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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 regarding the
12 employment of a relative as a firefighter; amending s.
13 215.5586, F.S.; defining terms; revising eligibility
14 requirements for a hurricane mitigation inspection
15 under the My Safe Florida Home Program; revising the
16 circumstances under which applicants may submit a
17 subsequent hurricane mitigation inspection
18 application; deleting the requirement that licensed
19 inspectors determine mitigation measures during
20 initial inspections of eligible homes; deleting
21 inspectors' authorization to inspect townhouses;
22 revising the criteria for eligibility for a hurricane
23 mitigation grant; deleting an expiration date;
24 revising the list of improvements for which grants may
25 be used; requiring that improvements be identified in
26 the final hurricane mitigation inspection to receive
27 grant funds; deleting a provision related to grants
28 for townhouses; authorizing the program to accept a
29 specified certification directly from applicants;

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30 requiring applicants who receive grants to finalize
31 construction and request a final inspection within a
32 specified timeframe; specifying that an application is
33 deemed abandoned, rather than withdrawn, under certain
34 circumstances; requiring the department to notify
35 applicants within a specified timeframe before an
36 application is deemed abandoned; authorizing
37 applicants to submit a subsequent application under
38 certain circumstances; authorizing the department to
39 determine that an application is not abandoned under
40 certain circumstances; amending s. 215.55871, F.S.;
41 defining the term "area median income"; deleting the
42 definition of the term "service area"; revising
43 eligibility requirements for the My Safe Florida
44 Condominium Pilot Program; requiring the department to
45 adopt rules to verify household income; authorizing
46 the department to require periodic recertification of
47 income eligibility for a specified purpose;
48 authorizing condominiums with mixed-income occupancies
49 to participate in the pilot program if a certain
50 condition is met; requiring that an application for a
51 mitigation grant include documentation to verify
52 household income; limiting the award of grant funds to
53 specified mitigation improvements; requiring an
54 association to complete a certain percentage of
55 opening protection improvements; providing
56 applicability; amending s. 215.89, F.S.; deleting
57 provisions regarding the reporting structure for
58 charts of accounts relating to the use of public funds

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59 by governmental entities; amending s. 215.93, F.S.;
60 revising the subsystems of the Florida Financial
61 Management Information System; amending s. 215.94,
62 F.S.; providing that the department is the functional
63 owner of the Financial Management Subsystem rather
64 than the Florida Accounting Information Resource
65 Subsystem; revising the functions of such subsystem;
66 amending s. 215.96, F.S.; revising the composition of
67 the coordinating council; deleting a requirement for
68 the design and coordination staff; requiring that
69 minutes of meetings be available to interested
70 persons; revising the composition of ex officio
71 members of the council; revising the duties, powers,
72 and responsibilities of the council to include
73 reviewing and coordinating annual workplans for a
74 specified purpose; amending ss. 215.985, 216.102, and
75 216.141, F.S.; conforming provisions to changes made
76 by the act; amending s. 440.13, F.S.; revising the
77 timeframe in which health care providers must petition
78 the department to resolve utilization and
79 reimbursement disputes; revising petition service
80 requirements; revising the timeframe in which carriers
81 must submit certain documentation to the department;
82 revising the timeframe in which the panel determining
83 the statewide schedule of maximum reimbursement
84 allowances must submit certain recommendations to the
85 Legislature; creating s. 497.1411, F.S.; defining the
86 term "applicant"; specifying that certain applicants
87 are permanently barred from licensure; specifying that

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88 certain applicants are subject to specified
89 disqualifying periods; requiring the Board of Funeral,
90 Cemetery, and Consumer Services to adopt rules;
91 specifying requirements, authorizations, and
92 prohibitions for such rules; specifying when a
93 disqualifying period begins; prohibiting the board
94 from issuing approval for a license until an applicant
95 provides proof that certain fines, costs, fees, and
96 restitution have been paid; specifying that the
97 applicant has certain burdens to demonstrate that he
98 or she is qualified for licensure; specifying that
99 certain applicants who have been granted a pardon or
100 restoration of civil rights are not barred or
101 disqualified from licensure; specifying that such
102 pardon or restoration does not require the board to
103 award a license; authorizing the board to grant an
104 exemption from disqualification under certain
105 circumstances; specifying requirements for the
106 applicant in order for the board to grant an
107 exemption; specifying that the board has discretion to
108 grant or deny an exemption; specifying that certain
109 decisions are subject to ch. 120, F.S.; providing
110 applicability and construction; amending s. 497.142,
111 F.S.; prohibiting an application from being deemed
112 complete under certain circumstances; revising the
113 list of crimes to be disclosed on a license
114 application; amending s. 553.80, F.S.; specifying that
115 certain dwellings do not have a change of occupancy
116 under certain circumstances; amending s. 560.309,

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117 F.S.; revising the provisions that a licensee must
118 comply with in seeking collection of worthless payment
119 instruments; amending s. 560.405, F.S.; providing that
120 redemption in cash or through a debit card transaction
121 shall be treated the same; prohibiting payment through
122 a credit card transaction; amending s. 560.406, F.S.;
123 requiring deferred presentment providers to comply
124 with the Fair Debt Collections Practices Act only if
125 such deferred presentment providers meet certain
126 criteria; amending s. 626.0428, F.S.; conforming a
127 provision to changes made by the act; amending s.
128 626.171, F.S.; deleting reinsurance intermediaries
129 from certain application requirements; revising the
130 list of persons from whom the department is required
131 to accept uniform applications; making clarifying
132 changes regarding the voluntary submission of cellular
133 telephone numbers; revising the exemption from the
134 application filing fee for members of the United
135 States Armed Forces; amending s. 626.292, F.S.;
136 revising applicant requirements for a license
137 transfer; amending s. 626.611, F.S.; requiring the
138 department to require license reexamination of certain
139 persons and to suspend or revoke the eligibility of
140 such persons to hold a license or appointment under
141 certain circumstances; amending the grounds for
142 suspension or revocation; amending s. 626.621, F.S.;
143 authorizing the department to require a license
144 reexamination for certain persons; amending s.
145 626.731, F.S.; revising the qualifications for a

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146 general lines agent's license; amending s. 626.785,
147 F.S.; revising the qualifications for a life agent's
148 license; amending s. 626.831, F.S.; revising the
149 qualifications for a health agent's license; amending
150 s. 626.8417, F.S.; revising the list of persons who
151 are exempt from certain provisions relating to title
152 insurance licensing and appointment requirements;
153 amending s. 626.854, F.S.; requiring a public
154 adjuster, public adjuster apprentice, or public
155 adjusting firm to respond to certain claims status
156 requests with specific information within a specified
157 timeframe and document in the file the response or
158 information provided; repealing s. 627.797, F.S.,
159 relating to agents exempt from title insurance
160 licensing; amending s. 633.208, F.S.; prohibiting
161 certain dwellings from being reclassified for certain
162 purposes; amending s. 648.34, F.S.; revising
163 requirements for bail bond agent applicants; amending
164 s. 648.382, F.S.; requiring officers or officials of
165 the appointing insurer to obtain, rather than submit,
166 certain information; amending s. 717.001, F.S.;
167 revising a short title; amending s. 717.101, F.S.;
168 revising definitions and defining terms; amending s.
169 717.102, F.S.; providing that certain intangible
170 property is presumed abandoned; deleting a provision
171 relating to the presumption that certain intangible
172 property is presumed unclaimed; specifying the
173 dormancy period for property presumed abandoned;
174 requiring that property be considered payable or

