, or subsidiaries,
1261 indicate that the agent or all-lines adjuster is or was licensed
1262 in good standing for the line of authority requested. An
1263 applicant may hold a resident license in another state for 30
1264 days after the Florida resident license has been issued to
1265 facilitate the transfer of licensure between states.

1266 2. A set of the applicant's fingerprints in accordance with
1267 s. 626.171(4).

1268 Section 19. Subsection (1) of section 626.611, Florida
1269 Statutes, is amended to read:

1270 626.611 Grounds for compulsory refusal, suspension, or
1271 revocation of agent's, title agency's, adjuster's, customer
1272 representative's, service representative's, or managing general
1273 agent's license or appointment.—

1274 (1) The department shall require license reexamination,
1275 deny an application for, suspend, revoke, or refuse to renew or
1276 continue the license or appointment of any applicant, agent,

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1277 title agency, adjuster, customer representative, service
1278 representative, or managing general agent, and it shall suspend
1279 or revoke the eligibility to hold a license or appointment of
1280 any such person, if it finds that as to the applicant, licensee,
1281 or appointee any one or more of the following applicable grounds
1282 exist:

1283 (a) Lack of one or more of the qualifications for the
1284 license or appointment as specified in this code.

1285 (b) Material misstatement, misrepresentation, or fraud in
1286 obtaining the license or appointment or in attempting to obtain
1287 the license or appointment.

1288 (c) Failure to pass to the satisfaction of the department
1289 any examination required under this code, including cheating on
1290 an examination required for licensure or violating test center
1291 or examination procedures delivered orally, in writing, or
1292 electronically at the test site by authorized representatives of
1293 the examination program administrator.

1294 (d) If the license or appointment is willfully used, or to
1295 be used, to circumvent any of the requirements or prohibitions
1296 of this code.

1297 (e) Willful misrepresentation of any insurance policy or
1298 annuity contract or willful deception with regard to any such
1299 policy or contract, done either in person or by any form of
1300 dissemination of information or advertising.

1301 (f) If, as an adjuster, or agent licensed and appointed to
1302 adjust claims under this code, he or she has materially
1303 misrepresented to an insured or other interested party the terms
1304 and coverage of an insurance contract with intent and for the
1305 purpose of effecting settlement of claim for loss or damage or

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1306 benefit under such contract on less favorable terms than those
1307 provided in and contemplated by the contract.

1308 (g) Demonstrated lack of fitness or trustworthiness to
1309 engage in the business of insurance.

1310 (h) Demonstrated lack of reasonably adequate knowledge and
1311 technical competence to engage in the transactions authorized by
1312 the license or appointment.

1313 (i) Fraudulent or dishonest practices in the conduct of
1314 business under the license or appointment.

1315 (j) Misappropriation, conversion, or unlawful withholding
1316 of moneys belonging to insurers or insureds or beneficiaries or
1317 to others and received in conduct of business under the license
1318 or appointment.

1319 (k) Unlawfully rebating, attempting to unlawfully rebate,
1320 or unlawfully dividing or offering to divide his or her
1321 commission with another.

1322 (l) Having obtained or attempted to obtain, or having used
1323 or using, a license or appointment as agent or customer
1324 representative for the purpose of soliciting or handling
1325 "controlled business" as defined in s. 626.730 with respect to
1326 general lines agents, s. 626.784 with respect to life agents,
1327 and s. 626.830 with respect to health agents.

1328 (m) Willful failure to comply with, or willful violation
1329 of, any proper order or rule of the department or willful
1330 violation of any provision of this code.

1331 (n) Having been found guilty of or having pleaded guilty or
1332 nolo contendere to a misdemeanor directly related to the
1333 financial services business, any felony, or any crime punishable
1334 by imprisonment of 1 year or more under the law of the United

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1335 States of America or of any state thereof or under the law of
1336 any other country, without regard to whether a judgment of
1337 conviction has been entered by the court having jurisdiction of
1338 such cases.

1339 (o) Fraudulent or dishonest practice in submitting or
1340 aiding or abetting any person in the submission of an
1341 application for workers' compensation coverage under chapter 440
1342 containing false or misleading information as to employee
1343 payroll or classification for the purpose of avoiding or
1344 reducing the amount of premium due for such coverage.

1345 (p) Sale of an unregistered security that was required to
1346 be registered, pursuant to chapter 517.

1347 (q) In transactions related to viatical settlement
1348 contracts as defined in s. 626.9911:

1349 1. Commission of a fraudulent or dishonest act.

1350 2. No longer meeting the requirements for initial
1351 licensure.

1352 3. Having received a fee, commission, or other valuable
1353 consideration for his or her services with respect to viatical
1354 settlements that involved unlicensed viatical settlement
1355 providers or persons who offered or attempted to negotiate on
1356 behalf of another person a viatical settlement contract as
1357 defined in s. 626.9911 and who were not licensed life agents.

1358 4. Dealing in bad faith with viators.

1359 Section 20. Section 626.621, Florida Statutes, is amended
1360 to read:

1361 626.621 Grounds for discretionary refusal, suspension, or
1362 revocation of agent's, adjuster's, customer representative's,
1363 service representative's, or managing general agent's license or

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1364 appointment.—The department may, in its discretion, require a
1365 license reexamination, deny an application for, suspend, revoke,
1366 or refuse to renew or continue the license or appointment of any
1367 applicant, agent, adjuster, customer representative, service
1368 representative, or managing general agent, and it may suspend or
1369 revoke the eligibility to hold a license or appointment of any
1370 such person, if it finds that as to the applicant, licensee, or
1371 appointee any one or more of the following applicable grounds
1372 exist under circumstances for which such denial, suspension,
1373 revocation, or refusal is not mandatory under s. 626.611:

1374 (1) Any cause for which issuance of the license or
1375 appointment could have been refused had it then existed and been
1376 known to the department.

1377 (2) Violation of any provision of this code or of any other
1378 law applicable to the business of insurance in the course of
1379 dealing under the license or appointment.

1380 (3) Violation of any lawful order or rule of the
1381 department, commission, or office.

1382 (4) Failure or refusal, upon demand, to pay over to any
1383 insurer he or she represents or has represented any money coming
1384 into his or her hands belonging to the insurer.

1385 (5) Violation of the provision against twisting, as defined
1386 in s. 626.9541(1)(1).

1387 (6) In the conduct of business under the license or
1388 appointment, engaging in unfair methods of competition or in
1389 unfair or deceptive acts or practices, as prohibited under part
1390 IX of this chapter, or having otherwise shown himself or herself
1391 to be a source of injury or loss to the public.

1392 (7) Willful overinsurance of any property or health

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1393 insurance risk.

1394 (8) If a life agent, violation of the code of ethics.

1395 (9) Cheating on an examination required for licensure or
1396 violating test center or examination procedures published
1397 orally, in writing, or electronically at the test site by
1398 authorized representatives of the examination program
1399 administrator. Communication of test center and examination
1400 procedures must be clearly established and documented.

1401 (10) Failure to inform the department in writing within 30
1402 days after pleading guilty or nolo contendere to, or being
1403 convicted or found guilty of, any felony or a crime punishable
1404 by imprisonment of 1 year or more under the law of the United
1405 States or of any state thereof, or under the law of any other
1406 country without regard to whether a judgment of conviction has
1407 been entered by the court having jurisdiction of the case.

1408 (11) Knowingly aiding, assisting, procuring, advising, or
1409 abetting any person in the violation of or to violate a
1410 provision of the insurance code or any order or rule of the
1411 department, commission, or office.

1412 (12) Has been the subject of or has had a license, permit,
1413 appointment, registration, or other authority to conduct
1414 business subject to any decision, finding, injunction,
1415 suspension, prohibition, revocation, denial, judgment, final
1416 agency action, or administrative order by any court of competent
1417 jurisdiction, administrative law proceeding, state agency,
1418 federal agency, national securities, commodities, or option
1419 exchange, or national securities, commodities, or option
1420 association involving a violation of any federal or state
1421 securities or commodities law or any rule or regulation adopted

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1422 thereunder, or a violation of any rule or regulation of any
1423 national securities, commodities, or options exchange or
1424 national securities, commodities, or options association.

1425 (13) Failure to comply with any civil, criminal, or
1426 administrative action taken by the child support enforcement
1427 program under Title IV-D of the Social Security Act, 42 U.S.C.
1428 ss. 651 et seq., to determine paternity or to establish, modify,
1429 enforce, or collect support.

1430 (14) Directly or indirectly accepting any compensation,
1431 inducement, or reward from an inspector for the referral of the
1432 owner of the inspected property to the inspector or inspection
1433 company. This prohibition applies to an inspection intended for
1434 submission to an insurer in order to obtain property insurance
1435 coverage or establish the applicable property insurance premium.

1436 (15) Denial, suspension, or revocation of, or any other
1437 adverse administrative action against, a license to practice or
1438 conduct any regulated profession, business, or vocation by this
1439 state, any other state, any nation, any possession or district
1440 of the United States, any court, or any lawful agency thereof.

1441 (16) Taking an action that allows the personal financial or
1442 medical information of a consumer or customer to be made
1443 available or accessible to the general public, regardless of the
1444 format in which the record is stored.

1445 (17) Initiating in-person or telephone solicitation after 9
1446 p.m. or before 8 a.m. local time of the prospective customer
1447 unless requested by the prospective customer.

1448 (18) Cancellation of the applicant's, licensee's, or
1449 appointee's resident license in a state other than Florida.

1450 Section 21. Subsection (1) of section 626.731, Florida

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1451 Statutes, is amended to read:

1452 626.731 Qualifications for general lines agent's license.—

1453 (1) The department may ~~shall~~ not grant or issue a license
1454 as general lines agent to any individual found by it to be
1455 untrustworthy or incompetent or who does not meet ~~each~~ all of
1456 the following qualifications:

1457 (a) The applicant is a natural person at least 18 years of
1458 age.

1459 (b) The applicant is a United States citizen or legal alien
1460 who possesses work authorization from the United States Bureau
1461 of Citizenship and Immigration Services and is a bona fide
1462 resident of this state. ~~An individual who is a bona fide
1463 resident of this state shall be deemed to meet the residence
1464 requirement of this paragraph, notwithstanding the existence at
1465 the time of application for license of a license in his or her
1466 name on the records of another state as a resident licensee of
1467 such other state, if the applicant furnishes a letter of
1468 clearance satisfactory to the department that the resident
1469 licenses have been canceled or changed to a nonresident basis
1470 and that he or she is in good standing.~~

1471 (c) The applicant's place of business will be located in
1472 this state and he or she will be actively engaged in the
1473 business of insurance and will maintain a place of business, the
1474 location of which is identifiable by and accessible to the
1475 public.

1476 (d) The license is not being sought for the purpose of
1477 writing or handling controlled business, in violation of s.
1478 626.730.

1479 (e) The applicant is qualified as to knowledge, experience,

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1480 or instruction in the business of insurance and meets the
1481 requirements provided in s. 626.732.

1482 (f) The applicant has passed any required examination for
1483 license required under s. 626.221.

1484 Section 22. Subsection (2) of section 626.785, Florida
1485 Statutes, is amended to read:

1486 626.785 Qualifications for license.—

1487 ~~(2) An individual who is a bona fide resident of this state~~
1488 ~~shall be deemed to meet the residence requirement of paragraph~~
1489 ~~(1)(b), notwithstanding the existence at the time of application~~
1490 ~~for license of a license in his or her name on the records of~~
1491 ~~another state as a resident licensee of such other state, if the~~
1492 ~~applicant furnishes a letter of clearance satisfactory to the~~
1493 ~~department that the resident licenses have been canceled or~~
1494 ~~changed to a nonresident basis and that he or she is in good~~
1495 ~~standing.~~

1496 Section 23. Section 626.831, Florida Statutes, is amended
1497 to read:

1498 626.831 Qualifications for license.—

1499 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
1500 as health agent as to any individual found by it to be
1501 untrustworthy or incompetent, or who does not meet all of the
1502 following qualifications:

1503 (1)(a) ~~Is~~ Must be a natural person of at least 18 years of
1504 age.

1505 (2)(b) ~~Is~~ Must be a United States citizen or legal alien
1506 who possesses work authorization from the United States Bureau
1507 of Citizenship and Immigration Services and is a bona fide
1508 resident of this state.

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1509 ~~(3)(e)~~ Is ~~Must~~ not be an employee of the United States
1510 Department of Veterans Affairs or state service office, as
1511 referred to in s. 626.833.

1512 ~~(4)(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination
1513 for license required under s. 626.221.

1514 ~~(5)(e)~~ Is ~~Must be~~ qualified as to knowledge, experience, or
1515 instruction in the business of insurance and meets ~~meet~~ the
1516 requirements relative thereto provided in s. 626.8311.

1517 ~~(2) An individual who is a bona fide resident of this state~~
1518 ~~shall be deemed to meet the residence requirement of paragraph~~
1519 ~~(1)(b), notwithstanding the existence at the time of application~~
1520 ~~for license of a license in his or her name on the records of~~
1521 ~~another state as a resident licensee of such other state, if the~~
1522 ~~applicant furnishes a letter of clearance satisfactory to the~~
1523 ~~department that the resident licenses have been canceled or~~
1524 ~~changed to a nonresident basis and that he or she is in good~~
1525 ~~standing.~~

1526 Section 24. Subsections (4) and (5) of section 626.8417,
1527 Florida Statutes, are amended to read:

1528 626.8417 Title insurance agent licensure; exemptions.—

1529 (4) Title insurers, acting through designated corporate
1530 officers, or attorneys duly admitted to practice law in this
1531 state and in good standing with The Florida Bar are exempt from
1532 the provisions of this chapter relating to title insurance
1533 licensing and appointment requirements.

1534 ~~(5) An insurer may designate a corporate officer of the~~
1535 ~~insurer to occasionally issue and countersign binders,~~
1536 ~~commitments, and policies of title insurance. The designated~~
1537 ~~officer is exempt from the provisions of this chapter relating~~

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1538 ~~to title insurance licensing and appointment requirements while~~
1539 ~~the officer is acting within the scope of the designation.~~

1540 Section 25. Subsection (24) is added to section 626.854,
1541 Florida Statutes, to read:

1542 626.854 "Public adjuster" defined; prohibitions.—The
1543 Legislature finds that it is necessary for the protection of the
1544 public to regulate public insurance adjusters and to prevent the
1545 unauthorized practice of law.

1546 (24) A public adjuster, public adjuster apprentice, or
1547 public adjusting firm must respond with specific information to
1548 a written or electronic request for claims status from a
1549 claimant or insured or their designated representative within 14
1550 days after the date of the request and shall document in the
1551 file the response or information provided.

1552 Section 26. Section 627.797, Florida Statutes, is repealed.

1553 Section 27. Subsection (4) of section 648.34, Florida
1554 Statutes, is amended to read:

1555 648.34 Bail bond agents; qualifications.—

1556 (4) The applicant shall furnish, with his or her
1557 application, a complete set of his or her fingerprints in
1558 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1559 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1560 not authorize an applicant to take the required examination
1561 until the department has received a report from the Department
1562 of Law Enforcement and the Federal Bureau of Investigation
1563 relative to the existence or nonexistence of a criminal history
1564 report based on the applicant's fingerprints.

1565 Section 28. Subsection (2) of section 648.382, Florida
1566 Statutes, is amended to read:

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1567 648.382 Appointment of bail bond agents and bail bond
1568 agencies; effective date of appointment.—

1569 (2) Before any appointment, an appropriate officer or
1570 official of the appointing insurer must obtain all of the
1571 following information ~~submit~~:

1572 (a) A certified statement or affidavit to the department
1573 stating what investigation has been made concerning the proposed
1574 appointee and the proposed appointee's background and the
1575 appointing person's opinion to the best of his or her knowledge
1576 and belief as to the moral character and reputation of the
1577 proposed appointee. In lieu of such certified statement or
1578 affidavit, by authorizing the effectuation of an appointment for
1579 a licensee, the appointing entity certifies to the department
1580 that such investigation has been made and that the results of
1581 the investigation and the appointing person's opinion is that
1582 the proposed appointee is a person of good moral character and
1583 reputation and is fit to engage in the bail bond business.†

1584 (b) An affidavit under oath on a form prescribed by the
1585 department, signed by the proposed appointee, stating that
1586 premiums are not owed to any insurer and that the appointee will
1587 discharge all outstanding forfeitures and judgments on bonds
1588 previously written. If the appointee does not satisfy or
1589 discharge such forfeitures or judgments, the former insurer
1590 shall file a notice, with supporting documents, with the
1591 appointing insurer, the former agent or agency, and the
1592 department, stating under oath that the licensee has failed to
1593 timely satisfy forfeitures and judgments on bonds written and
1594 that the insurer has satisfied the forfeiture or judgment from
1595 its own funds. Upon receipt of such notification and supporting

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1596 documents, the appointing insurer shall immediately cancel the
1597 licensee's appointment. The licensee may be reappointed only
1598 upon certification by the former insurer that all forfeitures
1599 and judgments on bonds written by the licensee have been
1600 discharged. The appointing insurer or former agent or agency
1601 may, within 10 days, file a petition with the department seeking
1602 relief from this paragraph. Filing of the petition stays the
1603 duty of the appointing insurer to cancel the appointment until
1604 the department grants or denies the petition.†

1605 (c) Any other information that the department reasonably
1606 requires concerning the proposed appointee.†~~and~~

1607 (d) Effective January 1, 2025, a certification that the
1608 appointing entity obtained from each appointee the following
1609 sworn statement:

1610
1611 Pursuant to section 648.382(2)(b), Florida Statutes, I
1612 do solemnly swear that I owe no premium to any insurer
1613 or agency and that I will discharge all outstanding
1614 forfeitures and judgments on bonds that have been
1615 previously written. I acknowledge that failure to do
1616 this will result in my active appointments being
1617 canceled.

1618
1619 An appointed bail bond agency must have the attestation under
1620 this paragraph signed by its owner.

1621 Section 29. Section 717.001, Florida Statutes, is amended
1622 to read:

1623 717.001 Short title.—This chapter may be cited as the
1624 "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property

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1625 Act.”

1626 Section 30. Present subsections (1) through (4), (5)
1627 through (8), (10) through (13), (15) through (20), (21), (22)
1628 through (28), and (31), (32), and (33) of section 717.101,
1629 Florida Statutes, are redesignated as subsections (4) through
1630 (7), (9) through (12), (13) through (16), (17) through (22),
1631 (24), (26) through (32), and (33), (34), and (35), respectively,
1632 new subsections (1), (2), (3), (8), (23), and (25) are added to
1633 that section, and present subsections (1), (2), (5), (6), (8),
1634 (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and
1635 (30) of that section are amended, to read:

1636 717.101 Definitions.—As used in this chapter, unless the
1637 context otherwise requires:

1638 (1) “Abandoned property” means property held by a holder
1639 for which all of the following are true:

1640 (a) The apparent owner has shown no activity or indication
1641 of interest for the duration of the applicable dormancy period
1642 established under this chapter.