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175 distributable under certain circumstances; deleting a
176 provision relating to when property is payable or
177 distributable; revising a presumption; requiring that
178 property be presumed abandoned under certain
179 circumstances; providing an exception; amending s.
180 717.103, F.S.; requiring that intangible property be
181 subject to the custody of the department under certain
182 circumstances; revising criteria for when intangible
183 property is subject to the custody of the department;
184 repealing s. 717.1035, F.S., relating to property
185 originated or issued by this state, any political
186 subdivision of this state, or any entity incorporated,
187 organized, created, or otherwise located in the state;
188 amending ss. 717.104, 717.1045, 717.105, and 717.106,
189 F.S.; conforming provisions to changes made by the
190 act; amending s. 717.1065, F.S.; revising the
191 timeframe for communication with certain entities by
192 the owner of virtual currency so that the virtual
193 currency is not presumed unclaimed; amending ss.
194 717.107, 717.1071, 717.108, and 717.109, F.S.;
195 conforming provisions to changes made by the act;
196 amending s. 717.1101, F.S.; revising the timelines and
197 conditions under which stock, other equity interests,
198 or debt of a business association is considered
199 abandoned; requiring the holder to attempt to confirm
200 the apparent owner's interest in the equity interest
201 by sending an e-mail communication within a specified
202 timeframe under certain circumstances; requiring the
203 holder to attempt to contact the apparent owner by

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204 first-class United States mail under certain
205 circumstances; specifying that equity interest is
206 presumed abandoned under certain circumstances;
207 revising the timeframe in which unmatured, unredeemed,
208 matured, or redeemed debt is presumed abandoned;
209 specifying that the applicable dormancy period ceases
210 under certain circumstances; revising the timeframe in
211 which a sum held for or owing by a business
212 association is presumed abandoned; specifying that
213 certain equity interests are not presumed abandoned
214 under certain circumstances; requiring a holder to
215 perform annual data matching of certain records for a
216 specified purpose; specifying that the holder is
217 deemed to know the location of the apparent owner
218 under certain circumstances; prohibiting certain
219 transactions from constituting indication of apparent
220 owner interest; specifying that certain accounts may
221 be presumed abandoned under certain circumstances;
222 providing applicability; amending ss. 717.111,
223 717.112, 717.1125, 717.113, 717.115, and 717.116,
224 F.S.; conforming provisions to changes made by the
225 act; amending s. 717.117, F.S.; specifying that
226 property is presumed abandoned upon the expiration of
227 the applicable dormancy period; specifying that
228 property is not deemed abandoned for certain purposes
229 until the holder meets certain requirements; requiring
230 holders of property presumed abandoned which has a
231 specified value to use due diligence to locate and
232 notify the apparent owner; requiring, before a

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233 specified timeframe, a holder in possession of
234 presumed abandoned property to send a specified
235 written notice to the apparent owner; specifying the
236 method of delivery of such notice; requiring, before a
237 specified timeframe, the holder to send a second
238 written notice under certain circumstances;
239 authorizing that the reasonable costs for the notice
240 be deducted from the property; specifying that a
241 signed return receipt constitutes an affirmative
242 demonstration of continued interest; specifying
243 requirements of the written notice; requiring holders
244 of abandoned property to submit a specified report to
245 the department; prohibiting certain balances,
246 overpayments, deposits, and refunds from being
247 reported as abandoned property; prohibiting certain
248 securities from being included in the report;
249 requiring the holder to report and deliver such
250 securities under certain circumstances; requiring that
251 the report be signed and verified and contain a
252 specified statement; deleting certain provisions
253 relating to the due diligence and notices to apparent
254 owners; amending s. 717.118, F.S.; revising the
255 state's obligation to notify apparent owners that
256 their abandoned property has been reported and
257 remitted to the department; requiring the department
258 to use a cost-effective means to make an attempt to
259 notify certain apparent owners; specifying
260 requirements for the notice; requiring the department
261 to maintain a specified website; revising

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262 applicability; amending s. 717.119, F.S.; conforming
263 provisions to changes made by the act; revising
264 requirements for firearms or ammunition found in an
265 abandoned safe-deposit box or safekeeping repository;
266 revising required actions the department must take if
267 a will or trust instrument is included among the
268 contents of an abandoned safe-deposit box or
269 safekeeping repository; amending ss. 717.1201,
270 717.122, 717.123, and 717.1235, F.S.; conforming
271 provisions to changes made by the act; amending s.
272 717.124, F.S.; conforming provisions to changes made
273 by the act; deleting provisions related to
274 requirements of claimants' representatives; specifying
275 that a claim is withdrawn under certain circumstances;
276 specifying that the department is authorized to make a
277 distribution of property or money in accordance with a
278 specified agreement under certain circumstances;
279 requiring that shares of securities be delivered
280 directly to the claimant under certain circumstances;
281 revising a provision authorizing the department to
282 develop a process by which a claimant representative
283 may electronically submit certain images and
284 documents; deleting provisions relating to a buyer of
285 unclaimed property's filing of a claim; amending s.
286 717.12403, F.S.; conforming provisions to changes made
287 by the act; amending s. 717.12404, F.S.; requiring
288 that claims on behalf of an active corporation include
289 a specified driver license; conforming provisions to
290 changes made by the act; amending ss. 717.12405 and

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291 717.12406, F.S.; conforming provisions to changes made
292 by the act; amending s. 717.1241, F.S.; defining the
293 term "conflicting claim"; conforming provisions to
294 changes made by the act; revising requirements for
295 remitting property when conflicting claims have been
296 received by the department; amending ss. 717.1242,
297 717.1243, 717.1244, 717.1245, 717.125, 717.126,
298 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
299 717.132, F.S.; conforming provisions to changes made
300 by the act; amending s. 717.1322, F.S.; revising the
301 list of acts that constitute grounds for
302 administrative enforcement action by the department;
303 conforming provisions to changes made by the act;
304 amending ss. 717.133, 717.1333, and 717.1341, F.S.;
305 conforming provisions to changes made by the act;
306 amending s. 717.135, F.S.; conforming provisions to
307 changes made by the act; deleting applicability;
308 creating s. 717.1356, F.S.; specifying that agreements
309 for the purchase of abandoned property reported to the
310 department are valid only under certain circumstances;
311 authorizing the seller to cancel a purchase agreement
312 without penalty or obligation within a specified
313 timeframe; requiring that such agreement contain
314 certain language; requiring that a copy of an executed
315 Florida Abandoned Property Purchase Agreement be filed
316 with the purchaser's claim; prohibiting the department
317 from approving the claim under certain circumstances;
318 specifying that certain purchase agreements are
319 enforceable only by the seller; defining the terms