1643 (b) The holder has complied with the due diligence
1644 requirements set forth in this chapter, including the issuance
1645 of notice to the apparent owner, and has received no response or
1646 contact sufficient to demonstrate continued interest in the
1647 property.

1648 (2) “Abandoned Property Purchase Agreement” means the form
1649 adopted by the department pursuant to s. 717.135 which must be
1650 used, without modification or amendment, by a claimant
1651 representative to purchase abandoned property from an owner.

1652 (3) “Abandoned Property Recovery Agreement” means the form
1653 adopted by the department pursuant to s. 717.135 which must be

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1654 used, without modification or amendment, by a claimant
1655 representative to obtain consent and authority to recover
1656 abandoned property on behalf of a person.

1657 (4)~~(1)~~ "Aggregate" means the amounts reported for owners of
1658 abandoned ~~unclaimed~~ property of less than \$10 or where there is
1659 no name for the individual or entity listed on the holder's
1660 records, regardless of the amount to be reported.

1661 (5)~~(2)~~ "Apparent owner" means the person whose name appears
1662 on the records of the holder as the owner of the abandoned
1663 property, but whose status as the true owner entitled to receive
1664 the property may be subject to change due to the passage of time
1665 or changes in circumstances ~~person entitled to property held,~~
1666 ~~issued, or owing by the holder.~~

1667 (8) "Authorized representative" means a person or entity
1668 legally empowered to act on behalf of the apparent owner or his
1669 or estate, including, but not limited to, an agent, a fiduciary,
1670 a personal representative, a trustee, a legal heir, a guardian,
1671 or any other individual or entity authorized by law or
1672 agreement.

1673 (9)~~(5)~~ "Banking or financial organization" means any and
1674 all banks, trust companies, private bankers, savings banks,
1675 industrial banks, safe-deposit companies, savings and loan
1676 associations, credit unions, savings associations, banking
1677 organizations, international bank agencies, cooperative banks,
1678 building and loan associations, and investment companies in this
1679 state, organized under or subject to the laws of this state or
1680 of the United States, including entities organized under 12
1681 U.S.C. s. 611, but does not include federal reserve banks. The
1682 term also includes any corporation, business association, or

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1683 other organization that:

1684 (a) Is a wholly or partially owned subsidiary of any
1685 banking, banking corporation, or bank holding company that
1686 performs any or all of the functions of a banking organization;
1687 or

1688 (b) Performs functions pursuant to the terms of a contract
1689 with any banking organization.

1690 (10)~~(6)~~ "Business association" means any for-profit or
1691 nonprofit corporation other than a public corporation; joint
1692 stock company; investment company; unincorporated association or
1693 association of two or more individuals for business purposes,
1694 whether or not for profit; partnership; joint venture; limited
1695 liability company; sole proprietorship; business trust; trust
1696 company; land bank; safe-deposit company; safekeeping
1697 depository; banking or financial organization; insurance
1698 company; federally chartered entity; utility company; transfer
1699 agent; or other business entity, whether or not for profit.

1700 (12)~~(8)~~ "Claimant ~~Claimant's~~ representative" means an
1701 attorney who is a member in good standing with ~~of~~ The Florida
1702 Bar, a certified public accountant licensed in this state, or a
1703 private investigator ~~who is duly licensed to do business in this~~
1704 ~~the state, who is~~ registered with the department, and authorized
1705 to file claims on behalf of persons with the department by the
1706 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1707 The term does not include a person acting in a representative or
1708 fiduciary capacity, such as a personal representative, guardian,
1709 trustee, or attorney, whose representation is not contingent
1710 upon the discovery or location of abandoned ~~unclaimed~~ property,
1711 and it expressly excludes locators, who engage in locating

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1712 owners of abandoned property for a fee but are not registered
1713 with the department; ~~provided, however, that any agreement~~
1714 ~~entered into for the purpose of evading s. 717.135 is invalid~~
1715 ~~and unenforceable.~~

1716 ~~(9) "Credit balance" means an account balance in the~~
1717 ~~customer's favor.~~

1718 ~~(15)(12)~~ "Due diligence" means the use of reasonable and
1719 prudent methods under particular circumstances to locate
1720 apparent owners of presumed abandoned property ~~inactive accounts~~
1721 using the taxpayer identification number or social security
1722 number, if known, which may include, but are not limited to,
1723 using a nationwide database, cross-indexing with other records
1724 of the holder, mailing to the last known address unless the last
1725 known address is known to be inaccurate, providing written
1726 notice as described in this chapter by electronic mail if an
1727 apparent owner has elected such delivery, or engaging a licensed
1728 agency or company capable of conducting such search and
1729 providing updated addresses.

1730 ~~(14) "Financial organization" means a savings association,~~
1731 ~~savings and loan association, savings bank, industrial bank,~~
1732 ~~bank, banking organization, trust company, international bank~~
1733 ~~agency, cooperative bank, building and loan association, or~~
1734 ~~credit union.~~

1735 ~~(18)(16)~~ "Holder" means a person who is in possession of
1736 property belonging to another or who owes a debt or an
1737 obligation to another person, including, but not limited to,
1738 financial institutions, insurance companies, corporations,
1739 partnerships, fiduciaries, and government agencies;

1740 ~~(a) A person who is in possession or control or has custody~~

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1741 ~~of property or the rights to property belonging to another; is~~
1742 ~~indebted to another on an obligation; or is obligated to hold~~
1743 ~~for the account of, or to deliver or pay to, the owner, property~~
1744 ~~subject to this chapter; or~~

1745 ~~(b) A trustee in case of a trust.~~

1746 (20)~~(18)~~ "Intangible property" includes, by way of
1747 illustration and not limitation:

1748 (a) Moneys, checks, virtual currency, drafts, deposits,
1749 interest, dividends, and income.

1750 (b) Credit balances, customer overpayments, security
1751 deposits and other instruments as defined by chapter 679,
1752 refunds, unpaid wages, unused airline tickets, and unidentified
1753 remittances.

1754 (c) Stocks, and other intangible ownership interests in
1755 business associations except for:

1756 1. A non-freely transferable security; or

1757 2. A security that is subject to a lien, legal hold, or
1758 restriction evidenced on the records of the holder or imposed by
1759 operation of law, if the lien, legal hold, or restriction
1760 restricts the holder's or owner's ability to receive, transfer,
1761 sell, or otherwise negotiate the security.

1762 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1763 original issue discount bonds, coupons, and other securities, or
1764 to make distributions.

1765 (e) Amounts due and payable under the terms of insurance
1766 policies.

1767 (f) Amounts distributable from a trust or custodial fund
1768 established under a plan to provide any health, welfare,
1769 pension, vacation, severance, retirement, death, stock purchase,

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1770 profit sharing, employee savings, supplemental unemployment
1771 insurance, or similar benefit.

1772 (21)~~(19)~~ "Last known address" means a description of the
1773 location of the apparent owner sufficient for the purpose of the
1774 delivery of mail. For the purposes of identifying, reporting,
1775 and remitting property to the department ~~which is presumed to be~~
1776 ~~unclaimed~~, the term "last known address" includes any partial
1777 description of the location of the apparent owner sufficient to
1778 establish the apparent owner was a resident of this state at the
1779 time of last contact with the apparent owner or at the time the
1780 property became due and payable.

1781 (22)~~(20)~~ "Lawful charges" means charges against the
1782 property or the account in which the property is held ~~dormant~~
1783 ~~accounts~~ that are authorized by statute for the purpose of
1784 offsetting the costs of maintaining the property or the account
1785 in which the property is held ~~dormant account~~.

1786 (23) "Locator" means a private individual or business that
1787 locates owners of abandoned property in exchange for a fee,
1788 typically a percentage of the recovered property. Locators are
1789 not employees or agents of the state and are not registered with
1790 the department.

1791 (25) "Non-freely transferable security" means a security
1792 that cannot be delivered to the administrator by the Depository
1793 Trust Clearing Corporation or similar custodian of securities
1794 providing post-trade clearing and settlement services to
1795 financial markets or cannot be delivered because there is no
1796 agent to effect transfer. The term includes a worthless
1797 security.

1798 (26)~~(22)~~ "Owner" means the ~~a person, or the person's legal~~

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1799 ~~representative,~~ entitled to receive or having a legal or
1800 equitable interest in the abandoned property. An owner
1801 establishes his or her entitlement by filing a valid claim with
1802 the department pursuant ~~or claim against property~~ subject to
1803 this chapter; ~~a depositor in the case of a deposit; a~~
1804 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
1805 ~~payee in the case of a negotiable instrument or other intangible~~
1806 ~~property.~~

1807 ~~(29)-(25)~~ "Record" means information that is captured or
1808 maintained in any format, including written, printed,
1809 electronic, audio, visual, or other forms, and that can be made
1810 perceptible or understandable to a person, either directly or
1811 through technological means, including assistive technologies
1812 ~~inscribed on a tangible medium or that is stored in an~~
1813 ~~electronic or other medium and is retrievable in perceivable~~
1814 ~~form.~~

1815 ~~(29)~~ "Unclaimed Property Purchase Agreement" means ~~the form~~
1816 ~~adopted by the department pursuant to s. 717.135 which must be~~
1817 ~~used, without modification or amendment, by a claimant's~~
1818 ~~representative to purchase unclaimed property from an owner.~~

1819 ~~(30)~~ "Unclaimed Property Recovery Agreement" means ~~the form~~
1820 ~~adopted by the department pursuant to s. 717.135 which must be~~
1821 ~~used, without modification or amendment, by a claimant's~~
1822 ~~representative to obtain an owner's consent and authority to~~
1823 ~~recover unclaimed property on the owner's behalf.~~

1824 Section 31. Section 717.102, Florida Statutes, is amended
1825 to read:

1826 717.102 Property presumed abandoned ~~unclaimed~~; general
1827 rule.-

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1828 (1) Except as otherwise provided by this chapter, all
1829 intangible property, including any income or increment thereon
1830 less any lawful charges, that is held, issued, or owing in the
1831 ordinary course of the holder's business and for which the
1832 apparent owner or authorized representative fails to demonstrate
1833 continued interest for more than the applicable dormancy period
1834 prescribed by this chapter shall be presumed abandoned ~~claim~~
1835 ~~such property for more than 5 years after the property becomes~~
1836 ~~payable or distributable is presumed unclaimed, except as~~
1837 ~~otherwise provided by this chapter.~~ Unless otherwise specified
1838 by law, the dormancy period shall be 5 years from the date the
1839 property becomes payable or distributable. For the purposes of
1840 this chapter, property shall be considered payable or
1841 distributable once the holder's obligation to pay or deliver the
1842 property arises, regardless of whether the apparent owner or
1843 authorized representative has failed to demand or to present
1844 documents required to receive payment.

1845 (2) ~~Property is payable or distributable for the purpose of~~
1846 ~~this chapter notwithstanding the owner's failure to make demand~~
1847 ~~or to present any instrument or document required to receive~~
1848 ~~payment.~~

1849 ~~(3)~~ A presumption that property is abandoned may be
1850 ~~unclaimed is~~ rebutted by the affirmative demonstration of
1851 continued interest by the apparent owner or authorized
1852 representative ~~an apparent owner's expression of interest in the~~
1853 ~~property.~~ Such demonstration ~~An owner's expression of~~ continued
1854 interest in property includes, but is not limited to, any of the
1855 following:

1856 (a) A record communicated by the apparent owner or

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1857 authorized representative to the holder or its agent ~~of the~~
1858 ~~holder~~ concerning the property or the account in which the
1859 property is held.†

1860 (b) An oral communication by the apparent owner or
1861 authorized representative to the holder or its agent ~~of the~~
1862 ~~holder~~ concerning the property or the account in which the
1863 property is held, if the holder or its agent contemporaneously
1864 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
1865 ~~apparent owner's~~ communication.†

1866 (c) Presentment of a check or other instrument for ~~of~~
1867 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
1868 distributions related to the property. ~~distribution, with~~
1869 ~~respect to an account, underlying security, or interest in a~~
1870 ~~business association;~~

1871 (d) Any account activity initiated ~~directed~~ by an apparent
1872 owner or authorized representative ~~in the account in which the~~
1873 ~~property is held~~, including accessing the account or directing
1874 changes to information concerning the account, or to the amount
1875 or type of property held, excluding routine automatic
1876 transactions previously authorized, ~~a direction by the apparent~~
1877 ~~owner~~ to increase, decrease, or otherwise change the amount or
1878 type of property held in the account.†

1879 (e) Any ~~A~~ deposit into or withdrawal from the property or
1880 the an account in which the property is held ~~at a financial~~
1881 ~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or
1882 reinvestments ~~deposit or withdrawal~~ previously authorized by the
1883 apparent owner or authorized representative. ~~an automatic~~
1884 ~~reinvestment of dividends or interest, which does not constitute~~
1885 ~~an expression of interest; or~~

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1886 (f) Any other action by the apparent owner or authorized
1887 representative which reasonably demonstrates to the holder that
1888 the apparent owner or authorized representative is aware of and
1889 maintains an interest in ~~knows that~~ the property ~~exists~~.

1890 ~~(3)(4)~~ If a holder learns or receives confirmation of an
1891 apparent owner's death, the property shall be presumed abandoned
1892 ~~unclaimed~~ 2 years after the date of death, unless an authorized
1893 representative makes an affirmative demonstration ~~a fiduciary~~
1894 ~~appointed to represent the estate of the apparent owner has made~~
1895 ~~an expression~~ of interest in the property before the expiration
1896 of the 2-year period. This subsection may not be construed to
1897 extend the otherwise applicable dormancy period prescribed by
1898 this chapter.

1899 Section 32. Section 717.103, Florida Statutes, is amended
1900 to read:

1901 717.103 General rules for taking custody of intangible
1902 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
1903 chapter or by other statute of this state, intangible property
1904 is subject to the custody of the department as abandoned
1905 ~~unclaimed~~ property when ~~if~~ the conditions leading to a
1906 presumption that the property is abandoned ~~unclaimed~~ as
1907 described in ss. 717.102 and 717.105-717.116 are satisfied and
1908 the holder has fulfilled all required due diligence obligations
1909 without receiving any response or claim from the apparent owner,
1910 and one or more of the following criteria apply:

1911 (1) The last known address, as shown on the records of the
1912 holder, of the apparent owner is in this state.~~.~~

1913 (2) The records of the holder do not identify the name of
1914 the apparent owner, but do reflect ~~the identity of the person~~

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1915 ~~entitled to the property, and it is established that the last~~
1916 ~~known address of the apparent owner ~~person entitled to the~~~~
1917 ~~property is in this state.~~†

1918 (3) The records of the holder do not reflect the last known
1919 address of the apparent owner, but ~~and~~ it is established that
1920 either of the following conditions apply:

1921 (a) The last known address of the apparent owner ~~person~~
1922 ~~entitled to the property is in this state.~~† ~~or~~

1923 (b) The holder is domiciled in this state, ~~a domiciliary~~ or
1924 is a government entity or ~~governmental~~ subdivision ~~or agency~~ of
1925 this state, and has not previously paid the property to the
1926 state of the last known address of the apparent owner. ~~or other~~
1927 ~~person entitled to the property;~~

1928 (4) The last known address, as shown on the records of the
1929 holder, of the apparent owner ~~or other person entitled to the~~
1930 ~~property~~ is in a jurisdiction state that does not have
1931 applicable provide by law for the escheat, abandoned, or
1932 unclaimed property laws ~~eustodial taking of the property, or its~~
1933 ~~escheat or unclaimed property law is not applicable to the~~
1934 ~~property~~, and the holder is domiciled in this state a
1935 ~~domiciliary~~ or is a government entity ~~or governmental~~
1936 ~~subdivision~~ or agency of this state.†

1937 (5) The last known address, as shown on the records of the
1938 holder, of the apparent owner is in a foreign nation and the
1939 holder is domiciled in this state ~~a domiciliary~~ or is a
1940 government entity ~~or governmental~~ subdivision ~~or agency~~ of this
1941 state.† ~~or~~

1942 (6) The transaction out of which the property arose
1943 occurred in this state,† and both of the following are true:†

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1944 (a)~~1.~~ The last known address of the apparent owner ~~or other~~
1945 ~~person entitled to the property is unknown.~~; ~~or~~

1946 ~~2. The last known address of the apparent owner or other~~
1947 ~~person entitled to the property is in a state that does not~~
1948 ~~provide by law for the escheat or custodial taking of the~~
1949 ~~property, or its escheat or unclaimed property law is not~~
1950 ~~applicable to the property; and~~

1951 (b) The holder is domiciled in a jurisdiction ~~a domiciliary~~
1952 ~~of a state that does not~~ have applicable ~~provide by law for the~~
1953 ~~escheat, abandoned, or custodial taking of the property, or its~~
1954 ~~escheat or unclaimed property laws~~ law is not applicable to the
1955 ~~property.~~

1956 Section 33. Section 717.1035, Florida Statutes, is
1957 repealed.

1958 Section 34. Section 717.104, Florida Statutes, is amended
1959 to read:

1960 717.104 Traveler's checks and money orders.-

1961 (1) Subject to subsection (4), any sum payable on a
1962 traveler's check that has been outstanding for more than 15
1963 years after its issuance is presumed abandoned ~~unclaimed~~ unless
1964 the apparent owner or authorized representative, within 15
1965 years, has demonstrated a continued interest in the property in
1966 accordance with s. 717.102 ~~communicated in writing with the~~
1967 ~~issuer concerning it or otherwise indicated an interest as~~
1968 ~~evidenced by a memorandum or other record on file with the~~
1969 ~~issuer.~~

1970 (2) Subject to subsection (4), any sum payable on a money
1971 order or similar written instrument, other than a third party
1972 bank check, that has been outstanding for more than 7 years

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1973 after its issuance is presumed abandoned ~~unclaimed~~ unless the
1974 apparent owner or authorized representative, within 7 years, has
1975 demonstrated a continued interest in the property in accordance
1976 with s. 717.102 ~~communicated in writing with the issuer~~
1977 ~~concerning it or otherwise indicated an interest as evidenced by~~
1978 ~~a memorandum or other record on file with the issuer.~~

1979 (3) A ~~No~~ holder may not deduct from the amount of any
1980 traveler's check or money order any charges imposed by reason of
1981 the failure to present those instruments for payment unless
1982 there is a valid and enforceable written contract between the
1983 holder issuer and the apparent owner of the property pursuant to
1984 which the holder issuer may impose those charges and the holder
1985 ~~issuer~~ regularly imposes those charges and does not regularly
1986 reverse or otherwise cancel those charges with respect to the
1987 property.

1988 (4) No sum payable on a traveler's check, money order, or
1989 similar written instrument, other than a third party bank check,
1990 described in subsections (1) and (2) may be subjected to the
1991 custody of this state as abandoned ~~unclaimed~~ property unless any
1992 of the following conditions are met:

1993 (a) The records of the holder issuer show that the
1994 traveler's check, money order, or similar written instrument was
1995 purchased in this state.~~†~~

1996 (b) The holder issuer has its principal place of business
1997 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
1998 state in which the traveler's check, money order, or similar
1999 written instrument was purchased.~~† or~~

2000 (c) The holder issuer has its principal place of business
2001 in this state; the holder's records ~~of the issuer~~ show the state

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2002 in which the traveler's check, money order, or similar written
2003 instrument was purchased; and the ~~laws of the state of purchase~~
2004 does not provide applicable ~~do not provide for the escheat,~~
2005 abandoned, or unclaimed property laws ~~or custodial taking of the~~
2006 ~~property, or its escheat or unclaimed property law is not~~
2007 ~~applicable to the property.~~

2008 (5) Notwithstanding any other provision of this chapter,
2009 subsection (4) applies to sums payable on traveler's checks,
2010 money orders, and similar written instruments presumed abandoned
2011 ~~unclaimed~~ on or after February 1, 1965, except to the extent
2012 that those sums have been paid over to a state prior to January
2013 1, 1974.

2014 Section 35. Section 717.1045, Florida Statutes, is amended
2015 to read:

2016 717.1045 Gift certificates and similar credit items.—
2017 Notwithstanding s. 717.117, an unredeemed gift certificate or
2018 credit memo as defined in s. 501.95 is not required to be
2019 reported as abandoned ~~unclaimed~~ property.

2020 (1) The consideration paid for an unredeemed gift
2021 certificate or credit memo is the property of the issuer of the
2022 unredeemed gift certificate or credit memo.

2023 (2) An unredeemed gift certificate or credit memo is
2024 subject only to any rights of a purchaser or owner thereof and
2025 is not subject to a claim made by any state acting on behalf of
2026 a purchaser or owner.

2027 (3) It is the intent of the Legislature that this section
2028 apply to the custodial holding of unredeemed gift certificates
2029 and credit memos.

2030 (4) However, a gift certificate or credit memo described in

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2031 s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
2032 property. The consideration paid for such a gift certificate or
2033 credit memo is the property of the owner of the gift certificate
2034 or credit memo.

2035 Section 36. Section 717.105, Florida Statutes, is amended
2036 to read:

2037 717.105 Checks, drafts, and similar instruments issued or
2038 certified by banking and financial organizations.—

2039 (1) Any sum payable on a check, draft, or similar
2040 instrument, except those subject to ss. 717.104 and 717.115, on
2041 which a banking or financial organization is directly liable,
2042 including, but not limited to, a cashier's check or a certified
2043 check, which has been outstanding for more than 5 years after it
2044 was payable or after its issuance if payable on demand, is
2045 presumed abandoned ~~unclaimed~~ unless the apparent owner or
2046 authorized representative, within 5 years, has communicated in
2047 writing with the banking or financial organization concerning it
2048 or otherwise demonstrated a continued interest in the property
2049 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
2050 ~~by a memorandum or other record on file with the banking or~~
2051 ~~financial organization.~~

2052 (2) A ~~No~~ holder may not deduct from the amount of any
2053 instrument subject to this section any charges imposed by reason
2054 of the failure to present the instrument for encashment unless
2055 there is a valid and enforceable written contract between the
2056 holder and the apparent owner of the instrument pursuant to
2057 which the holder may impose those charges and does not regularly
2058 reverse or otherwise cancel those charges with respect to the
2059 instrument.

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2060 Section 37. Subsection (1), paragraphs (a) and (b) of
 2061 subsection (3), and subsections (4) and (5) of section 717.106,
 2062 Florida Statutes, are amended to read:

2063 717.106 Bank deposits and funds in financial
 2064 organizations.—

2065 (1) Any demand, savings, or matured time deposit with a
 2066 banking or financial organization, including deposits that are
 2067 automatically renewable, and any funds paid toward the purchase
 2068 of shares, a mutual investment certificate, or any other
 2069 interest in a banking or financial organization is presumed
 2070 abandoned ~~unclaimed~~ unless the apparent owner or authorized
 2071 representative has, within 5 years, engaged in any of the
 2072 following activities:

2073 (a) Increased or decreased the amount of the deposit or
 2074 presented the passbook or other similar evidence of the deposit
 2075 for the crediting of interest. †

2076 (b) Communicated in writing or by documented telephone
 2077 contact with the banking or financial organization concerning
 2078 the property. †

2079 (c) Otherwise demonstrated a continued ~~indicated an~~
 2080 interest in the property as evidenced by a memorandum or other
 2081 record on file with the banking or financial organization. †

2082 (d) Owned other property to which paragraph (a), paragraph
 2083 (b), or paragraph (c) is applicable and if the banking or
 2084 financial organization communicates in writing with the owner
 2085 with regard to the property that would otherwise be presumed
 2086 abandoned ~~unclaimed~~ under this subsection at the address to
 2087 which communications regarding the other property regularly are
 2088 sent. † ~~or~~

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2089 (e) Had another relationship with the banking or financial
2090 organization concerning which the apparent owner has:

2091 1. Communicated in writing with the banking or financial
2092 organization; or

2093 2. Otherwise demonstrated a continued ~~indicated an~~ interest
2094 as evidenced by a memorandum or other record on file with the
2095 banking or financial organization and if the banking or
2096 financial organization communicates in writing with the apparent
2097 owner or authorized representative with regard to the property
2098 that would otherwise be presumed abandoned ~~unclaimed~~ under this
2099 subsection at the address to which communications regarding the
2100 other relationship regularly are sent.

2101 (3) A ~~No~~ holder may not impose with respect to property
2102 described in subsection (1) any charges due to dormancy or
2103 inactivity or cease payment of interest unless:

2104 (a) There is an enforceable written contract between the
2105 holder and the apparent owner of the property pursuant to which
2106 the holder may impose those charges or cease payment of
2107 interest.

2108 (b) For property in excess of \$2, the holder, no more than
2109 3 months prior to the initial imposition of those charges or
2110 cessation of interest, has given written notice to the apparent
2111 owner of the amount of those charges at the last known address
2112 of the apparent owner stating that those charges shall be
2113 imposed or that interest shall cease, but the notice provided in
2114 this section need not be given with respect to charges imposed
2115 or interest ceased before July 1, 1987.

2116 (4) Any property described in subsection (1) that is
2117 automatically renewable is matured for purposes of subsection

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2118 (1) upon the expiration of its initial time period except that,
2119 in the case of any renewal to which the apparent owner consents
2120 at or about the time of renewal by communicating in writing with
2121 the banking or financial organization or otherwise indicating
2122 consent as evidenced by a memorandum or other record on file
2123 prepared by an employee of the organization, the property is
2124 matured upon the expiration of the last time period for which
2125 consent was given. If, at the time provided for delivery in s.
2126 717.119, a penalty or forfeiture in the payment of interest
2127 would result from the delivery of the property, the time for
2128 delivery is extended until the time when no penalty or
2129 forfeiture would result.

2130 (5) If the documents establishing a deposit described in
2131 subsection (1) state the address of a beneficiary of the
2132 deposit, and the account has a value of at least \$50, notice
2133 shall be given to the beneficiary as provided for notice to the
2134 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
2135 shall apply to accounts opened on or after October 1, 1990.

2136 Section 38. Subsection (1) of section 717.107, Florida
2137 Statutes, is amended to read:

2138 717.107 Funds owing under life insurance policies, annuity
2139 contracts, and retained asset accounts; fines, penalties, and
2140 interest; United States Social Security Administration Death
2141 Master File.—

2142 (1) Funds held or owing under any life or endowment
2143 insurance policy or annuity contract which has matured or
2144 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
2145 more than 5 years after the date of death of the insured, the
2146 annuitant, or the retained asset account holder, but property

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2147 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
2148 such property is not claimed for more than 2 years. The amount
2149 presumed abandoned ~~unclaimed~~ shall include any amount due and
2150 payable under s. 627.4615.

2151 Section 39. Section 717.1071, Florida Statutes, is amended
2152 to read:

2153 717.1071 Lost owners of abandoned ~~unclaimed~~
2154 demutualization, rehabilitation, or related reorganization
2155 proceeds.—

2156 (1) Property distributable in the course of a
2157 demutualization, rehabilitation, or related reorganization of an
2158 insurance company is deemed abandoned 2 years after the date the
2159 property is first distributable if, at the time of the first
2160 distribution, the last known address of the apparent owner on
2161 the books and records of the holder is known to be incorrect or
2162 the distribution or statements are returned by the post office
2163 as undeliverable; and the apparent owner or authorized
2164 representative ~~owner~~ has not communicated in writing with the
2165 holder or its agent regarding the interest or otherwise
2166 communicated with the holder regarding the interest as evidenced
2167 by a memorandum or other record on file with the holder or its
2168 agent.

2169 (2) Property distributable in the course of
2170 demutualization, rehabilitation, or related reorganization of a
2171 mutual insurance company that is not subject to subsection (1)
2172 shall be reportable as otherwise provided by this chapter.

2173 (3) Property subject to this section shall be reported and
2174 delivered no later than May 1 as of the preceding December 31;
2175 however, the initial report under this section shall be filed no

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2176 later than November 1, 2003, as of December 31, 2002.

2177 Section 40. Section 717.108, Florida Statutes, is amended
2178 to read:

2179 717.108 Deposits held by utilities.—Any deposit, including
2180 any interest thereon, made by a subscriber with a utility to
2181 secure payment or any sum paid in advance for utility services
2182 to be furnished, less any lawful charges, that remains unclaimed
2183 by the apparent owner for more than 1 year after termination of
2184 the services for which the deposit or advance payment was made
2185 is presumed abandoned ~~unclaimed~~.

2186 Section 41. Section 717.109, Florida Statutes, is amended
2187 to read:

2188 717.109 Refunds held by business associations.—Except as
2189 otherwise provided by law, any sum that a business association
2190 has been ordered to refund by a court or administrative agency
2191 which has been unclaimed by the apparent owner for more than 1
2192 year after it became payable in accordance with the final
2193 determination or order providing for the refund, regardless of
2194 whether the final determination or order requires any person
2195 entitled to a refund to make a claim for it, is presumed
2196 abandoned ~~unclaimed~~.

2197 Section 42. Section 717.1101, Florida Statutes, is amended
2198 to read:

2199 717.1101 Abandoned ~~Unclaimed~~ equity and debt of business
2200 associations.—

2201 (1)(a) Stock, ~~or~~ other equity interests, or debt of
2202 ~~interest in~~ a business association is presumed abandoned
2203 ~~unclaimed~~ on the date of the earliest of any of the following:

2204 1. Three years after the date a communication, other than

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

2211 2. Five ~~Three~~ years after the most recent of any account
2212 owner-generated activity or communication initiated by the
2213 apparent owner or authorized representative which demonstrates
2214 continued interest in the ~~related to the~~ account, as recorded
2215 and maintained by ~~in~~ the holder. Routine automatic reinvestments
2216 or other routine transactions previously authorized by the
2217 apparent owner or authorized representative do not prevent,
2218 interrupt, or reset the dormancy period and do not constitute an
2219 affirmative demonstration of continued interest. ~~holder's~~
2220 database and records systems sufficient enough to demonstrate
2221 the owner's continued awareness or interest in the property;

2222 3.2. Two ~~Three~~ years after the date of the death of the
2223 apparent owner, as evidenced by:

2224 a. Notice to the holder of the apparent owner's death by an
2225 authorized representative administrator, beneficiary, relative,
2226 or trustee, or by a personal representative or other legal
2227 representative of the owner's estate;

2228 b. Receipt by the holder of a copy of the death certificate
2229 of the apparent owner;

2230 c. Confirmation by the holder of the apparent owner's death
2231 through ~~though~~ other means; or

2232 d. Other evidence from which the holder may reasonably
2233 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

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2234 ~~3. One year after the date on which the holder receives~~
2235 ~~notice under subparagraph 2. if the notice is received 2 years~~
2236 ~~or less after the owner's death and the holder lacked knowledge~~
2237 ~~of the owner's death during that period of 2 years or less.~~

2238 (b) If the holder does not send communication to the
2239 apparent owner of a security by first-class United States mail
2240 on an annual basis, the holder shall attempt to confirm the
2241 apparent owner's interest in the equity interest by sending the
2242 apparent owner an e-mail communication not later than 3 years
2243 after the apparent owner's or authorized representative's last
2244 demonstration of continued interest in the equity interest.
2245 However, the holder shall promptly attempt to contact the
2246 apparent owner by first-class United States mail if:

2247 1. The holder does not have information needed to send the
2248 apparent owner an e-mail communication or the holder believes
2249 that the apparent owner's e-mail address in the holder's records
2250 is not valid;

2251 2. The holder received notification that the e-mail
2252 communication was not received; or

2253 3. The apparent owner does not respond to the e-mail
2254 communication within 30 days after the communication was sent.

2255 (c) If first-class United States mail sent under paragraph
2256 (b) is returned to the holder undelivered by the United States
2257 Postal Service, the equity interest is presumed abandoned in
2258 accordance with paragraph (1) (a).

2259 (d) Unmatured or unredeemed debt, other than a bearer bond
2260 or an original issue discount bond, is presumed abandoned 5
2261 ~~unclaimed~~ 3 years after the date of the most recent interest
2262 payment unclaimed by the owner.

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2263 (e)~~(e)~~ Matured or redeemed debt is presumed abandoned 5
2264 ~~unclaimed~~ 3 years after the date of maturity or redemption.

2265 (f)~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~
2266 under paragraph (a) or paragraph (b), any other property right
2267 accrued or accruing to the owner as a result of the property
2268 interest and not previously presumed abandoned ~~unclaimed~~ is also
2269 presumed abandoned ~~unclaimed~~.

2270 (2) The running of the applicable dormancy period under
2271 this section ~~such 3-year period~~ ceases if the apparent owner or
2272 authorized representative demonstrates continued interest under
2273 s. 717.102, including by any of the following actions ~~person~~:

2274 (a)1. Communicating ~~Communicates~~ in writing or by other
2275 means with the association or its agent regarding the interest,
2276 ~~or a~~ dividend, distribution, or other sum payable as a result of
2277 the interest, as recorded by the association or its agent, ~~or~~

2278 2. ~~Otherwise communicates with the association regarding~~
2279 ~~the interest or a dividend, distribution, or other sum payable~~
2280 ~~as a result of the interest, as evidenced by a memorandum or~~
2281 ~~other record on file with the association or its agent.~~

2282 (b) Presenting ~~Presents~~ an instrument issued to pay
2283 interest, ~~or a~~ dividend, or other ~~cash~~ distribution. If any
2284 future dividend, distribution, or other sum payable ~~to the owner~~
2285 as a result of the interest is subsequently unclaimed ~~not~~
2286 ~~claimed by the owner~~, a new period in which the property is
2287 presumed abandoned ~~unclaimed~~ commences and relates back only to
2288 the time a subsequent dividend, distribution, or other sum
2289 became due and payable.

2290 (3) At the same time any interest is presumed abandoned
2291 ~~unclaimed~~ under this section, any dividend, distribution, or

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2292 other sum then held for or owing to the owner as a result of the
2293 interest, is presumed abandoned ~~unclaimed~~.

2294 (4) Any dividend, profit, distribution, interest
2295 redemption, payment on principal, or other sum held or owing by
2296 a business association for or to a shareholder,
2297 certificateholder, member, bondholder, or other security holder,
2298 who has not claimed such amount or corresponded in writing with
2299 the business association concerning such amount, within 5 ~~3~~
2300 years after the date prescribed for payment or delivery, is
2301 presumed abandoned ~~unclaimed~~.

2302 Section 43. Section 717.111, Florida Statutes, is amended
2303 to read:

2304 717.111 Property of business associations held in course of
2305 dissolution.—All intangible property distributable in the course
2306 of a voluntary or involuntary dissolution of a business
2307 association which is not claimed by the apparent owner for more
2308 than 6 months after the date specified for final distribution is
2309 presumed abandoned ~~unclaimed~~.

2310 Section 44. Subsections (1) and (5) of section 717.112,
2311 Florida Statutes, are amended to read:

2312 717.112 Property held by agents and fiduciaries.—

2313 (1) All intangible property and any income or increment
2314 thereon held in a fiduciary capacity for the benefit of another
2315 person, including property held by an attorney in fact or an
2316 agent, except as provided in ss. 717.1125 and 733.816, is
2317 presumed abandoned ~~unclaimed~~ unless the apparent owner has
2318 within 5 years after it has become payable or distributable
2319 increased or decreased the principal, accepted payment of
2320 principal or income, communicated in writing concerning the

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2321 property, or otherwise indicated an interest as evidenced by a
2322 memorandum or other record on file with the fiduciary.

2323 (5) All intangible property, and any income or increment
2324 thereon, issued by a government or governmental subdivision or
2325 agency, public corporation, or public authority and held in an
2326 agency capacity for the governmental subdivision, agency, public
2327 corporation, or public authority for the benefit of the owner of
2328 record, is presumed abandoned ~~unclaimed~~ unless the apparent
2329 owner has, within 1 year after such property has become payable
2330 or distributable, increased or decreased the principal, accepted
2331 payment of the principal or income, communicated concerning the
2332 property, or otherwise indicated an interest in the property as
2333 evidenced by a memorandum or other record on file with the
2334 fiduciary.

2335 Section 45. Section 717.1125, Florida Statutes, is amended
2336 to read:

2337 717.1125 Property held by fiduciaries under trust
2338 instruments.—All intangible property and any income or increment
2339 thereon held in a fiduciary capacity for the benefit of another
2340 person under a trust instrument is presumed abandoned ~~unclaimed~~
2341 unless the apparent owner has, within 2 years after it has
2342 become payable or distributable, increased or decreased the
2343 principal, accepted payment of principal or income, communicated
2344 concerning the property, or otherwise indicated an interest as
2345 evidenced by a memorandum or other record on file with the
2346 fiduciary. This section does not relieve a fiduciary of his or
2347 her duties under the Florida Trust Code.

2348 Section 46. Section 717.113, Florida Statutes, is amended
2349 to read:

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2350 717.113 Property held by courts and public agencies.—All
2351 intangible property held for the apparent owner by any court,
2352 government or governmental subdivision or agency, public
2353 corporation, or public authority that has not been claimed by
2354 the apparent owner for more than 1 year after it became payable
2355 or distributable is presumed abandoned ~~unclaimed~~. Except as
2356 provided in s. 45.032(3)(c), money held in the court registry
2357 and for which no court order has been issued to determine an
2358 owner does not become payable or distributable and is not
2359 subject to reporting under this chapter. Notwithstanding the
2360 provisions of this section, funds deposited in the Minerals
2361 Trust Fund pursuant to s. 377.247 are presumed abandoned
2362 ~~unclaimed~~ only if the funds have not been claimed by the
2363 apparent owner for more than 5 years after the date of first
2364 production from the well.