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320 "asset purchaser" and "large business association";
321 requiring that claims filed by asset purchasers
322 include certain information; authorizing the asset
323 purchaser to provide a copy of a specified form in
324 lieu of certain requirements if the seller is a
325 publicly traded entity; providing applicability and
326 construction; authorizing the department to adopt
327 rules; amending s. 717.138, F.S.; conforming
328 provisions to changes made by the act; amending s.
329 717.1382, F.S.; conforming provisions to changes made
330 by the act; conforming a cross-reference; amending s.
331 717.139, F.S.; providing legislative findings;
332 revising a statement of public policy; deleting a
333 legislative declaration; providing legislative intent;
334 prohibiting title to abandoned property from
335 transferring to the state except under certain
336 circumstances; amending s. 717.1400, F.S.; requiring
337 an individual to meet certain requirements in order to
338 file claims as a claimant representative; revising
339 application requirements for registering as a claimant
340 representative; requiring claimant representatives to
341 file and obtain payment on a specified number of
342 claims within a specified timeframe to maintain active
343 registration; requiring the department to notify the
344 claimant representative in writing and provide a
345 certain timeframe to demonstrate compliance or good
346 cause for noncompliance under certain circumstances;
347 requiring the department to revoke a registration
348 under certain circumstances; prohibiting a claimant

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349 representative from reapplying under certain
350 circumstances; amending ss. 1001.281 and 1001.282,
351 F.S.; conforming provisions to changes made by the
352 act; amending ss. 197.582 and 626.9541, F.S.;
353 conforming cross-references; reenacting s.
354 772.13(6) (a), F.S., relating to postjudgment execution
355 proceedings to enforce a judgment entered against a
356 terrorist party, to incorporate the amendment made to
357 s. 717.101, F.S., in a reference thereto; ratifying
358 specified rules relating to legal tender for the sole
359 and exclusive purpose of satisfying conditions on
360 effectiveness pursuant to chapter 2025-100, Laws of
361 Florida; repealing s. 18 of chapter 2025-100, Laws of
362 Florida, which repeals specified provisions relating
363 to legal tender; providing a directive to the Division
364 of Law Revision; providing an effective date.

365
366 Be It Enacted by the Legislature of the State of Florida:

367
368 Section 1. Subsection (2) of section 17.11, Florida
369 Statutes, is amended to read:

370 17.11 To report disbursements made.—

371 (2) The Chief Financial Officer shall also cause to have
372 reported from the Financial Management ~~Florida Accounting~~
373 ~~Information Resource~~ Subsystem no less than quarterly the
374 disbursements which agencies made to small businesses, as
375 defined in the Florida Small and Minority Business Assistance
376 Act; to certified minority business enterprises in the
377 aggregate; and to certified minority business enterprises broken

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378 down into categories of minority persons, as well as gender and
379 nationality subgroups. This information shall be made available
380 to the agencies, the Office of Supplier Diversity, the Governor,
381 the President of the Senate, and the Speaker of the House of
382 Representatives. Each agency shall be responsible for the
383 accuracy of information entered into the Financial Management
384 ~~Florida Accounting Information Resource~~ Subsystem for use in
385 this reporting.

386 Section 2. Section 17.13, Florida Statutes, is amended to
387 read:

388 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

389 (1) The Chief Financial Officer is required to replace
390 ~~duplicate~~ any Chief Financial Officer's warrants that may have
391 been lost or destroyed, or may hereafter be lost or destroyed,
392 upon the owner thereof or the owner's agent or attorney
393 presenting the Chief Financial Officer the statement, under
394 oath, reciting the number, date, and amount of any warrant or
395 the best and most definite description in his or her knowledge
396 and the circumstances of its loss; if the Chief Financial
397 Officer deems it necessary, the owner or the owner's agent or
398 attorney shall file in the office of the Chief Financial Officer
399 a surety bond, or a bond with securities, to be approved by one
400 of the judges of the circuit court or one of the justices of the
401 Supreme Court, in a penalty of not less than twice the amount of
402 any warrants so replaced ~~duplicate~~, conditioned to indemnify
403 the state and any innocent holders thereof from any damages that
404 may accrue from such replacement ~~duplication~~.

405 (2) The Chief Financial Officer is required to replace
406 ~~duplicate~~ any Chief Financial Officer's warrant that may have

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407 been lost or destroyed, or may hereafter be lost or destroyed,
408 when sent to any payee via any state agency when such warrant is
409 lost or destroyed prior to being received by the payee and
410 provided the director of the state agency to whom the warrant
411 was sent presents to the Chief Financial Officer a statement,
412 under oath, reciting the number, date, and amount of the warrant
413 lost or destroyed, the circumstances surrounding the loss or
414 destruction of such warrant, and any additional information that
415 the Chief Financial Officer shall request in regard to such
416 warrant.

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

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

422 110.113 Pay periods for state officers and employees;
423 salary payments by direct deposit.—

424 (1) The normal pay period for salaries of state officers
425 and employees shall be 1 month. The Department of Financial
426 Services shall issue either monthly or biweekly salary payments
427 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
428 ~~make semimonthly salary payments by direct deposit pursuant to~~
429 ~~s. 17.076~~, as requested by the head of each state agency and
430 approved by the Executive Office of the Governor and the
431 Department of Financial Services.

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

434 112.3135 Restriction on employment of relatives.—

435 (2)

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436 (c) To aid the recruitment of firefighters within this
437 state, notwithstanding paragraph (a), a public official may
438 appoint, employ, promote, or advance, or advocate for the
439 appointment, employment, promotion, or advancement of, a
440 relative as a firefighter as defined in s. 633.102 if such
441 appointment, employment, promotion, or advancement is part of a
442 competitive process provided for in a collective bargaining
443 agreement.

444 Section 5. Present subsections (4) through (10) of section
445 215.5586, Florida Statutes, are redesignated as subsections (5)
446 through (11), respectively, a new subsection (4) is added to
447 that section, and paragraphs (a) through (e) of subsection (1),
448 subsections (2) and (3), paragraph (a) of present subsection
449 (8), and present subsection (10) of that section are amended, to
450 read:

451 215.5586 My Safe Florida Home Program.—There is established
452 within the Department of Financial Services the My Safe Florida
453 Home Program. The department shall provide fiscal
454 accountability, contract management, and strategic leadership
455 for the program, consistent with this section. This section does
456 not create an entitlement for property owners or obligate the
457 state in any way to fund the inspection or retrofitting of
458 residential property in this state. Implementation of this
459 program is subject to annual legislative appropriations. It is
460 the intent of the Legislature that, subject to the availability
461 of funds, the My Safe Florida Home Program provide licensed
462 inspectors to perform hurricane mitigation inspections of
463 eligible homes and grants to fund hurricane mitigation projects
464 on those homes. The department shall implement the program in

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465 such a manner that the total amount of funding requested by
466 accepted applications, whether for inspections, grants, or other
467 services or assistance, does not exceed the total amount of
468 available funds. If, after applications are processed and
469 approved, funds remain available, the department may accept
470 applications up to the available amount. The program shall
471 develop and implement a comprehensive and coordinated approach
472 for hurricane damage mitigation pursuant to the requirements
473 provided in this section.

474 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

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

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

490 (I) A detached residential property; or

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

493 b. ~~2.~~ The A home for which the inspection is sought is ~~must~~

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494 ~~be~~ site-built and owner-occupied, ~~and~~

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

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

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

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

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

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

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

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523 (c) An applicant meeting the requirements of paragraph (a)
524 may receive an inspection of the a home through ~~under~~ the
525 program without being eligible for a grant under subsection (2)
526 or applying for such grant.

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

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

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

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

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

550 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be
551 used by applicants homeowners to make improvements recommended

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552 by an initial inspection which increase a home's resistance to
553 hurricane damage.

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

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

558 2. The home must be a dwelling with an insured value of
559 \$700,000 or less. ~~Homeowners who are low-income persons, as~~
560 ~~defined in s. 420.0004(11), are exempt from this requirement.~~

561 3. The home must undergo an initial ~~acceptable~~ hurricane
562 mitigation inspection through the program as provided in
563 subsection (1) within the 24 months immediately preceding the
564 date of application.

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

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

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

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

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

580 ~~c. Notwithstanding subparagraph 2., homeowners who are low-~~

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581 ~~income persons, as defined in s. 420.0004(11), are not exempt~~
582 ~~from the requirement that the home must be a dwelling with an~~
583 ~~insured value of \$700,000 or less.~~

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

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

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

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

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

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

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

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610 ~~grant approval.~~

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

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

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

622 1. Opening protection improvements, including:

623 a. Exterior doors.~~.~~

624 b. Garage doors.~~.~~

625 c. Windows.~~.~~ ~~and~~

626 d. Skylights.

627 2. Roof improvements, including:

628 a. Reinforcing roof-to-wall connections.

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

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

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

636 (g) The department may require that improvements be made to
637 all openings, including exterior doors, garage doors, windows,
638 and skylights, as a condition of reimbursing an applicant ~~a~~

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639 ~~homeowner~~ approved for a grant. The department may adopt, by
640 rule, the maximum grant allowances for any improvement allowable
641 under paragraph (e) ~~or paragraph (f)~~.

642 (h) Low-income applicants ~~homeowners~~, as defined in s.
643 420.0004(11), who otherwise meet the applicable requirements of
644 this subsection are eligible for a grant of up to \$10,000 and
645 are not required to provide a matching amount to receive the
646 grant.

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

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

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

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

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

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

665 e. Last, all other applications for an inspection.

666 3. The department shall start accepting inspection
667 applications and grant applications no earlier than the

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668 effective date of a legislative appropriation funding
669 inspections and grants, as follows:

670 a. Initially, from applicants prioritized under sub-
671 subparagraph 2.a.;

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

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

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

681 e. From all other applicants for an inspection, beginning
682 60 days after the program initially starts accepting
683 applications.

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

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

694 (j) An applicant ~~A homeowner~~ who receives a grant shall
695 finalize construction and request a final inspection, ~~or request~~
696 ~~an extension for an additional 6 months,~~ within 18 months ~~1 year~~

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697 after grant application approval. If an applicant ~~a homeowner~~
698 fails to comply with this paragraph, his or her application is
699 deemed abandoned and the grant money reverts to the department.

700 (3) REQUESTS FOR INFORMATION.—The department may request
701 that an applicant provide additional information. An application
702 is deemed abandoned ~~withdrawn~~ by the applicant if the department
703 does not receive a response to its request for additional
704 information within 60 days after the notification of any
705 apparent error or omission.

706 (4) ABANDONED APPLICATIONS.—The department shall notify an
707 applicant at least 5 business days before an application is
708 deemed abandoned. If the applicant responds to such notification
709 within 5 business days after receiving the notice and
710 demonstrates good cause for why the application should not be
711 deemed abandoned, the applicant may submit a subsequent grant
712 application or the department may determine the application is
713 not abandoned.

714 (9) ~~(8)~~ CONTRACT MANAGEMENT.—

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

725 (11) ~~(10)~~ REPORTS.—The department shall make an annual

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726 report on the activities of the program that shall account for
727 the use of state funds and indicate the number of inspections
728 requested, the number of inspections performed, the number of
729 grant applications received, the number and value of grants
730 approved, and the estimated average annual amount of insurance
731 premium discounts and total estimated annual amount of insurance
732 premium discounts applicants ~~homeowners~~ received from insurers
733 as a result of mitigation funded through the program. The report
734 must be delivered to the President of the Senate and the Speaker
735 of the House of Representatives by February 1 of each year.

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

739 215.55871 My Safe Florida Condominium Pilot Program.—There
740 is established within the Department of Financial Services the
741 My Safe Florida Condominium Pilot Program to be implemented
742 pursuant to appropriations. The department shall provide fiscal
743 accountability, contract management, and strategic leadership
744 for the pilot program, consistent with this section. This
745 section does not create an entitlement for associations or unit
746 owners or obligate the state in any way to fund the inspection
747 or retrofitting of condominiums in the state. Implementation of
748 this pilot program is subject to annual legislative
749 appropriations. It is the intent of the Legislature that the My
750 Safe Florida Condominium Pilot Program provide licensed
751 inspectors to perform inspections for and grants to eligible
752 associations as funding allows.

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

754 (a) “Area median income” means the median household income,

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755 as published annually by the United States Department of Housing
756 and Urban Development, for the county in which the condominium
757 property is located.

758 (b)~~(a)~~ "Association" has the same meaning as in s. 718.103.

759 (c)~~(b)~~ "Association property" means property, real and
760 personal, which is owned or leased by, or is dedicated by a
761 recorded plat to, an association for the use and benefit of its
762 members ~~and is located in the service area.~~

763 (d)~~(e)~~ "Board of administration" has the same meaning as in
764 s. 718.103.

765 (e)~~(d)~~ "Condominium" has the same meaning as in s. 718.103.
766 For purposes of this section, the term does not include detached
767 units on individual parcels of land.

768 (f)~~(e)~~ "Condominium property" means the lands, leaseholds,
769 and personal property that are subjected to condominium
770 ownership, whether or not contiguous, and all improvements
771 thereon and all easements and rights appurtenant thereto
772 intended for use in connection with the condominium ~~and are~~
773 ~~located in the service area.~~

774 (g)~~(f)~~ "Department" means the Department of Financial
775 Services.