2365 Section 47. Section 717.115, Florida Statutes, is amended
2366 to read:

2367 717.115 Wages.—Unpaid wages, including wages represented by
2368 unrepresented payroll checks, owing in the ordinary course of the
2369 holder's business that have not been claimed by the apparent
2370 owner for more than 1 year after becoming payable are presumed
2371 abandoned ~~unclaimed~~.

2372 Section 48. Section 717.116, Florida Statutes, is amended
2373 to read:

2374 717.116 Contents of safe-deposit box or other safekeeping
2375 repository.—All tangible and intangible property held by a
2376 banking or financial organization in a safe-deposit box or any
2377 other safekeeping repository in this state in the ordinary
2378 course of the holder's business, and proceeds resulting from the

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2379 sale of the property permitted by law, that has not been claimed
2380 by the apparent owner or authorized representative for more than
2381 3 years after the lease or rental period on the box or other
2382 repository has expired are presumed abandoned ~~unclaimed~~.

2383 Section 49. Section 717.117, Florida Statutes, is amended
2384 to read:

2385 717.117 Holder due diligence and report of abandoned
2386 unclaimed property.—

2387 (1) Property is presumed abandoned upon expiration of the
2388 applicable dormancy period under this chapter. However, such
2389 property is not deemed abandoned for purposes of reporting or
2390 remittance to the department until the holder has conducted
2391 reasonable due diligence as required by this section, resulting
2392 in no indication of interest from the apparent owner or
2393 authorized representative.

2394 (2) Holders of property presumed abandoned that has a value
2395 of \$50 or more shall use due diligence to locate and notify the
2396 apparent owner that the holder is in possession of property
2397 subject to this chapter. At least 90 days, but not more than 180
2398 days, before filing the report required by this section, a
2399 holder in possession of presumed abandoned property shall send
2400 written notice by first-class United States mail to the apparent
2401 owner's last known address as shown in the holder's records or
2402 from other available sources, or by e-mail if the apparent owner
2403 has elected for e-mail delivery, informing the apparent owner
2404 that the holder is in possession of property subject to this
2405 chapter, provided that the holder's records contain a mailing or
2406 e-mail address for the apparent owner which is not known by the
2407 holder to be inaccurate. The holder may provide notice by mail,

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2408 by e-mail, or by both methods. If the holder's records indicate
2409 that the mailing address is inaccurate, notice may be provided
2410 by e-mail if the apparent owner has elected e-mail delivery.

2411 (3) If the value of the property is greater than \$1,000,
2412 the holder shall send a second written notice by certified
2413 United States mail, return receipt requested, to the apparent
2414 owner's last known address at least 60 days before filing the
2415 report required by this section, if the holder's records contain
2416 a mailing address for the apparent owner which is not known by
2417 the holder to be inaccurate. Reasonable costs paid to the United
2418 States Postal Service for certified mail, return receipt
2419 requested, may be deducted from the property as a service
2420 charge. A signed return receipt received in response to the
2421 certified mail notice constitutes an affirmative demonstration
2422 of continued interest as described in s. 717.102.

2423 (4) The written notice required under this section must
2424 include:

2425 (a) A heading that reads substantially as follows: "Notice:
2426 The State of Florida requires us to notify you that your
2427 property may be transferred to the custody of the Florida
2428 Department of Financial Services if you do not contact us before
2429 ...(insert date that is at least 30 days after the date of
2430 notice)...."

2431 (b) A description of the type, nature, and, unless the
2432 property does not have a fixed value, value of the property that
2433 is the subject of the notice.

2434 (c) A statement that the property will be turned over to
2435 the custody of the department as abandoned property if no
2436 response is received.

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2437 (d) A statement that noncash property will be sold or
2438 liquidated by the department.

2439 (e) A statement that, after the property is remitted to the
2440 department, a claim must be filed with the department to recover
2441 the property.

2442 (f) A statement that the property is currently in the
2443 custody of the holder and that the apparent owner may prevent
2444 transfer of the property by contacting the holder before the
2445 deadline stated in the notice.

2446 (5) Every holder of abandoned ~~person holding funds or other~~
2447 property, tangible or intangible, ~~presumed unclaimed~~ and subject
2448 to custody ~~as unclaimed property~~ under this chapter shall submit
2449 a report to the department via electronic medium as the
2450 department may prescribe by rule. The report must include:

2451 (a) Except for traveler's checks and money orders, the
2452 name, social security number or taxpayer identification number,
2453 date of birth, if known, and last known address, if any, of each
2454 apparent ~~person appearing from the records of the holder to be~~
2455 the owner of any property which is abandoned ~~presumed unclaimed~~
2456 and which has a value of \$10 or more.

2457 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
2458 or more held or owing under any life or endowment insurance
2459 policy or annuity contract, the identifying information provided
2460 in paragraph (a) for both the insured or annuitant and the
2461 beneficiary according to records of the insurance company
2462 holding or owing the funds.

2463 (c) For all tangible property held in a safe-deposit box or
2464 other safekeeping repository, a description of the property and
2465 the place where the property is held and may be inspected by the

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2466 department, and any amounts owing to the holder. Contents of a
2467 safe-deposit box or other safekeeping repository which consist
2468 of documents or writings ~~of a private nature and~~ which have
2469 little or no commercial value ~~may apparent value shall~~ not be
2470 reported as abandoned property ~~presumed unclaimed~~.

2471 (d) The nature or type of property, any accounting or
2472 identifying number associated with the property, a description
2473 of the property, and the amount appearing from the records to be
2474 due. Items of value of less than \$10 each may be reported in the
2475 aggregate.

2476 (e) The date the property became payable, demandable, or
2477 returnable, and the date of the last transaction with the
2478 apparent owner with respect to the property.

2479 (f) Any other information the department may prescribe by
2480 rule as necessary for the administration of this chapter.

2481 ~~(6)(2)~~ If the total value of all abandoned ~~presumed~~
2482 ~~unclaimed~~ property, whether tangible or intangible, held by a
2483 person is less than \$10, a zero balance report may be filed for
2484 that reporting period.

2485 ~~(7)(3)~~ Credit balances, customer overpayments, security
2486 deposits, and refunds having a value of less than \$10 may not be
2487 reported as abandoned property ~~shall not be presumed unclaimed~~.

2488 (8) A security identified by the holder as non-freely
2489 transferable or worthless may not to be included in a report
2490 filed under this section. If the holder determines that a
2491 security is no longer non-freely transferable or worthless, the
2492 holder shall report and deliver the security on the next regular
2493 report date prescribed for delivery of securities by the holder
2494 under this chapter.

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2495 (9)~~(4)~~ If the holder of abandoned property ~~presumed~~
2496 ~~unclaimed and~~ subject to custody under this chapter ~~as unclaimed~~
2497 ~~property~~ is a successor holder or if the holder has changed the
2498 holder's name while in possession of the property, the holder
2499 shall file with the holder's report all known names and
2500 addresses of each prior holder of the property. Compliance with
2501 this subsection means the holder exercises reasonable and
2502 prudent efforts to determine the names of all prior holders.

2503 (10) The report must be signed by or on behalf of the
2504 holder and verified as to its completeness and accuracy, and the
2505 holder must state that it has complied with the due diligence
2506 requirements of this section.

2507 (11)~~(5)~~ The report must be filed before May 1 of each year.
2508 The report applies to the preceding calendar year. Upon written
2509 request by any person required to file a report, and upon a
2510 showing of good cause, the department may extend the reporting
2511 date. The department may impose and collect a penalty of \$10 per
2512 day up to a maximum of \$500 for the failure to timely report, if
2513 an extension was not provided or if the holder of the property
2514 failed to include in a report information required by this
2515 chapter which was in the holder's possession at the time of
2516 reporting. The penalty shall be remitted to the department
2517 within 30 days after the date of the notification to the holder
2518 that the penalty is due and owing. As necessary for proper
2519 administration of this chapter, the department may waive any
2520 penalty due with appropriate justification. The department must
2521 provide information contained in a report filed with the
2522 department to any person requesting a copy of the report or
2523 information contained in a report, to the extent the information

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2524 requested is not confidential, within 45 days after the
2525 department determines that the report is accurate and acceptable
2526 and that the reported property is the same as the remitted
2527 property.

2528 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2529 ~~more shall use due diligence to locate and notify apparent~~
2530 ~~owners that the entity is holding unclaimed property available~~
2531 ~~for them to recover. Not more than 120 days and not less than 60~~
2532 ~~days prior to filing the report required by this section, the~~
2533 ~~holder in possession of property presumed unclaimed and subject~~
2534 ~~to custody as unclaimed property under this chapter shall send~~
2535 ~~written notice by first class United States mail to the apparent~~
2536 ~~owner at the apparent owner's last known address from the~~
2537 ~~holder's records or from other available sources, or via~~
2538 ~~electronic mail if the apparent owner has elected this method of~~
2539 ~~delivery, informing the apparent owner that the holder is in~~
2540 ~~possession of property subject to this chapter, if the holder~~
2541 ~~has in its records a mailing or electronic address for the~~
2542 ~~apparent owner which the holder's records do not disclose to be~~
2543 ~~inaccurate. These two means of contact are not mutually~~
2544 ~~exclusive; if the mailing address is determined to be~~
2545 ~~inaccurate, electronic mail may be used if so elected by the~~
2546 ~~apparent owner.~~

2547 ~~(7) The written notice to the apparent owner required under~~
2548 ~~this section must:~~

2549 ~~(a) Contain a heading that reads substantially as follows:~~
2550 ~~"Notice. The State of Florida requires us to notify you that~~
2551 ~~your property may be transferred to the custody of the Florida~~
2552 ~~Department of Financial Services if you do not contact us before~~

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2553 ~~... (insert date that is at least 30 days after the date of~~
2554 ~~notice)...."~~

2555 ~~(b) Identify the type, nature, and, except for property~~
2556 ~~that does not have a fixed value, value of the property that is~~
2557 ~~the subject of the notice.~~

2558 ~~(c) State that the property will be turned over to the~~
2559 ~~custody of the department as unclaimed property if no response~~
2560 ~~to this letter is received.~~

2561 ~~(d) State that any property that is not legal tender of the~~
2562 ~~United States may be sold or liquidated by the department.~~

2563 ~~(e) State that after the property is turned over to the~~
2564 ~~department, an apparent owner seeking return of the property may~~
2565 ~~file a claim with the department.~~

2566 ~~(f) State that the property is currently with a holder and~~
2567 ~~provide instructions that the apparent owner must follow to~~
2568 ~~prevent the holder from reporting and paying for the property or~~
2569 ~~from delivering the property to the department.~~

2570 ~~(12)(8)~~ Any holder of intangible property may file with the
2571 department a petition for determination that the property is
2572 abandoned and unclaimed requesting the department to accept
2573 custody of the property. The petition shall state any special
2574 circumstances that exist, contain the information required by
2575 subsection (9) ~~subsection (4)~~, and show that a diligent search
2576 has been made to locate the apparent owner. If the department
2577 finds that the proof of diligent search is satisfactory, it
2578 shall give notice as provided in s. 717.118 and accept custody
2579 of the property.

2580 ~~(13)(9)~~ Upon written request by any entity or person
2581 required to file a report, stating such entity's or person's

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2582 justification for such action, the department may place that
2583 entity or person in an inactive status as an abandoned ~~unclaimed~~
2584 property "holder."

2585 (14)~~(10)~~(a) This section does not apply to the abandoned
2586 ~~unclaimed~~ patronage refunds as provided for by contract or
2587 through bylaw provisions of entities organized under chapter 425
2588 or that are exempt from ad valorem taxation pursuant to s.
2589 196.2002.

2590 (b) This section does not apply to intangible property
2591 held, issued, or owing by a business association subject to the
2592 jurisdiction of the United States Surface Transportation Board
2593 or its successor federal agency if the apparent owner of such
2594 intangible property is a business association. The holder of
2595 such property does not have any obligation to report, to pay, or
2596 to deliver such property to the department.

2597 (c) This section does not apply to credit balances,
2598 overpayments, refunds, or outstanding checks owed by a health
2599 care provider to a managed care payor with whom the health care
2600 provider has a managed care contract, provided that the credit
2601 balances, overpayments, refunds, or outstanding checks become
2602 due and owing pursuant to the managed care contract.

2603 (15)~~(11)~~(a) As used in this subsection, the term "property
2604 identifier" means the descriptor used by the holder to identify
2605 the abandoned ~~unclaimed~~ property.

2606 (b) Social security numbers and property identifiers
2607 contained in reports required under this section, held by the
2608 department, are confidential and exempt from s. 119.07(1) and s.
2609 24(a), Art. I of the State Constitution.

2610 (c) This exemption applies to social security numbers and

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2611 property identifiers held by the department before, on, or after
2612 the effective date of this exemption.

2613 Section 50. Section 717.118, Florida Statutes, is amended
2614 to read:

2615 717.118 Notification of apparent owners of abandoned
2616 ~~unclaimed~~ property.—

2617 (1) It is specifically recognized that the state has an
2618 obligation to make an effort to notify apparent owners in a
2619 cost-effective manner that their abandoned property has been
2620 reported and remitted to the department ~~of unclaimed property in~~
2621 ~~a cost-effective manner~~. In order to provide all the citizens of
2622 this state an effective and efficient program for the recovery
2623 of abandoned personal ~~unclaimed~~ property, the department shall
2624 use cost-effective means to make at least one active attempt to
2625 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
2626 valued at \$50 or more, abandoned tangible property, and
2627 abandoned shares of stock for which more than \$250 with a
2628 reported address or taxpayer identification number is available.
2629 Such active attempt to notify apparent owners shall include any
2630 attempt by the department to directly contact the apparent
2631 owner. Other means of notification, such as publication of the
2632 names of apparent owners in the newspaper, on television, on the
2633 Internet, or through other promotional efforts and items in
2634 which the department does not directly attempt to contact the
2635 apparent owner are expressly declared to be passive attempts.
2636 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2637 agencies or entities of state government from notifying owners
2638 of the existence of abandoned ~~unclaimed~~ property or attempting
2639 to notify apparent owners of abandoned ~~unclaimed~~ property.

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2640 (2) Notification provided directly to individual apparent
2641 owners shall contain ~~consist of~~ a description of the abandoned
2642 property and information regarding recovery of the unclaimed
2643 property from the department. The form and content of the
2644 department's notice shall be tailored to the type of property
2645 reported and shall include any information necessary to
2646 reasonably inform the apparent owner of the consequences of
2647 failure to claim the property, including potential sale or
2648 disposition under s. 717.122.

2649 (3) The department shall maintain a publicly accessible,
2650 electronically searchable website that includes the names of
2651 apparent owners of abandoned property reported to the department
2652 and instructions for filing a claim. The website must list
2653 property valued at \$10 or more and provide instructions for
2654 filing a claim. Abandoned property valued at less than \$10
2655 remains recoverable from the department in accordance with this
2656 chapter.

2657 (4) This section is not applicable to abandoned sums
2658 payable on traveler's checks, money orders, and other written
2659 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2660 abandoned property reported without the necessary identifying
2661 information to establish ownership.

2662 Section 51. Section 717.119, Florida Statutes, is amended
2663 to read:

2664 717.119 Payment or delivery of abandoned ~~unclaimed~~
2665 property.—

2666 (1) Every person who is required to file a report under s.
2667 717.117 shall simultaneously pay or deliver to the department
2668 all abandoned ~~unclaimed~~ property required to be reported. Such

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2669 payment or delivery shall accompany the report as required in
2670 this chapter for the preceding calendar year.

2671 (2) Payment of abandoned ~~unclaimed~~ funds may be made to the
2672 department by electronic funds transfer.

2673 (3) If the apparent owner establishes the right to receive
2674 the abandoned ~~unclaimed~~ property to the satisfaction of the
2675 holder before the property has been delivered to the department
2676 or it appears that for some other reason ~~the presumption that~~
2677 the property was erroneously classified as abandoned ~~is~~
2678 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2679 property to the department. In lieu of delivery, the holder
2680 shall file a verified written explanation of the proof of claim
2681 or of the error in classification of ~~the presumption that~~ the
2682 property as abandoned ~~was unclaimed~~.

2683 (4) All virtual currency reported under this chapter on the
2684 annual report filing required in s. 717.117 shall be remitted to
2685 the department with the report. The holder shall liquidate the
2686 virtual currency and remit the proceeds to the department. The
2687 liquidation must occur within 30 days before the filing of the
2688 report. Upon delivery of the virtual currency proceeds to the
2689 department, the holder is relieved of all liability of every
2690 kind in accordance with the provisions of s. 717.1201 to every
2691 person for any losses or damages resulting to the person by the
2692 delivery to the department of the virtual currency proceeds.

2693 (5) All stock or other intangible ownership interest
2694 reported under this chapter on the annual report filing required
2695 in s. 717.117 shall be remitted to the department with the
2696 report. Upon delivery of the stock or other intangible ownership
2697 interest to the department, the holder and any transfer agent,

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2698 registrar, or other person acting for or on behalf of a holder
2699 is relieved of all liability of every kind in accordance with
2700 the provisions of s. 717.1201 to every person for any losses or
2701 damages resulting to the person by the delivery to the
2702 department of the stock or other intangible ownership interest.

2703 (6) All intangible and tangible property held in a safe-
2704 deposit box or any other safekeeping repository reported under
2705 s. 717.117 shall not be delivered to the department until 120
2706 days after the report due date. The delivery of the property,
2707 through the United States mail or any other carrier, shall be
2708 insured by the holder at an amount equal to the estimated value
2709 of the property. Each package shall be clearly marked on the
2710 outside "Deliver Unopened." A holder's safe-deposit box contents
2711 shall be delivered to the department in a single shipment. In
2712 lieu of a single shipment, holders may provide the department
2713 with a single detailed shipping schedule that includes package
2714 tracking information for all packages being sent pursuant to
2715 this section.

2716 (a) Holders may remit the value of cash and coins found in
2717 abandoned ~~unclaimed~~ safe-deposit boxes to the department by
2718 cashier's check or by electronic funds transfer, unless the cash
2719 or coins have a value above face value. The department shall
2720 identify by rule those cash and coin items having a numismatic
2721 value. Cash and coin items identified as having a numismatic
2722 value shall be remitted to the department in their original
2723 form.

2724 (b) Any firearm or ammunition found in an abandoned
2725 ~~unclaimed~~ safe-deposit box or any other safekeeping repository
2726 shall be delivered by the holder to a law enforcement agency for

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2727 property handling or disposal pursuant to s. 705.103(2)(b). If
2728 the firearm is sold by the law enforcement agency, with the
2729 balance of the proceeds shall be deposited into the State School
2730 Fund ~~if the firearm is sold. However,~~ The department is
2731 authorized to make a reasonable attempt to ascertain the
2732 historical value to collectors of any firearm that has been
2733 delivered to the department. Any firearm appearing to have
2734 historical value to collectors may be sold by the department
2735 pursuant to s. 717.122 to a person having a federal firearms
2736 license. Any firearm which is not sold pursuant to s. 717.122
2737 shall be delivered by the department to a law enforcement agency
2738 in this state for proper handling or disposal. In accordance
2739 ~~with pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the
2740 law enforcement agency, with the balance of the proceeds shall
2741 be deposited into the State School Fund ~~if the firearm is sold.~~
2742 The department shall not be administratively, civilly, or
2743 criminally liable for any firearm delivered by the department to
2744 a law enforcement agency in this state for disposal.