776 (h)~~(g)~~ "Property" means association property and
777 condominium property, as applicable, ~~located in the service~~
778 ~~area.~~

779 ~~(h) "Service area" means the area of the state which is 15~~
780 ~~miles inward of a coastline, as that term is defined in s.~~
781 ~~376.031.~~

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

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

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784 (2) PARTICIPATION.—

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

786 1. Condominium associations in which at least 80 percent of
787 the occupied units within the condominium are owned or occupied
788 by a person or family whose annual income is at or below 80
789 percent of the area median income, adjusted for household size,
790 applicable to the county in which the condominium is located.
791 Eligibility must be determined using the area median income
792 published at the time an application is submitted. For purposes
793 of determining whether a condominium association meets the 80
794 percent unit-occupied threshold:

795 a. Only occupied residential units may be counted.

796 b. Both owner-occupied and tenant-occupied residential
797 units may be counted as long as the persons or families living
798 in such residential units provide income documentation to the
799 department and the department has verified that such persons or
800 families meet the income requirements of this subparagraph.

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

805 (b) The department shall adopt rules establishing
806 acceptable methods for verifying household income, including,
807 but not limited to, owner self-certification, tax returns,
808 income statements, or other documentation deemed sufficient by
809 the department. The department may require periodic
810 recertification of income eligibility to ensure compliance with
811 this section.

812 (c) A condominium with mixed-income occupancies is eligible

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813 to participate in the pilot program under this section if the
814 income threshold in subparagraph (a)1. is met.

815 (d)~~(b)~~ In order to apply for an inspection under subsection
816 (4) or a grant under subsection (5) for association property or
817 condominium property, an association must receive approval by a
818 majority vote of the board of administration or a majority vote
819 of the total voting interests of the association to participate
820 in the pilot program. An association may not apply for an
821 inspection under subsection (4) or a grant under subsection (5)
822 for association property or condominium property unless the
823 association has complied with the inspection requirements in ss.
824 553.899 and 718.112(2)(g) and (h). An association may not apply
825 for a grant under subparagraph (5)(e)1. for association property
826 or condominium property unless the windows of the association
827 property or condominium property are established as common
828 elements in the declaration.

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

832 1. Approval by a majority vote of the board of
833 administration or a majority vote of the total voting interests
834 of the association to participate in a mitigation inspection.

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

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

841 (g)~~(e)~~ The votes required under this subsection may take

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842 place at the annual budget meeting of the association or at a
843 unit owner meeting called for the purpose of taking such vote.
844 Before a vote of the unit owners may be taken, the association
845 must provide to the unit owners a clear disclosure of the pilot
846 program on a form created by the department. The president and
847 the treasurer of the board of administration must sign the
848 disclosure form indicating that a copy of the form was provided
849 to each unit owner of the association. The signed disclosure
850 form and the minutes from the meeting at which the unit owners
851 voted to participate in the pilot program must be maintained as
852 part of the official records of the association. Within 14 days
853 after an affirmative vote to participate in the pilot program,
854 the association must provide written notice in the same manner
855 as required under s. 718.112(2)(d) to all unit owners of the
856 decision to participate in the pilot program.

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

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

862 1. Contain a signed or electronically verified statement
863 made under penalty of perjury by the president of the board of
864 administration that the association has submitted only a single
865 application for each property that the association operates or
866 maintains.

867 2. Include a notarized statement from the president of the
868 board of administration containing the name and license number
869 of each contractor the association intends to use for the
870 mitigation project.

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871 3. Include a notarized statement from the president of the
872 board of administration which commits to the department that the
873 association will complete the mitigation improvements. If the
874 grant will be used to improve units, the application must also
875 include an acknowledged statement from each unit owner who is
876 required to provide approval for a grant under paragraph (2) (e)
877 ~~(2) (e)~~.

878 4. Include documentation deemed sufficient by the
879 department under paragraph (2) (b) for verifying household
880 income.

881 (j) Grant funds may only be awarded for a mitigation
882 improvement that addresses the common elements of the
883 condominium property that will result in a mitigation credit,
884 discount, or other rate differential for the building or
885 structure to which the improvement is made. As a condition of
886 receiving awarding a grant, the association department must
887 complete 100 percent of the opening protection improvements to
888 the common elements which were recommended in the final
889 hurricane mitigation inspection report require mitigation
890 improvements to be made to all openings, including exterior
891 doors, garage doors, windows, and skylights that are a part of
892 the common elements, if doing so is necessary for the building
893 or structure to qualify for a mitigation credit, discount, or
894 other rate differential.

895 Section 7. The amendments made by this act to s. 215.55871,
896 Florida Statutes, apply to inspection and grant applications
897 submitted to the Department of Financial Services by a
898 condominium association on or after July 1, 2026.

899 Section 8. Subsection (3) of section 215.89, Florida

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900 Statutes, is amended to read:

901 215.89 Charts of account.—

902 ~~(3) REPORTING STRUCTURE.—~~

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

907 ~~(b) By January 15, 2014, the Chief Financial Officer, after~~
908 ~~consultation with affected state agencies, local governments,~~
909 ~~educational entities, entities of higher education, and the~~
910 ~~Auditor General, shall submit to the Governor, the President of~~
911 ~~the Senate, and the Speaker of the House of Representatives a~~
912 ~~report recommending a uniform charts of account which requires~~
913 ~~specific enterprise wide information related to revenues and~~
914 ~~expenditures of state agencies, local governments, educational~~
915 ~~entities, and entities of higher education. The report must~~
916 ~~include the estimated cost of adopting and implementing a~~
917 ~~uniform enterprise wide charts of account.~~

918 Section 9. Subsection (1) of section 215.93, Florida
919 Statutes, is amended to read:

920 215.93 Florida Financial Management Information System.—

921 (1) To provide the information necessary to carry out the
922 intent of the Legislature, there shall be a Florida Financial
923 Management Information System. The Florida Financial Management
924 Information System shall be fully implemented and shall be
925 upgraded as necessary to ensure the efficient operation of an
926 integrated financial management information system and to
927 provide necessary information for the effective operation of
928 state government. Upon the recommendation of the coordinating

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929 council and approval of the board, the Florida Financial
930 Management Information System may require data from any state
931 agency information system or information subsystem or may
932 request data from any judicial branch information system or
933 information subsystem that the coordinating council and board
934 have determined to have statewide financial management
935 significance. Each functional owner information subsystem within
936 the Florida Financial Management Information System shall be
937 developed in such a fashion as to allow for timely, positive,
938 preplanned, and prescribed data transfers between the Florida
939 Financial Management Information System functional owner
940 information subsystems and from other information systems. The
941 principal unit of the system shall be the functional owner
942 information subsystem, and the system shall include, but shall
943 not be limited to, the following:

- 944 (a) Planning and Budgeting Subsystem.
945 ~~(b) Florida Accounting Information Resource Subsystem.~~
946 (b)~~(e)~~ Financial Management Subsystem.
947 (c)~~(d)~~ Purchasing Subsystem.
948 (d)~~(e)~~ Personnel Information System.