2745 (c) If such property is not paid or delivered to the
2746 department on or before the applicable payment or delivery date,
2747 the holder shall pay to the department a penalty for each safe-
2748 deposit box shipment received late. The penalty shall be \$100
2749 for a safe-deposit box shipment container that is late 30 days
2750 or less. Thereafter, the penalty shall be \$500 for a safe-
2751 deposit box shipment container that is late for each additional
2752 successive 30-day period. The penalty assessed against a holder
2753 for a late safe-deposit box shipment container shall not exceed
2754 \$4,000 annually. The penalty shall be remitted to the department
2755 within 30 days after the date of the notification to the holder

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2756 that the penalty is due and owing.

2757 (d) The department may waive any penalty due with
2758 appropriate justification, as provided by rule.

2759 (e) If a will or trust instrument is included among the
2760 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
2761 repository delivered to the department, the department must
2762 provide a copy of the will, trust, and any codicils or
2763 amendments to such will or trust instrument, upon request, to
2764 anyone who provides the department with a certified copy of the
2765 death certificate ~~evidence of the death~~ of the testator or
2766 settlor.

2767 (7) Any holder may request an extension in writing of up to
2768 60 days for the delivery of property if extenuating
2769 circumstances exist for the late delivery of the property. Any
2770 such extension the department may grant shall be in writing.

2771 (8) A holder may not assign or otherwise transfer its
2772 obligation to report, pay, or deliver property or to comply with
2773 the provisions of this chapter, other than to a parent,
2774 subsidiary, or affiliate of the holder.

2775 (a) Unless otherwise agreed to by the parties to a
2776 transaction, the holder's successor by merger or consolidation,
2777 or any person or entity that acquires all or substantially all
2778 of the holder's capital stock or assets, is responsible for
2779 fulfilling the holder's obligation to report, pay, or deliver
2780 property or to comply with the duties of this chapter regarding
2781 the transfer of property owed to the holder's successor and
2782 being held for an owner resulting from the merger,
2783 consolidation, or acquisition.

2784 (b) This subsection does not prohibit a holder from

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2785 contracting with a third party for the reporting of abandoned
2786 ~~unclaimed~~ property, but the holder remains responsible to the
2787 department for the complete, accurate, and timely reporting of
2788 the property.

2789 Section 52. Subsections (1), (2), and (4) of section
2790 717.1201, Florida Statutes, are amended to read:

2791 717.1201 Custody by state; holder liability; reimbursement
2792 of holder paying claim; reclaiming for owner; payment of safe-
2793 deposit box or repository charges.—

2794 (1) Upon the good faith payment or delivery of abandoned
2795 ~~unclaimed~~ property to the department, the state assumes custody
2796 and responsibility for the safekeeping of the property. Any
2797 person who pays or delivers abandoned ~~unclaimed~~ property to the
2798 department in good faith is relieved of all liability to the
2799 extent of the value of the property paid or delivered for any
2800 claim then existing or which thereafter may arise or be made
2801 with ~~in~~ respect to the property.

2802 (a) A holder's substantial compliance with the due
2803 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
2804 payment or delivery of abandoned ~~unclaimed~~ property to the
2805 department releases the holder from liability that may arise
2806 from such payment or delivery, and such delivery and payment may
2807 be pleaded as a defense in any suit or action brought by reason
2808 of such delivery or payment. This section does not relieve a
2809 fiduciary of his or her duties under the Florida Trust Code or
2810 Florida Probate Code.

2811 (b) If the holder pays or delivers property to the
2812 department in good faith and thereafter any other person claims
2813 the property from the holder paying or delivering, or another

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2814 state claims the money or property under that state's laws
2815 relating to escheat or abandoned or unclaimed property, the
2816 department, upon written notice of the claim, shall defend the
2817 holder against the claim and indemnify the holder against any
2818 liability on the claim, except that a holder may not be
2819 indemnified against penalties imposed by another state.

2820 (2) For the purposes of this section, a payment or delivery
2821 of abandoned ~~unclaimed~~ property is made in good faith if:

2822 (a) The payment or delivery was made in conjunction with an
2823 accurate and acceptable report.

2824 (b) The payment or delivery was made in a reasonable
2825 attempt to comply with this chapter and other applicable general
2826 law.

2827 (c) The holder had a reasonable basis for believing, based
2828 on the facts then known, that the property was abandoned
2829 ~~unclaimed~~ and subject to this chapter.

2830 (d) There is no showing that the records pursuant to which
2831 the delivery was made did not meet reasonable commercial
2832 standards of practice in the industry.

2833 (4) Any holder who has delivered property, including a
2834 certificate of any interest in a business association, other
2835 than money to the department pursuant to this chapter may
2836 reclaim the property if still in the possession of the
2837 department, without payment of any fee or other charges, upon
2838 filing proof that the person entitled to the property ~~owner~~ has
2839 claimed it ~~the property~~ from the holder.

2840 Section 53. Section 717.122, Florida Statutes, is amended
2841 to read:

2842 717.122 Public sale of abandoned ~~unclaimed~~ property.—

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2843 (1) Except as provided in paragraph (2)(a), the department
2844 after the receipt of abandoned ~~unclaimed~~ property shall sell it
2845 to the highest bidder at public sale on the Internet or at a
2846 specified physical location wherever in the judgment of the
2847 department the most favorable market for the property involved
2848 exists. The department may decline the highest bid and reoffer
2849 the property for sale if in the judgment of the department the
2850 bid is insufficient. The department shall have the discretion to
2851 withhold from sale any abandoned ~~unclaimed~~ property that the
2852 department deems to be of benefit to the people of the state. If
2853 in the judgment of the department the probable cost of sale
2854 exceeds the value of the property, it need not be offered for
2855 sale and may be disposed of as the department determines
2856 appropriate. Any sale at a specified physical location held
2857 under this section must be preceded by a single publication of
2858 notice, at least 3 weeks in advance of sale, in a newspaper of
2859 general circulation in the county in which the property is to be
2860 sold. The department shall proportionately deduct auction fees,
2861 preparation costs, and expenses from the amount posted to an ~~the~~
2862 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
2863 contents are sold. No action or proceeding may be maintained
2864 against the department for or on account of any decision to
2865 decline the highest bid or withhold any abandoned ~~unclaimed~~
2866 property from sale.

2867 (2)(a) Securities listed on an established stock exchange
2868 must be sold at prices prevailing at the time of sale on the
2869 exchange. Other securities may be sold over the counter at
2870 prices prevailing at the time of sale or by any other method the
2871 department deems advisable. The department may authorize the

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2872 agent or broker acting on behalf of the department to deduct
2873 fees from the proceeds of these sales at a rate agreed upon in
2874 advance by the agent or broker and the department. The
2875 department shall reimburse owners' accounts for these brokerage
2876 fees from the State School Fund unless the securities are sold
2877 at the owner's request.

2878 (b) Unless the department deems it to be in the public
2879 interest to do otherwise, all abandoned securities ~~presumed~~
2880 ~~unclaimed~~ and delivered to the department may be sold upon
2881 receipt. Any person making a claim pursuant to this chapter is
2882 entitled to receive either the securities delivered to the
2883 department by the holder, if they still remain in the hands of
2884 the department, or the proceeds received from sale, but no
2885 person has any claim under this chapter against the state, the
2886 holder, any transfer agent, any registrar, or any other person
2887 acting for or on behalf of a holder for any appreciation in the
2888 value of the property occurring after delivery by the holder to
2889 the state.

2890 (c) Certificates for abandoned ~~unclaimed~~ stock or other
2891 equity interest of business associations that cannot be canceled
2892 and registered in the department's name or that cannot be
2893 readily liquidated and converted into the currency of the United
2894 States may be sold for the value of the certificate, if any, in
2895 accordance with subsection (1) or may be destroyed in accordance
2896 with s. 717.128.

2897 (3) The purchaser of property at any sale conducted by the
2898 department pursuant to this chapter is entitled to ownership of
2899 the property purchased free from all claims of the owner or
2900 previous holder thereof and of all persons claiming through or

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2901 under them. The department shall execute all documents necessary
2902 to complete the transfer of ownership.

2903 (4) The sale of abandoned ~~unclaimed~~ tangible personal
2904 property is not subject to tax under chapter 212 when such
2905 property is sold by or on behalf of the department pursuant to
2906 this section.

2907 Section 54. Section 717.123, Florida Statutes, is amended
2908 to read:

2909 717.123 Deposit of funds.—

2910 (1) All funds received under this chapter, including the
2911 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
2912 717.122, shall immediately ~~forthwith~~ be deposited by the
2913 department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The
2914 department shall retain, from funds received under this chapter,
2915 an amount not exceeding \$15 million from which the department
2916 shall make prompt payment of claims allowed by the department
2917 and shall pay the costs incurred by the department in
2918 administering and enforcing this chapter. All remaining funds
2919 received by the department under this chapter shall be deposited
2920 by the department into the State School Fund.

2921 (2) The department shall record the name and last known
2922 address of each person appearing from the holder's reports to be
2923 entitled to the abandoned ~~unclaimed~~ property in the total
2924 amounts of \$5 or greater; the name and the last known address of
2925 each insured person or annuitant; and with respect to each
2926 policy or contract listed in the report of an insurance
2927 corporation, its number, the name of the corporation, and the
2928 amount due.

2929 Section 55. Section 717.1235, Florida Statutes, is amended

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2930 to read:

2931 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
2932 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
2933 campaign for public office, for any campaign that must dispose
2934 of surplus funds in its campaign account pursuant to s. 106.141,
2935 after being reported to the department, shall be deposited with
2936 the Chief Financial Officer to the credit of the State School
2937 Fund.

2938 Section 56. Section 717.124, Florida Statutes, is amended
2939 to read:

2940 717.124 Abandoned Unclaimed property claims.—

2941 (1) Any person, excluding another state, claiming an
2942 interest in any property paid or delivered to the department
2943 under this chapter may file with the department a claim on a
2944 form prescribed by the department and verified by the claimant
2945 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
2946 ~~representative must be an attorney licensed to practice law in~~
2947 ~~this state, a licensed Florida-certified public accountant, or a~~
2948 ~~private investigator licensed under chapter 493.~~ The claimant
2949 ~~claimant's~~ representative must be registered with the department
2950 under this chapter. The claimant, or the claimant ~~claimant's~~
2951 representative, shall provide the department with a legible copy
2952 of a valid driver license of the claimant at the time the
2953 original claim form is filed. If the claimant has not been
2954 issued a valid driver license at the time the original claim
2955 form is filed, the department shall be provided with a legible
2956 copy of a photographic identification of the claimant issued by
2957 the United States, a state or territory of the United States, a
2958 foreign nation, or a political subdivision or agency thereof or

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2959 other evidence deemed acceptable by the department by rule. In
2960 lieu of photographic identification, a notarized sworn statement
2961 by the claimant may be provided which affirms the claimant's
2962 identity and states the claimant's full name and address. The
2963 claimant must produce to the notary photographic identification
2964 of the claimant issued by the United States, a state or
2965 territory of the United States, a foreign nation, or a political
2966 subdivision or agency thereof or other evidence deemed
2967 acceptable by the department by rule. The notary shall indicate
2968 the notary's full address on the notarized sworn statement. Any
2969 claim filed without the required identification or the sworn
2970 statement with the original claim form and the original
2971 Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned
2972 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

2973 (a) Within 90 days after receipt of a claim, the department
2974 may return any claim that provides for the receipt of fees and
2975 costs greater than that permitted under this chapter or that
2976 contains any apparent errors or omissions. The department may
2977 also request that the claimant or the claimant ~~claimant's~~
2978 representative provide additional information. The department
2979 shall retain a copy or electronic image of the claim.

2980 (b) A claim is considered to have been withdrawn by a
2981 claimant or the claimant ~~claimant's~~ representative if the
2982 department does not receive a response to its request for
2983 additional information within 60 days after the notification of
2984 any apparent errors or omissions.

2985 (c) Within 90 days after receipt of the claim, or the
2986 response of the claimant or the claimant ~~claimant's~~
2987 representative to the department's request for additional

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2988 information, whichever is later, the department shall determine
2989 each claim. Such determination shall contain a notice of rights
2990 provided by ss. 120.569 and 120.57. The 90-day period shall be
2991 extended by 60 days if the department has good cause to need
2992 additional time or if the abandoned ~~unclaimed~~ property:

2993 1. Is owned by a person who has been a debtor in
2994 bankruptcy;

2995 2. Was reported with an address outside of the United
2996 States;

2997 3. Is being claimed by a person outside of the United
2998 States; or

2999 4. Contains documents filed in support of the claim that
3000 are not in the English language and have not been accompanied by
3001 an English language translation.

3002 (2) A claim for a cashier's check or a stock certificate
3003 without the original instrument may require an indemnity bond
3004 equal to the value of the claim to be provided prior to issue of
3005 the stock or payment of the claim by the department.

3006 (3) The department may require an affidavit swearing to the
3007 authenticity of the claim, lack of documentation, and an
3008 agreement to allow the department to provide the name and
3009 address of the claimant to subsequent claimants coming forward
3010 with substantiated proof to claim the account. This shall apply
3011 to claims equal to or less than \$250. The exclusive remedy of a
3012 subsequent claimant to the property shall be against the person
3013 who received the property from the department.

3014 (4) (a) Except as otherwise provided in this chapter, if a
3015 claim is determined in favor of the claimant, the department
3016 shall deliver or pay over to the claimant the property or the

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3017 amount the department actually received or the proceeds if it
3018 has been sold by the department, together with any additional
3019 amount required by s. 717.121.

3020 (b) If a claimant ~~an owner~~ authorizes a claimant
3021 representative ~~an attorney licensed to practice law in this~~
3022 ~~state, a Florida-certified public accountant, or a private~~
3023 ~~investigator licensed under chapter 493, and registered with the~~
3024 department under this chapter, to claim the abandoned unclaimed
3025 property on the claimant's ~~owner's~~ behalf, the department is
3026 authorized to make distribution of the property or money in
3027 accordance with the Abandoned Unclaimed Property Recovery
3028 Agreement or Abandoned Unclaimed Property Purchase Agreement
3029 under s. 717.135. The original Abandoned Unclaimed Property
3030 Recovery Agreement or Abandoned Unclaimed Property Purchase
3031 Agreement must be executed by the claimant or seller and must be
3032 filed with the department.

3033 (c)1. Payments of approved claims for unclaimed cash
3034 accounts must be made to the owner after deducting any fees and
3035 costs authorized by the claimant under an Abandoned Unclaimed
3036 Property Recovery Agreement. The contents of a safe-deposit box
3037 or shares of securities must be delivered directly to the
3038 claimant.

3039 2. Payments of fees and costs authorized under an Abandoned
3040 Unclaimed Property Recovery Agreement for approved claims must
3041 be made or issued to the law firm of the designated attorney
3042 licensed to practice law in this state, the public accountancy
3043 firm of the licensed Florida-certified public accountant, or the
3044 designated employing private investigative agency licensed by
3045 this state. Such payments shall be made by electronic funds

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3046 transfer and may be made on such periodic schedule as the
3047 department may define by rule, provided the payment intervals do
3048 not exceed 31 days. Payment made to an attorney licensed in this
3049 state, a Florida-certified public accountant, or a private
3050 investigator licensed under chapter 493, operating individually
3051 or as a sole practitioner, must be to the attorney, certified
3052 public accountant, or private investigator.

3053 (5) The department shall not be administratively, civilly,
3054 or criminally liable for any property or funds distributed
3055 pursuant to this section, provided such distribution is made in
3056 good faith.

3057 (6) This section does not supersede the licensing
3058 requirements of chapter 493.

3059 (7) The department may allow an apparent owner to
3060 electronically submit a claim for abandoned ~~unclaimed~~ property
3061 to the department. If a claim is submitted electronically for
3062 \$2,000 or less, the department may use a method of identity
3063 verification other than a copy of a valid driver license, other
3064 government-issued photographic identification, or a sworn
3065 notarized statement. The department may adopt rules to implement
3066 this subsection.

3067 (8) Notwithstanding any other provision of this chapter,
3068 the department may develop and implement an identification
3069 verification and disbursement process by which an account valued
3070 at \$2,000 or less, after being received by the department and
3071 added to the abandoned ~~unclaimed~~ property database, may be
3072 disbursed to an apparent owner after the department has verified
3073 that the apparent owner is living and that the apparent owner's
3074 current address is correct. The department shall include with

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3075 the payment a notification and explanation of the dollar amount,
3076 the source, and the property type of each account included in
3077 the disbursement. The department shall adopt rules to implement
3078 this subsection.

3079 (9) (a) Notwithstanding any other provision of this chapter,
3080 the department may develop and implement a verification and
3081 disbursement process by which an account, after being received
3082 by the department and added to the abandoned ~~unclaimed~~ property
3083 database, for which the apparent owner entity is:

3084 1. A state agency in this state or a subdivision or
3085 successor agency thereof;

3086 2. A county government in this state or a subdivision
3087 thereof;

3088 3. A public school district in this state or a subdivision
3089 thereof;

3090 4. A municipality in this state or a subdivision thereof;
3091 or

3092 5. A special taxing district or authority in this state,
3093

3094 may be disbursed to the apparent owner entity or successor
3095 entity. The department shall include with the payment a
3096 notification and explanation of the dollar amount, the source,
3097 and the property type of each account included in the
3098 disbursement.

3099 (b) The department may adopt rules to implement this
3100 subsection.

3101 (10) Notwithstanding any other provision of this chapter,
3102 the department may develop a process by which a claimant
3103 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may

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3104 electronically submit to the department an electronic image of a
3105 completed claim and claims-related documents under this chapter,
3106 including an Abandoned Unclaimed Property Recovery Agreement or
3107 Abandoned Unclaimed Property Purchase Agreement that has been
3108 signed and dated by a claimant or seller under s. 717.135, after
3109 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3110 ~~property~~ receives the original documents provided by the
3111 claimant or the seller for any claim. Each claim filed by a
3112 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
3113 ~~property~~ must include a statement by the claimant ~~claimant's~~
3114 representative ~~or the buyer of unclaimed property~~ attesting that
3115 all documents are true copies of the original documents and that
3116 all original documents are physically in the possession of the
3117 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3118 ~~property~~. All original documents must be kept in the original
3119 form, by claim number, under the secure control of the claimant
3120 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
3121 must be available for inspection by the department in accordance
3122 with s. 717.1315. The department may adopt rules to implement
3123 this subsection.

3124 (11) This section applies to all abandoned unclaimed
3125 property reported and remitted to the Chief Financial Officer,
3126 including, but not limited to, property reported pursuant to ss.
3127 45.032, 732.107, 733.816, and 744.534.

3128 Section 57. Section 717.12403, Florida Statutes, is amended
3129 to read:

3130 717.12403 Abandoned Unclaimed demand, savings, or checking
3131 account in a financial institution held in the name of more than
3132 one person.-

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3133 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
3134 checking account in a financial institution is reported as an
3135 "and" account in the name of two or more persons who are not
3136 beneficiaries, it is presumed that each person must claim the
3137 account in order for the claim to be approved by the department.
3138 This presumption may be rebutted by showing that entitlement to
3139 the account has been transferred to another person or by clear
3140 and convincing evidence demonstrating that the account should
3141 have been reported by the financial institution as an "or"
3142 account.

3143 (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
3144 account in a financial institution is reported as an "and"
3145 account and one of the persons on the account is deceased, it is
3146 presumed that the account is a survivorship account. This
3147 presumption may be rebutted by showing that entitlement to the
3148 account has been transferred to another person or by clear and
3149 convincing evidence demonstrating that the account is not a
3150 survivorship account.

3151 (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
3152 account in a financial institution is reported as an "or"
3153 account in the name of two or more persons who are not
3154 beneficiaries, it is presumed that either person listed on the
3155 account may claim the entire amount held in the account. This
3156 presumption may be rebutted by showing that entitlement to the
3157 account has been transferred to another person or by clear and
3158 convincing evidence demonstrating that the account should have
3159 been reported by the financial institution as an "and" account.

3160 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
3161 account in a financial institution is reported in the name of

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3162 two or more persons who are not beneficiaries without
3163 identifying whether the account is an "and" account or an "or"
3164 account, it is presumed that the account is an "or" account.
3165 This presumption may be rebutted by showing that entitlement to
3166 the account has been transferred to another person or by clear
3167 and convincing evidence demonstrating that the account should
3168 have been reported by the financial institution as an "and"
3169 account.

3170 (4) The department shall be deemed to have made a
3171 distribution in good faith if the department remits funds
3172 consistent with this section.

3173 Section 58. Subsection (2) of section 717.12404, Florida
3174 Statutes, is amended to read:

3175 717.12404 Claims on behalf of a business entity or trust.—

3176 (2) Claims on behalf of an active or a dissolved
3177 corporation, a business entity ~~other than an active corporation~~,
3178 or a trust must include a legible copy of a valid driver license
3179 of the person acting on behalf of the ~~dissolved~~ corporation,
3180 business entity ~~other than an active corporation~~, or trust. If
3181 the person has not been issued a valid driver license, the
3182 department shall be provided with a legible copy of a
3183 photographic identification of the person issued by the United
3184 States, a foreign nation, or a political subdivision or agency
3185 thereof. In lieu of photographic identification, a notarized
3186 sworn statement by the person may be provided which affirms the
3187 person's identity and states the person's full name and address.
3188 The person must produce his or her photographic identification
3189 issued by the United States, a state or territory of the United
3190 States, a foreign nation, or a political subdivision or agency

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3191 thereof or other evidence deemed acceptable by the department by
3192 rule. The notary shall indicate the notary's full address on the
3193 notarized sworn statement. Any claim filed without the required
3194 identification or the sworn statement with the original claim
3195 form and the original Abandoned ~~Unclaimed~~ Property Recovery
3196 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if
3197 applicable, is void.

3198 Section 59. Section 717.12405, Florida Statutes, is amended
3199 to read:

3200 717.12405 Claims by estates.—An estate or any person
3201 representing an estate or acting on behalf of an estate may
3202 claim abandoned ~~unclaimed~~ property only after the heir or
3203 legatee of the decedent entitled to the property has been
3204 located. Any estate, or any person representing an estate or
3205 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
3206 property before the heir or legatee of the decedent entitled to
3207 the property has been located, is personally liable for the
3208 abandoned ~~unclaimed~~ property and must immediately return the
3209 full amount of the abandoned ~~unclaimed~~ property or the value
3210 thereof to the department in accordance with s. 717.1341.

3211 Section 60. Section 717.12406, Florida Statutes, is amended
3212 to read:

3213 717.12406 Joint ownership of abandoned ~~unclaimed~~ securities
3214 or dividends.—For the purpose of determining joint ownership of
3215 abandoned ~~unclaimed~~ securities or dividends, the term:

3216 (1) "TEN COM" means tenants in common.

3217 (2) "TEN ENT" means tenants by the entireties.

3218 (3) "JT TEN" or "JT" means joint tenants with the right of
3219 survivorship and not as tenants in common.

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3220 (4) "And" means tenants in common with each person entitled
3221 to an equal pro rata share.

3222 (5) "Or" means that each person listed on the account is
3223 entitled to all of the funds.

3224 Section 61. Section 717.1241, Florida Statutes, is amended
3225 to read:

3226 717.1241 Conflicting claims.—

3227 (1) For purposes of this section, the term "conflicting
3228 claim" means two or more claims received by the department for
3229 the same abandoned property account or accounts in which two or
3230 more claimants appear to be equally entitled to the property.
3231 The term also includes circumstances in which the same claimant
3232 has more than one claim pending for the same property, including
3233 when the claimant is represented by more than one claimant
3234 representative or submits both a personal claim and a claim
3235 through a representative.

3236 (2) When conflicting claims have been received by the
3237 department for the same abandoned ~~unclaimed~~ property account or
3238 accounts, the property shall be remitted in accordance with the
3239 claim filed by the person as follows, notwithstanding the
3240 withdrawal of a claim:

3241 (a) To the person submitting the first claim received by
3242 the ~~Division of Unclaimed Property of the~~ department that is
3243 complete or made complete.

3244 (b) If a claimant's claim and a claimant ~~claimant's~~
3245 representative's claim for the recovery of property are received
3246 by the ~~Division of Unclaimed Property of the~~ department on the
3247 same day and both claims are complete, to the claimant.

3248 (c) If a buyer's claim or a purchasing claimant

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3249 representative's claim and a claimant's claim or a claimant
3250 ~~claimant's~~ representative's claim for the recovery of property
3251 are received by the ~~Division of Unclaimed Property of the~~
3252 department on the same day and the claims are complete, to the
3253 buyer.

3254 (d) As between two or more claimant representatives'
3255 ~~claimant's representative's~~ claims received by the ~~Division of~~
3256 ~~Unclaimed Property of~~ the department that are complete or made
3257 complete on the same day, to the claimant ~~claimant's~~
3258 representative who has agreed to receive the lowest fee. If the
3259 two or more claimant ~~claimant's~~ representatives whose claims
3260 received by ~~the Division of Unclaimed Property of~~ the department
3261 were complete or made complete on the same day are charging the
3262 same ~~lowest~~ fee, the fee shall be divided equally between the
3263 claimant ~~claimant's~~ representatives.

3264 (e) If more than one buyer's claim received by the ~~Division~~
3265 ~~of Unclaimed Property of~~ the department is complete or made
3266 complete on the same day, the department shall remit the
3267 abandoned ~~unclaimed~~ property to the buyer who paid the highest
3268 amount to the seller. If the buyers paid the same amount to the
3269 seller, the department shall remit the abandoned ~~unclaimed~~
3270 property to the buyers divided in equal amounts.

3271 (3) ~~(2)~~ The purpose of this section is solely to provide
3272 guidance to the department regarding to whom it should remit the
3273 abandoned ~~unclaimed~~ property and is not intended to extinguish
3274 or affect any private cause of action that any person may have
3275 against another person for breach of contract or other statutory
3276 or common-law remedy. A buyer's sole remedy, if any, shall be
3277 against the claimant ~~claimant's~~ representative or the seller, or

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3278 both. A claimant ~~claimant's~~ representative's sole remedy, if
3279 any, shall be against the buyer or the seller, or both. A
3280 claimant's or seller's sole remedy, if any, shall be against the
3281 buyer or the claimant ~~claimant's~~ representative, or both.
3282 Nothing in this section forecloses the right of a person to
3283 challenge the department's determination of completeness in a
3284 proceeding under ss. 120.569 and 120.57.

3285 (4)~~(3)~~ A claim is complete when entitlement to the
3286 abandoned ~~unclaimed~~ property has been established.

3287 Section 62. Subsection (1) of section 717.1242, Florida
3288 Statutes, is amended to read:

3289 717.1242 Restatement of jurisdiction of the circuit court
3290 sitting in probate and the department.—

3291 (1) It is and has been the intent of the Legislature that,
3292 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3293 proceedings relating to the settlement of the estates of
3294 decedents and other jurisdiction usually pertaining to courts of
3295 probate. It is and has been the intent of the Legislature that,
3296 pursuant to this chapter, the department determines the merits
3297 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3298 or delivered to the department under this chapter. Consistent
3299 with this legislative intent, any beneficiary, devisee, heir,
3300 personal representative, or other interested person, as those
3301 terms are defined in the Florida Probate Code and the Florida
3302 Trust Code, of an estate seeking to obtain property paid or
3303 delivered to the department under this chapter must file a claim
3304 with the department as provided in s. 717.124.

3305 Section 63. Subsections (1) and (4) of section 717.1243,
3306 Florida Statutes, are amended to read:

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3307 717.1243 Small estate accounts.—

3308 (1) A claim for abandoned ~~unclaimed~~ property made by a
3309 beneficiary, as defined in s. 731.201, of a deceased owner need
3310 not be accompanied by an order of a probate court if the
3311 claimant files with the department an affidavit, signed by all
3312 beneficiaries, stating that all the beneficiaries have amicably
3313 agreed among themselves upon a division of the estate and that
3314 all funeral expenses, expenses of the last illness, and any
3315 other lawful claims have been paid, and any additional
3316 information reasonably necessary to make a determination of
3317 entitlement. If the owner died testate, the claim shall be
3318 accompanied by a copy of the will.

3319 (4) This section applies only if all of the abandoned
3320 ~~unclaimed~~ property held by the department on behalf of the owner
3321 has an aggregate value of \$20,000 or less and no probate
3322 proceeding is pending.

3323 Section 64. Section 717.1244, Florida Statutes, is amended
3324 to read:

3325 717.1244 Determinations of abandoned ~~unclaimed~~ property
3326 claims.—In rendering a determination regarding the merits of an
3327 abandoned ~~unclaimed~~ property claim, the department shall rely on
3328 the applicable statutory, regulatory, common, and case law.
3329 Agency statements applying the statutory, regulatory, common,
3330 and case law to abandoned ~~unclaimed~~ property claims are not
3331 agency statements subject to s. 120.56(4).

3332 Section 65. Section 717.1245, Florida Statutes, is amended
3333 to read:

3334 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3335 any person files a petition for writ of garnishment seeking to

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3336 obtain property paid or delivered to the department under this
3337 chapter, the petitioner shall be ordered to pay the department
3338 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3339 brought by the department to oppose, appeal, or collaterally
3340 attack the petition or writ if the department is the prevailing
3341 party in any such proceeding.

3342 Section 66. Subsection (1) of section 717.125, Florida
3343 Statutes, is amended to read:

3344 717.125 Claim of another state to recover property;
3345 procedure.—

3346 (1) At any time after property has been paid or delivered
3347 to the department under this chapter, another state may recover
3348 the property if:

3349 (a) The property was subjected to custody by this state
3350 because the records of the holder did not reflect the last known
3351 address of the apparent owner when the property was presumed
3352 abandoned ~~unclaimed~~ under this chapter, and the other state
3353 establishes that the last known address of the apparent owner or
3354 other person entitled to the property was in that state and
3355 under the laws of that state the property escheated to or was
3356 subject to a claim of abandonment or being unclaimed by that
3357 state;

3358 (b) The last known address of the apparent owner or other
3359 person entitled to the property, as reflected by the records of
3360 the holder, is in the other state and under the laws of that
3361 state the property has escheated to or become subject to a claim
3362 of abandonment by that state;

3363 (c) The records of the holder were erroneous in that they
3364 did not accurately reflect the actual owner of the property and

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3365 the last known address of the actual owner is in the other state
3366 and under laws of that state the property escheated to or was
3367 subject to a claim of abandonment by that state;

3368 (d) The property was subject to custody by this state under
3369 s. 717.103(6) and under the laws of the state of domicile of the
3370 holder the property has escheated to or become subject to a
3371 claim of abandonment by that state; or

3372 (e) The property is the sum payable on a traveler's check,
3373 money order, or other similar instrument that was subjected to
3374 custody by this state under s. 717.104, and the instrument was
3375 purchased in the other state, and under the laws of that state
3376 the property escheated to or became subject to a claim of
3377 abandonment by that state.

3378 Section 67. Subsection (1) of section 717.126, Florida
3379 Statutes, is amended to read:

3380 717.126 Administrative hearing; burden of proof; proof of
3381 entitlement; venue.—

3382 (1) Any person aggrieved by a decision of the department
3383 may petition for a hearing as provided in ss. 120.569 and
3384 120.57. In any proceeding for determination of a claim to
3385 property paid or delivered to the department under this chapter,
3386 the burden shall be upon the claimant to establish entitlement
3387 to the property by a preponderance of evidence. Having the same
3388 name as that reported to the department is not sufficient, in
3389 the absence of other evidence, to prove entitlement to abandoned
3390 ~~unclaimed~~ property.

3391 Section 68. Section 717.1261, Florida Statutes, is amended
3392 to read:

3393 717.1261 Death certificates.—Any person who claims

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3394 entitlement to abandoned ~~unclaimed~~ property by means of the
3395 death of one or more persons shall file a copy of the death
3396 certificate of the decedent or decedents that has been certified
3397 as being authentic by the issuing governmental agency.

3398 Section 69. Section 717.1262, Florida Statutes, is amended
3399 to read:

3400 717.1262 Court documents.—Any person who claims entitlement
3401 to abandoned ~~unclaimed~~ property by reason of a court document
3402 shall file a certified copy of the court document with the
3403 department. A certified copy of each pleading filed with the
3404 court to obtain a court document establishing entitlement, filed
3405 within 180 days before the date the claim form was signed by the
3406 claimant or claimant ~~claimant's~~ representative, must also be
3407 filed with the department.

3408 Section 70. Section 717.129, Florida Statutes, is amended
3409 to read:

3410 717.129 Periods of limitation.—

3411 (1) The expiration before or after July 1, 1987, of any
3412 period of time specified by contract, statute, or court order,
3413 during which a claim for money or property may be made or during
3414 which an action or proceeding may be commenced or enforced to
3415 obtain payment of a claim for money or to recover property, does
3416 not prevent the money or property from being presumed abandoned
3417 ~~unclaimed~~ or affect any duty to file a report or to pay or
3418 deliver abandoned ~~unclaimed~~ property to the department as
3419 required by this chapter.

3420 (2) The department may not commence an action or proceeding
3421 to enforce this chapter with respect to the reporting, payment,
3422 or delivery of property or any other duty of a holder under this

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chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 71. 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

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3452 the total amount collected or recovered by each contractor
3453 during the previous fiscal year and the total fees and expenses
3454 deducted by each contractor.

3455 Section 72. Section 717.1315, Florida Statutes, is amended
3456 to read:

3457 717.1315 Retention of records by claimant ~~claimant's~~
3458 representatives and buyers of abandoned ~~unclaimed~~ property.—

3459 (1) Every claimant ~~claimant's~~ representative and buyer of
3460 abandoned ~~unclaimed~~ property shall keep and use in his or her
3461 business such books, accounts, and records of the business
3462 conducted under this chapter to enable the department to
3463 determine whether such person is complying with this chapter and
3464 the rules adopted by the department under this chapter. Every
3465 claimant ~~claimant's~~ representative and buyer of abandoned
3466 ~~unclaimed~~ property shall preserve such books, accounts, and
3467 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3468 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3469 between the owner and such claimant ~~claimant's~~ representative or
3470 buyer, for at least 3 years after the date of the initial
3471 agreement.

3472 (2) A claimant ~~claimant's~~ representative or buyer of
3473 abandoned ~~unclaimed~~ property, operating at two or more places of
3474 business in this state, may maintain the books, accounts, and
3475 records of all such offices at any one of such offices, or at
3476 any other office maintained by such claimant ~~claimant's~~
3477 representative or buyer of abandoned ~~unclaimed~~ property, upon
3478 the filing of a written notice with the department designating
3479 in the written notice the office at which such records are
3480 maintained.

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3481 (3) A claimant ~~claimant's~~ representative or buyer of
3482 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3483 records available at a convenient location in this state upon
3484 request of the department.

3485 Section 73. Subsections (2) and (3) of section 717.132,
3486 Florida Statutes, are amended to read:

3487 717.132 Enforcement; cease and desist orders; fines.—

3488 (2) In addition to any other powers conferred upon it to
3489 enforce and administer the provisions of this chapter, the
3490 department may issue and serve upon a person an order to cease
3491 and desist and to take corrective action whenever the department
3492 finds that such person is violating, has violated, or is about
3493 to violate any provision of this chapter, any rule or order
3494 promulgated under this chapter, or any written agreement entered
3495 into with the department. For purposes of this subsection, the
3496 term "corrective action" includes refunding excessive charges,
3497 requiring a person to return abandoned ~~unclaimed~~ property,
3498 requiring a holder to remit abandoned ~~unclaimed~~ property, and
3499 requiring a holder to correct a report that contains errors or
3500 omissions. Any such order shall contain a notice of rights
3501 provided by ss. 120.569 and 120.57.

3502 (3) In addition to any other powers conferred upon it to
3503 enforce and administer the provisions of this chapter, the
3504 department or a court of competent jurisdiction may impose fines
3505 against any person found to have violated any provision of this
3506 chapter, any rule or order promulgated under this chapter, or
3507 any written agreement entered into with the department in an
3508 amount not to exceed \$2,000 for each violation. All fines
3509 collected under this subsection shall be deposited as received

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3510 in the Abandoned ~~Unclaimed~~ Property Trust Fund.

3511 Section 74. Paragraphs (c), (d), and (j) of subsection (1),
3512 subsections (2) and (3), paragraph (b) of subsection (4), and
3513 subsection (5) of section 717.1322, Florida Statutes, are
3514 amended to read:

3515 717.1322 Administrative and civil enforcement.—

3516 (1) The following acts are violations of this chapter and
3517 constitute grounds for an administrative enforcement action by
3518 the department in accordance with the requirements of chapter
3519 120 and for civil enforcement by the department in a court of
3520 competent jurisdiction:

3521 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
3522 concealment of any matter required to be stated or furnished to
3523 the department or to an owner or apparent owner under this
3524 chapter, ~~regardless of reliance by or damage to the owner or~~
3525 ~~apparent owner.~~

3526 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3527 any abandoned ~~unclaimed~~ property transaction.