949 Section 10. Subsections (2) and (3) of section 215.94,
950 Florida Statutes, are amended to read:

951 215.94 Designation, duties, and responsibilities of
952 functional owners.—

953 (2) The Department of Financial Services shall be the
954 functional owner of the Financial Management ~~Florida Accounting~~
955 ~~Information Resource~~ Subsystem established pursuant to ss.
956 17.03, 215.86, 216.141, and 216.151 and further developed in
957 accordance with the provisions of ss. 215.90-215.96. The

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958 subsystem shall include, but shall not be limited to, the
959 following functions:

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

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

964 ~~(3) The Chief Financial Officer shall be the functional~~
965 ~~owner of the Financial Management Subsystem. The Chief Financial~~
966 ~~Officer shall design, implement, and operate the subsystem in~~
967 ~~accordance with the provisions of ss. 215.90-215.96. The~~
968 ~~subsystem shall include, but shall not be limited to, functions~~
969 ~~for:~~

970 (c) ~~(a)~~ Recording and reconciling credits and debits to
971 treasury fund accounts.

972 (d) ~~(b)~~ Monitoring cash levels and activities in state bank
973 accounts.

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

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

977 Section 11. Subsections (2) and (3) of section 215.96,
978 Florida Statutes, are amended to read:

979 215.96 Coordinating council and design and coordination
980 staff.—

981 (2) The coordinating council shall consist of the Chief
982 Financial Officer; the Commissioner of Agriculture; the Attorney
983 General; the Secretary of Management Services; the state chief
984 information officer; the executive director of the Department of
985 Revenue; and the Director of Planning and Budgeting, Executive
986 Office of the Governor, or their designees. The Chief Financial

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987 Officer, or his or her designee, shall be chair of the council,
988 and the design and coordination staff shall provide
989 administrative and clerical support to the council and the
990 board. ~~The design and coordination staff shall maintain the~~
991 Minutes of each meeting must be made ~~and make such minutes~~
992 available to any interested person. The Auditor General, the
993 State Courts Administrator, ~~a an executive officer of the~~
994 ~~Florida Association of state agency administrative services~~
995 director selected by the council ~~Directors~~, and ~~a an executive~~
996 ~~officer of the Florida Association of state budget officer~~
997 selected by the council ~~Officers~~, or their designees, shall
998 serve without voting rights as ex officio members of the
999 council. The chair may call meetings of the council as often as
1000 necessary to transact business; however, the council shall meet
1001 at least once a year. Action of the council shall be by motion,
1002 duly made, seconded and passed by a majority of the council
1003 voting in the affirmative for approval of items that are to be
1004 recommended for approval to the Financial Management Information
1005 Board.

1006 (3) The coordinating council, assisted by the design and
1007 coordination staff, shall have the following duties, powers, and
1008 responsibilities pertaining to the Florida Financial Management
1009 Information System:

1010 (a) To review and coordinate annual workplans to ensure
1011 that the Florida Financial Management Information System remains
1012 aligned across participating entities. The coordination council
1013 shall ensure that each participating entity submits an annual
1014 workplan by October 1 of each year. The coordinating council
1015 shall review and discuss the workplans, identify potential

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1016 impacts or conflicts, facilitate resolutions when practicable,
1017 and expedite unresolved issues as appropriate.

1018 (b) To conduct such studies and to establish committees,
1019 workgroups, and teams to develop recommendations for rules,
1020 policies, procedures, principles, and standards to the board as
1021 necessary to assist the board in its efforts to design,
1022 implement, and perpetuate a financial management information
1023 system, including, but not limited to, the establishment of
1024 common data codes, and the development of integrated financial
1025 management policies that address the information and management
1026 needs of the functional owner subsystems. The coordinating
1027 council shall make available a copy of the approved plan in
1028 writing or through electronic means to each of the coordinating
1029 council members, the fiscal committees of the Legislature, and
1030 any interested person.

1031 (c)~~(b)~~ To recommend to the board solutions, policy
1032 alternatives, and legislative budget request issues that will
1033 provide ~~ensure~~ a framework for the timely, positive, preplanned,
1034 and prescribed data transfer between information subsystems ~~and~~
1035 ~~to recommend to the board solutions, policy alternatives, and~~
1036 ~~legislative budget request issues that ensure the availability~~
1037 ~~of data and information that support state planning, policy~~
1038 ~~development, management, evaluation, and performance monitoring.~~

1039 ~~(c)~~ To report to the board all actions taken by the
1040 coordinating council for final action.

1041 ~~(d)~~ To review the annual work plans of the functional owner
1042 information subsystems by October 1 of each year. The review
1043 shall be conducted to assess the status of the Florida Financial
1044 Management Information System and the functional owner

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1045 ~~subsystems in regard to the provisions of s. 215.91. The~~
1046 ~~coordinating council, as part of the review process, may make~~
1047 ~~recommendations for modifications to the functional owner~~
1048 ~~information subsystems annual work plans.~~

1049 Section 12. Paragraph (a) of subsection (4) of section
1050 215.985, Florida Statutes, is amended to read:

1051 215.985 Transparency in government spending.—

1052 (4) The Executive Office of the Governor, in consultation
1053 with the appropriations committees of the Senate and the House
1054 of Representatives, shall establish and maintain a website that
1055 provides information relating to the approved operating budget
1056 for each branch of state government and state agency.

1057 (a) At a minimum, the information must include:

1058 1. Disbursement data for each appropriation by the account
1059 value ~~object code~~ associated with each expenditure established
1060 within the Financial Management ~~Florida Accounting Information~~
1061 ~~Resource~~ Subsystem. Expenditure data must include the name of
1062 the payee, the date of the expenditure, the amount of the
1063 expenditure, and the voucher ~~statewide document~~ number. Such
1064 data must be searchable by the name of the payee, the paying
1065 agency, and fiscal year, and must be downloadable in a format
1066 that allows offline analysis.

1067 2. For each appropriation, any adjustments, including
1068 vetoes, approved supplemental appropriations included in
1069 legislation other than the General Appropriations Act, budget
1070 amendments, other actions approved pursuant to chapter 216, and
1071 other adjustments authorized by law.

1072 3. Status of spending authority for each appropriation in
1073 the approved operating budget, including released, unreleased,

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1074 reserved, and disbursed balances.

1075 4. Position and rate information for positions provided in
1076 the General Appropriations Act or approved through an amendment
1077 to the approved operating budget and position information for
1078 positions established in the legislative branch.

1079 5. Allotments for planned expenditures of state
1080 appropriations established by state agencies in the Financial
1081 Management ~~Florida Accounting Information Resource~~ Subsystem,
1082 and the current balances of such allotments.

1083 6. Trust fund balance reports, including cash available,
1084 investments, and receipts.

1085 7. General revenue fund balance reports, including revenue
1086 received and amounts disbursed.

1087 8. Fixed capital outlay project data, including original
1088 appropriation and disbursements throughout the life of the
1089 project.

1090 9. A 10-year history of appropriations indicated by agency.