3528 (j) Requesting or receiving compensation for notifying a
3529 person of his or her abandoned ~~unclaimed~~ property or assisting
3530 another person in filing a claim for abandoned ~~unclaimed~~
3531 property, ~~unless the person is an attorney licensed to practice~~
3532 ~~law in this state, a Florida-certified public accountant, or a~~
3533 ~~private investigator licensed under chapter 493, or entering~~
3534 into, or making a solicitation to enter into, an agreement to
3535 file a claim for abandoned ~~unclaimed~~ property owned by another,
3536 unless such person is a registered claimant representative
3537 ~~registered with the department under this chapter and an~~
3538 ~~attorney licensed to practice law in this state in the regular~~

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3539 ~~practice of her or his profession, a Florida certified public~~
3540 ~~accountant who is acting within the scope of the practice of~~
3541 ~~public accounting as defined in chapter 473, or a private~~
3542 ~~investigator licensed under chapter 493.~~ This paragraph does not
3543 apply to a person who has been granted a durable power of
3544 attorney to convey and receive all of the real and personal
3545 property of the owner, is the court-appointed guardian of the
3546 owner, has been employed as an attorney or qualified
3547 representative to contest the department's denial of a claim, or
3548 has been employed as an attorney to probate the estate of the
3549 owner or an heir or legatee of the owner.

3550 (2) Upon a finding by the department that any person has
3551 committed any of the acts set forth in subsection (1), the
3552 department may enter an order doing any of the following:

3553 (a) Revoking for a minimum of 5 years or suspending for a
3554 maximum of 5 years a registration previously granted under this
3555 chapter during which time the registrant may not reapply for a
3556 registration under this chapter.†

3557 (b) Placing a claimant representative ~~registrant~~ or an
3558 applicant for a registration on probation for a period of time
3559 and subject to such conditions as the department may specify.†

3560 (c) Placing permanent restrictions or conditions upon
3561 issuance or maintenance of a registration under this chapter.†

3562 (d) Issuing a reprimand.†

3563 (e) Imposing an administrative fine not to exceed \$2,000
3564 for each such act.† ~~or~~

3565 (f) Prohibiting any person from being a director, officer,
3566 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
3567 ~~percent~~ or greater interest in an employer of a claimant

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3568 representative ~~registrant~~.

3569 (3) A claimant ~~claimant's~~ representative is subject to
3570 civil enforcement and the disciplinary actions specified in
3571 subsection (2) for violations of subsection (1) by an agent or
3572 employee of the claimant representative's ~~registrant's~~ employer
3573 if the claimant ~~claimant's~~ representative knew or should have
3574 known that such agent or employee was violating any provision of
3575 this chapter.

3576 (4)

3577 (b) The disciplinary guidelines shall specify a meaningful
3578 range of designated penalties based upon the severity or
3579 repetition of specific offenses, or both. It is the legislative
3580 intent that minor violations be distinguished from more serious
3581 violations; that such guidelines consider the amount of the
3582 claim involved, the complexity of locating the owner, the steps
3583 taken to ensure the accuracy of the claim by the person filing
3584 the claim, the acts of commission and omission of the claimant
3585 ~~ultimate owners~~ in establishing themselves as rightful owners of
3586 the funds, the acts of commission or omission of the agent or
3587 employee of a claimant representative or its ~~an~~ employer in the
3588 filing of the claim, the actual knowledge of the agent,
3589 employee, employer, or owner in the filing of the claim, the
3590 departure, if any, by the agent or employee from the internal
3591 controls and procedures established by the claimant
3592 representative or its employer with regard to the filing of a
3593 claim, the number of defective claims previously filed by the
3594 agent, employee, employer, or owner; that such guidelines
3595 provide reasonable and meaningful notice of likely penalties
3596 that may be imposed for proscribed conduct; and that such

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3597 penalties be consistently applied by the department.

3598 (5) The department may seek any appropriate civil legal
3599 remedy available to it by filing a civil action in a court of
3600 competent jurisdiction against any person who has, directly or
3601 through a claimant ~~claimant's~~ representative, wrongfully
3602 submitted a claim as the ~~ultimate~~ owner of property and
3603 improperly received funds from the department in violation of
3604 this chapter.

3605 Section 75. Subsections (1) and (3) of section 717.133,
3606 Florida Statutes, are amended to read:

3607 717.133 Interstate agreements and cooperation; joint and
3608 reciprocal actions with other states.—

3609 (1) The department may enter into agreements with other
3610 states to exchange information needed to enable this or another
3611 state to audit or otherwise determine abandoned ~~unclaimed~~
3612 property that it or another state may be entitled to subject to
3613 a claim of custody. The department may require the reporting of
3614 information needed to enable compliance with agreements made
3615 pursuant to this section and prescribe the form.

3616 (3) At the request of another state, the department may
3617 bring an action in the name of the other state in any court of
3618 competent jurisdiction to enforce the abandoned ~~unclaimed~~
3619 property laws of the other state against a holder in this state
3620 of property subject to escheat or a claim of abandonment by the
3621 other state, if the other state has agreed to pay expenses
3622 incurred in bringing the action.

3623 Section 76. Subsection (2) of section 717.1333, Florida
3624 Statutes, is amended to read:

3625 717.1333 Evidence; estimations; audit reports and

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3626 worksheets, investigator reports and worksheets, other related
3627 documents.—

3628 (2) If the records of the holder that are available for the
3629 periods subject to this chapter are insufficient to permit the
3630 preparation of a report of the abandoned ~~unclaimed~~ property due
3631 and owing by a holder, or if the holder fails to provide records
3632 after being requested to do so, the amount due to the department
3633 may be reasonably estimated.

3634 Section 77. Paragraph (a) of subsection (1) and subsections
3635 (2) and (4) of section 717.1341, Florida Statutes, are amended
3636 to read:

3637 717.1341 Invalid claims, recovery of property, interest and
3638 penalties.—

3639 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
3640 ~~unclaimed~~ property that the person is not entitled to receive.
3641 Any person who receives, or assists another person to receive,
3642 abandoned ~~unclaimed~~ property that the person is not entitled to
3643 receive is strictly, jointly, personally, and severally liable
3644 for the abandoned ~~unclaimed~~ property and shall immediately
3645 return the property, or the reasonable value of the property if
3646 the property has been damaged or disposed of, to the department
3647 plus interest at the rate set in accordance with s. 55.03(1).
3648 Assisting another person to receive abandoned ~~unclaimed~~ property
3649 includes executing a claim form on the person's behalf.

3650 (2) The department may maintain a civil or administrative
3651 action:

3652 (a) To recover abandoned ~~unclaimed~~ property that was paid
3653 or remitted to a person who was not entitled to the abandoned
3654 ~~unclaimed~~ property or to offset amounts owed to the department

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3655 against amounts owed to an owner representative;

3656 (b) Against a person who assists another person in
3657 receiving, or attempting to receive, abandoned ~~unclaimed~~
3658 property that the person is not entitled to receive; or

3659 (c) Against a person who attempts to receive abandoned
3660 ~~unclaimed~~ property that the person is not entitled to receive.

3661 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly
3662 conspire to file, or knowingly assist in filing, a claim for
3663 abandoned ~~unclaimed~~ property the person is not entitled to
3664 receive. Any person who violates this subsection regarding
3665 abandoned ~~unclaimed~~ property of an aggregate value:

3666 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
3667 the first degree, punishable as provided in s. 775.082, s.
3668 775.083, or s. 775.084;

3669 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
3670 ~~of~~ a felony of the second degree, punishable as provided in s.
3671 775.082, s. 775.083, or s. 775.084;

3672 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a
3673 felony of the third degree, punishable as provided in s.
3674 775.082, s. 775.083, or s. 775.084;

3675 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
3676 misdemeanor of the first degree, punishable as provided in s.
3677 775.082 or s. 775.083; or

3678 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
3679 second degree, punishable as provided in s. 775.082 or s.
3680 775.083.

3681 Section 78. Section 717.135, Florida Statutes, is amended
3682 to read:

3683 717.135 Recovery agreements and purchase agreements for

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3684 claims filed by a claimant ~~claimant's~~ representative; fees and
3685 costs or total net gain.—

3686 (1) In order to protect the interests of owners of
3687 abandoned ~~unclaimed~~ property, the department shall adopt by rule
3688 a form entitled "Abandoned Unclaimed Property Recovery
3689 Agreement" and a form entitled "Abandoned Unclaimed Property
3690 Purchase Agreement."

3691 (2) The Abandoned Unclaimed Property Recovery Agreement and
3692 the Abandoned Unclaimed Property Purchase Agreement must include
3693 and disclose all of the following:

3694 (a) The total dollar amount of abandoned ~~unclaimed~~ property
3695 accounts claimed or sold.

3696 (b) The total percentage of all authorized fees and costs
3697 to be paid to the claimant ~~claimant's~~ representative or the
3698 percentage of the value of the property to be paid as net gain
3699 to the purchasing claimant ~~claimant's~~ representative.

3700 (c) The total dollar amount to be deducted and received
3701 from the claimant as fees and costs by the claimant ~~claimant's~~
3702 representative or the total net dollar amount to be received by
3703 the purchasing claimant ~~claimant's~~ representative.

3704 (d) The net dollar amount to be received by the claimant or
3705 the seller.

3706 (e) For each account claimed, the abandoned ~~unclaimed~~
3707 property account number.

3708 (f) For the Abandoned Unclaimed Property Purchase
3709 Agreement, a statement that the amount of the purchase price
3710 will be remitted to the seller by the purchaser within 30 days
3711 after the execution of the agreement by the seller.

3712 (g) The name, address, e-mail address, phone number, and

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3713 license number of the claimant ~~claimant's~~ representative.

3714 (h)1. The manual signature of the claimant or seller and
3715 the date signed, affixed on the agreement by the claimant or
3716 seller.

3717 2. Notwithstanding any other provision of this chapter to
3718 the contrary, the department may allow ~~an apparent owner, who is~~
3719 ~~also~~ the claimant or seller, to sign the agreement
3720 electronically. All electronic signatures on the Abandoned
3721 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3722 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3723 agreement by the claimant or seller using the specific,
3724 exclusive eSignature product and protocol authorized by the
3725 department.

3726 (i) The social security number or taxpayer identification
3727 number of the claimant or seller, if a number has been issued to
3728 the claimant or seller.

3729 (j) The total fees and costs, or the total discount in the
3730 case of a purchase agreement, which may not exceed 30 percent of
3731 the claimed amount. In the case of a recovery agreement, if the
3732 total fees and costs exceed 30 percent, the fees and costs shall
3733 be reduced to 30 percent and the net balance shall be remitted
3734 directly by the department to the claimant. In the case of a
3735 purchase agreement, if the total net gain of the claimant
3736 ~~claimant's~~ representative exceeds 30 percent, the claim will be
3737 denied.

3738 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
3739 form, proof that the purchaser has made payment must be filed
3740 with the department along with the claim. If proof of payment is
3741 not provided, the claim is void.

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3742 (4) A claimant ~~claimant's~~ representative must use the
3743 Abandoned Unclaimed Property Recovery Agreement or the Abandoned
3744 Unclaimed Property Purchase Agreement as the exclusive means of
3745 entering into an agreement or a contract with a claimant or
3746 seller to file a claim with the department.

3747 (5) Fees and costs may be owed or paid to, or received by,
3748 a claimant ~~claimant's~~ representative only after a filed claim
3749 has been approved and if the claimant's representative used an
3750 agreement authorized by this section.

3751 (6) A claimant ~~claimant's~~ representative may not use or
3752 distribute any other agreement of any type, conveyed by any
3753 method, with respect to the claimant or seller which relates,
3754 directly or indirectly, to abandoned unclaimed property accounts
3755 held by the department or the Chief Financial Officer other than
3756 the agreements authorized by this section. Any engagement,
3757 authorization, recovery, or fee agreement that is not authorized
3758 by this section is void. A claimant ~~claimant's~~ representative is
3759 subject to administrative and civil enforcement under s.
3760 717.1322 if he or she uses an agreement that is not authorized
3761 by this section and if the agreement is used to apply, directly
3762 or indirectly, to abandoned unclaimed property held by this
3763 state. This subsection does not prohibit lawful nonagreement,
3764 noncontractual, or advertising communications between or among
3765 the parties.

3766 (7) The Abandoned Unclaimed Property Recovery Agreement may
3767 not contain language that makes the agreement irrevocable or
3768 that creates an assignment of any portion of abandoned unclaimed
3769 property held by the department.

3770 (8) When a claim is approved, the department may pay any

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3771 additional account that is owned by the claimant but has not
3772 been claimed at the time of approval, provided that a subsequent
3773 claim has not been filed or is not pending for the claimant at
3774 the time of approval.

3775 (9) This section does not supersede s. 717.1241.

3776 ~~(10) This section does not apply to the sale and purchase~~
3777 ~~of Florida-held unclaimed property accounts through a bankruptcy~~
3778 ~~estate representative or other person or entity authorized~~
3779 ~~pursuant to Title XI of the United States Code or an order of a~~
3780 ~~bankruptcy court to act on behalf or for the benefit of the~~
3781 ~~debtor, its creditors, and its bankruptcy estate.~~

3782 Section 79. Section 717.1356, Florida Statutes, is created
3783 to read:

3784 717.1356 Purchase of abandoned property.-

3785 (1) Agreements for the purchase of abandoned property
3786 reported to the department shall be valid only if all of the
3787 following conditions are met:

3788 (a) The agreement is entitled "Florida Abandoned Property
3789 Purchase Agreement" and is in writing, in minimum 12-point type.

3790 (b) The agreement includes the social security number or
3791 taxpayer identification number of the seller, if a number has
3792 been issued to the seller; a valid e-mail address, mailing
3793 address, and telephone number for the seller; and is manually
3794 signed and dated by the seller with the signature notarized.

3795 (c) The agreement discloses with specificity the nature and
3796 value of the abandoned property, including the name of the
3797 apparent owner as shown by the records of the department, the
3798 name of the holder who remitted the property, the date of last
3799 contact, and the property category. With respect to the value of

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3800 the abandoned property, the agreement must contain the
3801 following:

3802 1. The total dollar amount of all abandoned property to be
3803 sold.

3804 2. The total percentage of the value of the abandoned
3805 property to be paid as net gain to the purchaser.

3806 3. The total net dollar amount to be received by the
3807 purchaser.

3808 4. The net dollar amount to be received by the seller.

3809 (d) The agreement states the abandoned property account
3810 number for each abandoned property account sold.

3811 (e) The purchase price does not discount the total value of
3812 all abandoned property subject to the sale by more than 30
3813 percent.

3814 (f) The agreement states that the amount of the purchase
3815 price will be remitted to the seller by the purchaser within 30
3816 days after the execution of the agreement by the seller.

3817 (g) The agreement includes the name, address, e-mail
3818 address, and phone number of the purchaser.

3819 (h) The agreement states that the abandoned property is
3820 currently in the department's custody and that the seller can
3821 claim the property directly from the department on its
3822 electronically searchable website without being charged a fee.
3823 The agreement must provide the department's website address.

3824 (2) A seller may cancel a purchase agreement without
3825 penalty or obligation within 15 business days after the date on
3826 which the agreement was executed. The agreement must contain the
3827 following language in minimum 12-point type: "You may cancel
3828 this agreement for any reason without penalty or obligation to

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3829 you within 15 days after the date of this agreement by providing
3830 notice to . . .(name of purchaser). . ., submitted in writing
3831 and sent by certified mail, return receipt requested, or other
3832 form of mailing that provides proof thereof, at the address or
3833 e-mail address specified in the agreement."

3834 (3) A copy of an executed Florida Abandoned Property
3835 Purchase Agreement must be filed with the purchaser's claim,
3836 along with proof that the purchaser has made payment in full,
3837 and all other required documentation. If proof of payment is not
3838 provided, the department may not approve the claim.

3839 (4) A purchase agreement under this section that discounts
3840 the value of abandoned property by more than the amount
3841 authorized in paragraph (1) (e) is enforceable only by the
3842 seller.

3843 Section 80. Section 717.138, Florida Statutes, is amended
3844 to read:

3845 717.138 Rulemaking authority.—The department shall
3846 administer and provide for the enforcement of this chapter. The
3847 department has authority to adopt rules pursuant to ss.
3848 120.536(1) and 120.54 to implement the provisions of this
3849 chapter. The department may adopt rules to allow for electronic
3850 filing of fees, forms, and reports required by this chapter. The
3851 authority to adopt rules pursuant to this chapter applies to all
3852 abandoned ~~unclaimed~~ property reported and remitted to the Chief
3853 Financial Officer, including, but not limited to, property
3854 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
3855 and 744.534.

3856 Section 81. Section 717.1382, Florida Statutes, is amended
3857 to read:

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3858 717.1382 United States savings bond; abandoned ~~unclaimed~~
3859 property; escheatment; procedure.—

3860 (1) Notwithstanding any other provision of law, a United
3861 States savings bond in possession of the department or
3862 registered to a person with a last known address in the state,
3863 including a bond that is lost, stolen, or destroyed, is presumed
3864 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
3865 and no longer earns interest and shall be reported and remitted
3866 to the department by the financial institution or other holder
3867 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
3868 ~~(5)~~ and 717.119, if the department is not in possession of the
3869 bond.

3870 (2) (a) After a United States savings bond is abandoned ~~and~~
3871 ~~unclaimed~~ in accordance with subsection (1), the department may
3872 commence a civil action in a court of competent jurisdiction in
3873 Leon County for a determination that the bond shall escheat to
3874 the state. Upon determination of escheatment, all property
3875 rights to the bond or proceeds from the bond, including all
3876 rights, powers, and privileges of survivorship of an owner, co-
3877 owner, or beneficiary, shall vest solely in the state.

3878 (b) Service of process by publication may be made on a
3879 party in a civil action pursuant to this section. A notice of
3880 action shall state the name of any known owner of the bond, the
3881 nature of the action or proceeding in short and simple terms,
3882 the name of the court in which the action or proceeding is
3883 instituted, and an abbreviated title of the case.

3884 (c) The notice of action shall require a person claiming an
3885 interest in the bond to file a written defense with the clerk of
3886 the court and serve a copy of the defense by the date fixed in

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3887 the notice. The date must not be less than 28 or more than 60
3888 days after the first publication of the notice.

3889 (d) The notice of action shall be published once a week for
3890 4 consecutive weeks in a newspaper of general circulation
3891 published in Leon County. Proof of publication shall be placed
3892 in the court file.

3893 (e)1. If no person files a claim with the court for the
3894 bond and if the department has substantially complied with the
3895 provisions of this section, the court shall enter a default
3896 judgment that the bond, or proceeds from such bond, has
3897 escheated to the state.

3898 2. If a person files a claim for one or more bonds and,
3899 after notice and hearing, the court determines that the claimant
3900 is not entitled to the bonds claimed by such claimant, the court
3901 shall enter a judgment that such bonds, or proceeds from such
3902 bonds, have escheated to the state.