1091 10. Links to state audits or reports related to the
1092 expenditure and dispersal of state funds.

1093 11. Links to program or activity descriptions for which
1094 funds may be expended.

1095 Section 13. Subsections (1) and (2) and paragraph (f) of
1096 subsection (3) of section 216.102, Florida Statutes, are amended
1097 to read:

1098 216.102 Filing of financial information; handling by Chief
1099 Financial Officer; penalty for noncompliance.—

1100 (1) By September 30 of each year, each agency supported by
1101 any form of taxation, licenses, fees, imposts, or exactions, the
1102 judicial branch, and, for financial reporting purposes, each

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1103 component unit of the state as determined by the Chief Financial
1104 Officer shall prepare, using generally accepted accounting
1105 principles, and file with the Chief Financial Officer the
1106 financial and other information necessary for the preparation of
1107 annual financial statements for the State of Florida as of June
1108 30. In addition, each such agency and the judicial branch shall
1109 prepare financial statements showing the financial position and
1110 results of agency or branch operations as of June 30 for
1111 internal management purposes.

1112 (a) Each state agency and the judicial branch shall record
1113 the receipt and disbursement of funds from federal sources in a
1114 form and format prescribed by the Chief Financial Officer. The
1115 access to federal funds by the administering agencies or the
1116 judicial branch may not be authorized until:

1117 1. The deposit has been recorded in the Financial
1118 Management Florida Accounting Information Resource Subsystem
1119 using proper, consistent codes that designate deposits as
1120 federal funds.

1121 2. The deposit and appropriate recording required by this
1122 paragraph have been verified by the office of the Chief
1123 Financial Officer.

1124 (b) The Chief Financial Officer shall publish a statewide
1125 policy detailing the requirements for recording receipt and
1126 disbursement of federal funds into the Financial Management
1127 Florida Accounting Information Resource Subsystem and provide
1128 technical assistance to the agencies and the judicial branch to
1129 implement the policy.

1130 (2) Financial information must be contained within the
1131 Financial Management Florida Accounting Information Resource

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1132 Subsystem. Other information must be submitted in the form and
1133 format prescribed by the Chief Financial Officer.

1134 (a) Each component unit shall file financial information
1135 and other information necessary for the preparation of annual
1136 financial statements with the agency or branch designated by the
1137 Chief Financial Officer by the date specified by the Chief
1138 Financial Officer.

1139 (b) The state agency or branch designated by the Chief
1140 Financial Officer to receive financial information and other
1141 information from component units shall include the financial
1142 information in the Financial Management ~~Florida Accounting~~
1143 ~~Information Resource~~ Subsystem and shall include the component
1144 units' other information in its submission to the Chief
1145 Financial Officer.

1146 (3) The Chief Financial Officer shall:

1147 (f) Consult with and elicit comments from the Executive
1148 Office of the Governor on changes to the Financial Management
1149 ~~Florida Accounting Information Resource~~ Subsystem which clearly
1150 affect the accounting of federal funds, so as to ensure
1151 consistency of information entered into the Federal Aid Tracking
1152 System by state executive and judicial branch entities. While
1153 efforts shall be made to ensure the compatibility of the
1154 Financial Management ~~Florida Accounting Information Resource~~
1155 Subsystem and the Federal Aid Tracking System, any successive
1156 systems serving identical or similar functions shall preserve
1157 such compatibility.

1158

1159 The Chief Financial Officer may furnish and publish in
1160 electronic form the financial statements and the annual

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1161 comprehensive financial report required under paragraphs (a),
1162 (b), and (c).

1163 Section 14. Subsection (3) of section 216.141, Florida
1164 Statutes, is amended to read:

1165 216.141 Budget system procedures; planning and programming
1166 by state agencies.—

1167 (3) The Chief Financial Officer, as chief fiscal officer,
1168 shall use the Financial Management Florida Accounting
1169 ~~Information Resource~~ Subsystem developed pursuant to s.
1170 215.94(2) for account purposes in the performance of and
1171 accounting for all of his or her constitutional and statutory
1172 duties and responsibilities. However, state agencies and the
1173 judicial branch continue to be responsible for maintaining
1174 accounting records necessary for effective management of their
1175 programs and functions.

1176 Section 15. Paragraphs (a) and (b) of subsection (7) and
1177 paragraph (j) of subsection (12) of section 440.13, Florida
1178 Statutes, are amended to read:

1179 440.13 Medical services and supplies; penalty for
1180 violations; limitations.—

1181 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

1182 (a) Any health care provider who elects to contest the
1183 disallowance or adjustment of payment by a carrier under
1184 subsection (6) must, within 60 ~~45~~ days after receipt of notice
1185 of disallowance or adjustment of payment, petition the
1186 department to resolve the dispute. The petitioner must serve, by
1187 United States Postal Service certified mail or by a common
1188 carrier with verifiable tracking methods, a copy of the petition
1189 on the carrier and on all affected parties listed on the notice

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1190 of disallowance or adjustment ~~by certified mail~~. The petition
1191 must be accompanied by all documents and records that support
1192 the allegations contained in the petition. Failure of a
1193 petitioner to submit such documentation to the department
1194 results in dismissal of the petition.

1195 (b) The carrier must submit to the department within 45 ~~30~~
1196 days after receipt of the petition all documentation
1197 substantiating the carrier's disallowance or adjustment. Failure
1198 of the carrier to timely submit such documentation to the
1199 department within 45 ~~30~~ days constitutes a waiver of all
1200 objections to the petition.

1201 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
1202 REIMBURSEMENT ALLOWANCES.—

1203 (j) In addition to establishing the uniform schedule of
1204 maximum reimbursement allowances, the panel shall:

1205 1. Take testimony, receive records, and collect data to
1206 evaluate the adequacy of the workers' compensation fee schedule,
1207 nationally recognized fee schedules and alternative methods of
1208 reimbursement to health care providers and health care
1209 facilities for inpatient and outpatient treatment and care.

1210 2. Survey health care providers and health care facilities
1211 to determine the availability and accessibility of workers'
1212 compensation health care delivery systems for injured workers.

1213 3. Survey carriers to determine the estimated impact on
1214 carrier costs and workers' compensation premium rates by
1215 implementing changes to the carrier reimbursement schedule or
1216 implementing alternative reimbursement methods.

1217 4. Submit recommendations on or before January 15, 2031
1218 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President

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1219 of the Senate and the Speaker of the House of Representatives on
1220 methods to improve the workers' compensation health care
1221 delivery system.

1222
1223 The department, as requested, shall provide data to the panel,
1224 including, but not limited to, utilization trends in the
1225 workers' compensation health care delivery system. The
1226 department shall provide the panel with an annual report
1227 regarding the resolution of medical reimbursement disputes and
1228 any actions pursuant to subsection (8). The department shall
1229 provide administrative support and service to the panel to the
1230 extent requested by the panel. The department may adopt rules
1231 pursuant to ss. 120.536(1) and 120.54 to implement this
1232 subsection. For prescription medication purchased under the
1233 requirements of this subsection, a dispensing practitioner shall
1234 not possess such medication unless payment has been made by the
1235 practitioner, the practitioner's professional practice, or the
1236 practitioner's practice management company or employer to the
1237 supplying manufacturer, wholesaler, distributor, or drug
1238 repackager within 60 days of the dispensing practitioner taking
1239 possession of that medication.