3903 3. If a person files a claim for one or more bonds and,
3904 after notice and hearing, the court determines that the claimant
3905 is entitled to the bonds claimed by such claimant, the court
3906 shall enter a judgment in favor of the claimant.

3907 (3) The department may redeem a United States savings bond
3908 escheated to the state pursuant to this section or, in the event
3909 that the department is not in possession of the bond, seek to
3910 obtain the proceeds from such bond. Proceeds received by the
3911 department shall be deposited in accordance with s. 717.123.

3912 Section 82. Section 717.139, Florida Statutes, is amended
3913 to read:

3914 717.139 Uniformity of application and construction.—

3915 (1) The Legislature finds that laws governing abandoned

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3916 property serve a vital public purpose by protecting the property
3917 rights of owners, facilitating the return abandoned property to
3918 its owners, preventing private escheatment, and ensuring that
3919 abandoned assets are preserved and safeguarded from waste or
3920 misuse. It is the public policy of the state to protect the
3921 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
3922 ~~declared to be in the best interests of owners of unclaimed~~
3923 ~~property that such owners receive the full amount of any~~
3924 ~~unclaimed property without any fee.~~

3925 (2) This chapter shall be applied and construed as to
3926 effectuate its general purpose of protecting the interest of
3927 missing owners of abandoned property, while providing that the
3928 benefit of all ~~unclaimed and~~ abandoned property shall go to all
3929 the people of the state, and to make uniform the law with
3930 respect to the subject of this chapter among states enacting it.
3931 It is the intent of the Legislature that property reported under
3932 this chapter remains the property of the owner and that the
3933 State of Florida acts solely as a custodian, not as the owner,
3934 of such property. Title to abandoned property may not transfer
3935 to the state except as expressly provided by law and only after
3936 all reasonable efforts to identify and return the property to
3937 its rightful owner have been exhausted.

3938 Section 83. Section 717.1400, Florida Statutes, is amended
3939 to read:

3940 717.1400 Registration.—

3941 (1) In order to file claims as a claimant ~~claimant's~~
3942 representative, receive a distribution of fees and costs for
3943 approved claims from the department, and obtain information
3944 regarding abandoned ~~unclaimed~~ property dollar amounts and

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3945 numbers of reported shares of stock held by the department, an
3946 individual must meet all of the following requirements:

3947 (a) Be one of the following:

3948 1. A Florida-licensed private investigator holding a Class
3949 "C" individual license under chapter 493;

3950 2. A Florida-certified public account; or

3951 3. A Florida-licensed attorney.

3952 (b) Have obtained a certificate of registration from ~~Must~~
3953 ~~register with~~ the department.

3954 (2) An application for registration as a claimant
3955 representative must be submitted in writing on a form prescribed
3956 by the department and must be accompanied by all of the
3957 following:

3958 (a) A legible color copy of the applicant's current driver
3959 license showing the full name and current address of such
3960 person. If a current driver license is not available, another
3961 form of photo identification must be provided which shows the
3962 full name and current address of such person.

3963 (b) If the applicant is a private investigator:

3964 1. ~~on such form as the department prescribes by rule and~~
3965 ~~must be verified by the applicant. To register with the~~
3966 ~~department, a private investigator must provide:~~

3967 ~~(a)~~ A legible copy of the applicant's Class "A" business
3968 license under chapter 493 or that of the applicant's firm or
3969 employer which holds a Class "A" business license under chapter
3970 493; ~~and-~~

3971 2. ~~(b)~~ A legible copy of the applicant's Class "C"
3972 individual license issued under chapter 493.

3973 (c) If the applicant is a certified public account, the

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3974 applicant's Florida Board of Accountancy number.

3975 (d) If the applicant is a licensed attorney, the
3976 applicant's Florida Bar number.

3977 (e)~~(e)~~ The business address, ~~and~~ telephone number, tax
3978 identification number, and state of domicile or incorporation of
3979 the applicant's ~~private investigative~~ firm or employer.

3980 (f)~~(d)~~ The names of agents, ~~or~~ employees, or independent
3981 contractors, if any, who are designated or authorized to act on
3982 behalf of the applicant ~~private investigator~~, together with a
3983 legible color copy of their photo identification issued by an
3984 agency of the United States, or a state, or a political
3985 subdivision thereof.

3986 (g) A statement that the applicant has not, during the 5-
3987 year period immediately preceding the submission of the
3988 application, violated any part of the Florida Disposition of
3989 Abandoned Personal Property Act.

3990 (h) A statement that the applicant has not been convicted
3991 of, or plead guilty to, a felony or any offense involving moral
3992 turpitude; dishonesty; deceit; or breach of fiduciary duty,
3993 including theft, attempted theft, falsification, tampering with
3994 records, securing writings by deception, fraud, forgery, or
3995 perjury.

3996 (i)~~(e)~~ Sufficient information to enable the department to
3997 disburse funds by electronic funds transfer.

3998 (j) The applicant's notarized signature immediately
3999 following an acknowledgment that any false or perjured statement
4000 subjects the applicant to criminal liability under the laws of
4001 this state

4002 ~~(f) The tax identification number of the private~~

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4003 ~~investigator's firm or employer which holds a Class "A" business~~
4004 ~~license under chapter 493.~~

4005 ~~(2) In order to file claims as a claimant's representative,~~
4006 ~~receive a distribution of fees and costs from the department,~~
4007 ~~and obtain unclaimed property dollar amounts and numbers of~~
4008 ~~reported shares of stock held by the department, a Florida-~~
4009 ~~certified public accountant must register with the department on~~
4010 ~~such form as the department prescribes by rule and must be~~
4011 ~~verified by the applicant. To register with the department, a~~
4012 ~~Florida-certified public accountant must provide:~~

4013 ~~(a) The applicant's Florida Board of Accountancy number.~~

4014 ~~(b) A legible copy of the applicant's current driver~~
4015 ~~license showing the full name and current address of such~~
4016 ~~person. If a current driver license is not available, another~~
4017 ~~form of identification showing the full name and current address~~
4018 ~~of such person or persons shall be filed with the department.~~

4019 ~~(c) The business address and telephone number of the~~
4020 ~~applicant's public accounting firm or employer.~~

4021 ~~(d) The names of agents or employees, if any, who are~~
4022 ~~designated to act on behalf of the Florida-certified public~~
4023 ~~accountant, together with a legible copy of their photo~~
4024 ~~identification issued by an agency of the United States, or a~~
4025 ~~state, or a political subdivision thereof.~~

4026 ~~(e) Sufficient information to enable the department to~~
4027 ~~disburse funds by electronic funds transfer.~~

4028 ~~(f) The tax identification number of the accountant's~~
4029 ~~public accounting firm employer.~~

4030 ~~(3) In order to file claims as a claimant's representative,~~
4031 ~~receive a distribution of fees and costs from the department,~~

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4032 and obtain unclaimed property dollar amounts and numbers of
4033 reported shares of stock held by the department, an attorney
4034 licensed to practice in this state must register with the
4035 department on such form as the department prescribes by rule and
4036 must be verified by the applicant. To register with the
4037 department, such attorney must provide:

4038 (a) ~~The applicant's Florida Bar number.~~

4039 (b) ~~A legible copy of the applicant's current driver~~
4040 ~~license showing the full name and current address of such~~
4041 ~~person. If a current driver license is not available, another~~
4042 ~~form of identification showing the full name and current address~~
4043 ~~of such person or persons shall be filed with the department.~~

4044 (c) ~~The business address and telephone number of the~~
4045 ~~applicant's firm or employer.~~

4046 (d) ~~The names of agents or employees, if any, who are~~
4047 ~~designated to act on behalf of the attorney, together with a~~
4048 ~~legible copy of their photo identification issued by an agency~~
4049 ~~of the United States, or a state, or a political subdivision~~
4050 ~~thereof.~~

4051 (e) ~~Sufficient information to enable the department to~~
4052 ~~disburse funds by electronic funds transfer.~~

4053 (f) ~~The tax identification number of the attorney's firm or~~
4054 ~~employer.~~

4055 (4) Information and documents already on file with the
4056 department before the effective date of this provision need not
4057 be resubmitted in order to complete the registration.

4058 (4)(5) If a material change in the status of a registration
4059 occurs, the claimant representative ~~a registrant~~ must, within 30
4060 days, provide the department with the updated documentation and

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4061 information in writing. Material changes include, but are not
4062 limited to, the following,~~+~~ a designated agent or employee
4063 ceasing to act on behalf of the designating person, a surrender,
4064 suspension, or revocation of a license, or a license renewal.

4065 (a) If a designated agent or employee ceases to act on
4066 behalf of the person who has designated the agent or employee to
4067 act on such person's behalf, the designating person must, within
4068 30 days, inform the department ~~the Division of Unclaimed~~
4069 ~~Property~~ in writing of the termination of agency or employment.

4070 (b) If a registrant surrenders the registrant's license or
4071 the license is suspended or revoked, the registrant must, within
4072 30 days, inform the division in writing of the surrender,
4073 suspension, or revocation.

4074 (c) If a private investigator's Class "C" individual
4075 license under chapter 493 or a private investigator's employer's
4076 Class "A" business license under chapter 493 is renewed, the
4077 private investigator must provide a copy of the renewed license
4078 to the department within 30 days after the receipt of the
4079 renewed license by the private investigator or the private
4080 investigator's employer.

4081 ~~(5)(6)~~ An applicant's claimant representative's A
4082 ~~registrant's~~ firm or employer may not have a name that might
4083 lead another person to conclude that the claimant
4084 representative's ~~registrant's~~ firm or employer is affiliated or
4085 associated with the United States, or an agency thereof, or a
4086 state or an agency or political subdivision of a state. The
4087 department shall deny an application for registration or revoke
4088 a registration if the applicant's or claimant representative's
4089 ~~registrant's~~ firm or employer has a name that might lead another

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4090 person to conclude that the firm or employer is affiliated or
4091 associated with the United States, or an agency thereof, or a
4092 state or an agency or political subdivision of a state. Names
4093 that might lead another person to conclude that the firm or
4094 employer is affiliated or associated with the United States, or
4095 an agency thereof, or a state or an agency or political
4096 subdivision of a state, include, but are not limited to, the
4097 words United States, Florida, state, bureau, division,
4098 department, or government.

4099 (6)~~(7)~~ The licensing and other requirements of this section
4100 must be maintained as a condition of registration with the
4101 department.

4102 (7) To maintain active registration under this section, a
4103 claimant representative must file and obtain payment on at least
4104 10 claims per calendar year following the date of initial
4105 registration.

4106 (a) If a claimant representative fails to meet this
4107 requirement, the department must notify the claimant
4108 representative in writing and provide 30 days to demonstrate
4109 compliance or good cause for noncompliance.

4110 (b) If the claimant representative does not cure the
4111 deficiency or demonstrate good cause within the time provided,
4112 the department must revoke the registration.

4113 (c) A claimant representative whose registration is revoked
4114 under this subsection may not reapply for registration under
4115 this section for a period of 1 year following the effective date
4116 of the revocation.

4117 Section 84. Subsection (1) of section 1001.281, Florida
4118 Statutes, is amended to read:

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4119 1001.281 Operating Trust Fund.—

4120 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
4121 created within the Department of Education.

4122 Section 85. Subsection (1) of section 1001.282, Florida
4123 Statutes, is amended to read:

4124 1001.282 Administrative Trust Fund.—

4125 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
4126 is created within the Department of Education.

4127 Section 86. Paragraph (a) of subsection (2) of section
4128 197.582, Florida Statutes, is amended to read:

4129 197.582 Disbursement of proceeds of sale.—

4130 (2)(a) If the property is purchased for an amount in excess
4131 of the statutory bid of the certificateholder, the surplus must
4132 be paid over and disbursed by the clerk as set forth in
4133 subsections (3), (5), and (6). If the opening bid included the
4134 homestead assessment pursuant to s. 197.502(6)(c), that amount
4135 must be treated as surplus and distributed in the same manner.
4136 The clerk shall distribute the surplus to the governmental units
4137 for the payment of any lien of record held by a governmental
4138 unit against the property, including any tax certificates not
4139 incorporated in the tax deed application and omitted taxes, if
4140 any. If there remains a balance of undistributed funds, the
4141 balance must be retained by the clerk for the benefit of persons
4142 described in s. 197.522(1)(a), except those persons described in
4143 s. 197.502(4)(h), as their interests may appear. The clerk shall
4144 mail notices to such persons notifying them of the funds held
4145 for their benefit at the addresses provided in s. 197.502(4).
4146 Such notice constitutes compliance with the requirements of s.
4147 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing

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4148 notices shall be paid out of the excess balance held by the
 4149 clerk. Notice must be provided in substantially the following
 4150 form:

4151
 4152 NOTICE OF SURPLUS FUNDS
 4153 FROM TAX DEED SALE

4154
 4155 CLERK OF COURT
 4156 COUNTY, FLORIDA

4157
 4158 Tax Deed #.....
 4159 Certificate #.....
 4160 Property Description:

4161 Pursuant to chapter 197, Florida Statutes, the above
 4162 property was sold at public sale on ...(date of sale)..., and a
 4163 surplus of \$...(amount)... (subject to change) will be held by
 4164 this office for 120 days beginning on the date of this notice to
 4165 benefit the persons having an interest in this property as
 4166 described in section 197.502(4), Florida Statutes, as their
 4167 interests may appear (except for those persons described in
 4168 section 197.502(4)(h), Florida Statutes).

4169 To the extent possible, these funds will be used to satisfy
 4170 in full each claimant with a senior mortgage or lien in the
 4171 property before distribution of any funds to any junior mortgage
 4172 or lien claimant or to the former property owner. To be
 4173 considered for funds when they are distributed, you must file a
 4174 notarized statement of claim with this office within 120 days of
 4175 this notice. If you are a lienholder, your claim must include
 4176 the particulars of your lien and the amounts currently due. Any

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4177 lienholder claim that is not filed within the 120-day deadline
4178 is barred.

4179 A copy of this notice must be attached to your statement of
4180 claim. After the office examines the filed claim statements, it
4181 will notify you if you are entitled to any payment.

4182 Dated:

4183 Clerk of Court

4184 Section 87. Paragraph (t) of subsection (1) of section
4185 626.9541, Florida Statutes, is amended to read:

4186 626.9541 Unfair methods of competition and unfair or
4187 deceptive acts or practices defined.—

4188 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
4189 ACTS.—The following are defined as unfair methods of competition
4190 and unfair or deceptive acts or practices:

4191 (t) *Certain life insurance relations with funeral directors*
4192 *prohibited.*—

4193 1. No life insurer shall permit any funeral director or
4194 direct disposer to act as its representative, adjuster, claim
4195 agent, special claim agent, or agent for such insurer in
4196 soliciting, negotiating, or effecting contracts of life
4197 insurance on any plan or of any nature issued by such insurer or
4198 in collecting premiums for holders of any such contracts except
4199 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

4200 2. No life insurer shall:

4201 a. Affix, or permit to be affixed, advertising matter of
4202 any kind or character of any licensed funeral director or direct
4203 disposer to such policies of insurance.

4204 b. Circulate, or permit to be circulated, any such
4205 advertising matter with such insurance policies.

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4206 c. Attempt in any manner or form to influence policyholders
4207 of the insurer to employ the services of any particular licensed
4208 funeral director or direct disposer.

4209 3. No such insurer shall maintain, or permit its agent to
4210 maintain, an office or place of business in the office,
4211 establishment, or place of business of any funeral director or
4212 direct disposer in this state.

4213 Section 88. For the purpose of incorporating the amendment
4214 made by this act to section 717.101, Florida Statutes, in a
4215 reference thereto, paragraph (a) of subsection (6) of section
4216 772.13, Florida Statutes, is reenacted to read:

4217 772.13 Civil remedy for terrorism or facilitating or
4218 furthering terrorism.—

4219 (6) (a) In any postjudgment execution proceedings to enforce
4220 a judgment entered against a terrorist party under this section
4221 or under 18 U.S.C. s. 2333 or a substantially similar law of the
4222 United States or of any state or territory of the United States,
4223 including postjudgment execution proceedings against any agency
4224 or instrumentality of the terrorist party not named in the
4225 judgment pursuant to s. 201(a) of the Terrorism Risk Insurance
4226 Act, 28 U.S.C. s. 1610:

4227 1. There is no right to a jury trial under s. 56.18 or s.
4228 77.08;

4229 2. A defendant or a person may not use the resources of the
4230 courts of this state in furtherance of a defense or an objection
4231 to postjudgment collection proceedings if the defendant or
4232 person purposely leaves the jurisdiction of this state or the
4233 United States, declines to enter or reenter this state or the
4234 United States to submit to its jurisdiction, or otherwise evades

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4235 the jurisdiction of the court in which a criminal case is
4236 pending against the defendant or person. This subparagraph
4237 applies to any entity that is owned or controlled by a person to
4238 whom this paragraph applies;

4239 3. Creditor process issued under chapter 56 or chapter 77
4240 may be served upon any person or entity over whom the court has
4241 personal jurisdiction. Writs of garnishment issued under s.
4242 77.01 and proceedings supplementary under s. 56.29 apply to
4243 intangible assets wherever located, without territorial
4244 limitation, including bank accounts as defined in s.
4245 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4246 other intangible property as defined in s. 717.101. The situs of
4247 any intangible assets held or maintained by or in the
4248 possession, custody, or control of a person or entity so served
4249 shall be deemed to be in this state for the purposes of a
4250 proceeding under chapter 56 or chapter 77. Service of a writ or
4251 notice to appear under this section shall provide the court with
4252 in rem jurisdiction over any intangible assets regardless of the
4253 location of the assets;

4254 4. Notwithstanding s. 678.1121, the interest of a debtor in
4255 a financial asset or security entitlement may be reached by a
4256 creditor by legal process upon the securities intermediary with
4257 whom the debtor's securities account is maintained, or, if that
4258 is a foreign entity, legal process under chapter 56 or chapter
4259 77 may be served upon the United States securities custodian or
4260 intermediary that has reported holding, maintaining, possessing,
4261 or controlling the blocked financial assets or security
4262 entitlements to the Office of Foreign Assets Control of the
4263 United States Department of the Treasury, and such financial

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4264 assets or security entitlements shall be subject to execution,
4265 garnishment, and turnover by the United States securities
4266 custodian or intermediary; and

4267 5. Notwithstanding s. 670.502(4), when an electronic funds
4268 transfer is not completed within 5 banking days and is canceled
4269 pursuant to s. 670.211(4) because a United States intermediary
4270 financial institution has blocked the transaction in compliance
4271 with a United States sanctions program, and a terrorist party or
4272 any agency or instrumentality thereof was either the originator
4273 or the intended beneficiary, then the blocked funds shall be
4274 deemed owned by the terrorist party or its agency or
4275 instrumentality and shall be subject to execution and
4276 garnishment.

4277 Section 89. This act shall take effect upon becoming a law.