1240 Section 16. Section 497.1411, Florida Statutes, is created
1241 to read:

1242 497.1411 Disqualification of applicants and licenses;
1243 penalties against licensees; rulemaking.—

1244 (1) For purposes of this section, the term "applicant"
1245 means an individual applying for licensure or relicensure under
1246 this chapter, or an officer, a director, a majority owner, a
1247 partner, a manager, or other person who manages or controls an

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1248 entity applying for licensure or relicensure under this chapter.

1249 (2) An applicant who has been found guilty of or has
1250 pleaded guilty or nolo contendere to any of the following
1251 offenses, regardless of adjudication, is permanently barred from
1252 licensure under this chapter:

1253 (a) A felony of the first degree.

1254 (b) A felony involving conduct prohibited under chapter
1255 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
1256 825, chapter 827, or chapter 847.

1257 (c) A felony involving moral turpitude.

1258 (3) An applicant who has been found guilty of, or has
1259 entered a plea of guilty or nolo contendere to an offense not
1260 subject to the permanent bar under subsection (2), regardless of
1261 adjudication, is subject to the following disqualifying periods:

1262 (a) A 10-year disqualifying period for any felony to which
1263 the permanent bar in subsection (2) does not apply.

1264 Notwithstanding subsection (4), an applicant who has completed
1265 at least one-half of the disqualifying period may apply for a
1266 probationary license for the remainder of the disqualifying
1267 period if, during that time, the applicant has not been found
1268 guilty of, or has not entered a plea of guilty or nolo
1269 contendere to, any offense.

1270 (b) A 5-year disqualifying period for all misdemeanors
1271 directly related to chapter 497.

1272 (4) The board shall adopt rules to administer this section.
1273 Such rules must provide additional disqualifying periods for
1274 applicants who have committed multiple criminal offenses and may
1275 provide additional factors for disqualification reasonably
1276 related to the applicant's criminal history. The rules must also

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1277 establish mitigating and aggravating factors. However,
1278 mitigation may not reduce any disqualifying period to less than
1279 5 years and may not be applied to reduce the 5-year
1280 disqualifying period provided in paragraph (3) (b).

1281 (5) For purposes of this section, a disqualifying period
1282 begins upon the applicant's final release from supervision or
1283 upon completion of the applicant's criminal sentence. The board
1284 may not approve issuance of a license to an applicant until the
1285 applicant provides proof that all related fines, court costs,
1286 fees, and court-ordered restitution have been paid.

1287 (6) After the disqualifying period has expired, the burden
1288 is on the applicant to demonstrate to the board that he or she
1289 has been rehabilitated, does not pose a risk to the public, is
1290 fit and trustworthy to engage in business regulated by this
1291 chapter, and is otherwise qualified for licensure.

1292 (7) Notwithstanding subsections (2) and (3), an applicant
1293 who has been found guilty of, or has pleaded guilty or nolo
1294 contendere to, a crime in subsection (2) or subsection (3), and
1295 who has subsequently been granted a pardon or the restoration of
1296 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
1297 State Constitution, or a pardon or the restoration of civil
1298 rights under the laws of another jurisdiction with respect to a
1299 conviction in that jurisdiction, is not barred or disqualified
1300 from licensure under this chapter; however, such a pardon or
1301 restoration of civil rights does not require the board to award
1302 such license.

1303 (8) (a) The board may grant an exemption from
1304 disqualification to any person disqualified from licensure under
1305 subsection (3) if:

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1306 1. The applicant has paid in full any fee, fine, fund,
1307 lien, civil judgment, restitution, or cost of prosecution
1308 imposed by the court as part of the judgment and sentence for
1309 any disqualifying offense; and

1310 2. At least 2 years have elapsed since the applicant
1311 completed or has been lawfully released from confinement,
1312 supervision, or any nonmonetary condition imposed by the court
1313 for a disqualifying offense.

1314 (b) For the board to grant an exemption under this
1315 subsection, the applicant must clearly and convincingly
1316 demonstrate that he or she would not pose a risk to persons or
1317 property if licensed under this chapter, evidence of which must
1318 include, but need not be limited to, facts and circumstances
1319 surrounding the disqualifying offense, the time that has elapsed
1320 since the offense, the nature of the offense and harm caused to
1321 the victim, the applicant's history before and after the
1322 offense, and any other evidence or circumstances indicating that
1323 the applicant will not present a danger if licensed or
1324 certified.

1325 (c) The board has discretion whether to grant or deny an
1326 exemption under this subsection. The board's decision is subject
1327 to chapter 120.

1328 (9) The disqualification periods provided in this section
1329 do not apply to the renewal of a license or to a new application
1330 for licensure if the applicant has an active license as of July
1331 1, 2026, and the applicable criminal history was considered by
1332 the board on the prior approval of any active license held by
1333 the applicant. This section does not affect any criminal history
1334 disclosure requirements of this chapter.

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1335 Section 17. Subsection (9) and paragraph (c) of subsection
1336 (10) of section 497.142, Florida Statutes, are amended to read:
1337 497.142 Licensing; fingerprinting and criminal background
1338 checks.—

1339 (9) If any applicant under this chapter has been, ~~within~~
1340 ~~the 10 years preceding the application under this chapter,~~
1341 convicted or found guilty of, or entered a plea of nolo
1342 contendere to, regardless of adjudication, any crime in any
1343 jurisdiction, the application may ~~shall~~ not be deemed complete
1344 until such time as the applicant provides such certified true
1345 copies of the court records evidencing the conviction, finding,
1346 or plea, as required in this section or as the licensing
1347 authority may by rule require.

1348 (10)

1349 (c) Crimes to be disclosed are:

1350 1. Any felony ~~or misdemeanor,~~ no matter when committed,
1351 ~~that was directly or indirectly related to or involving any~~
1352 ~~aspect of the practice or business of funeral directing,~~
1353 ~~embalming, direct disposition, cremation, funeral or cemetery~~
1354 ~~preneed sales, funeral establishment operations, cemetery~~
1355 ~~operations, or cemetery monument or marker sales or~~
1356 ~~installation.~~

1357 2. Any misdemeanor, no matter when committed, that was
1358 directly related to the practice or activities regulated ~~Any~~
1359 ~~other felony not already disclosed under subparagraph 1. that~~
1360 ~~was committed within the 20 years immediately preceding the~~
1361 ~~application under this chapter.~~

1362 3. Any other misdemeanor not already disclosed under
1363 subparagraph 2. which ~~subparagraph 1. that~~ was committed within

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1364 the 5 years immediately preceding the application under this
1365 chapter.

1366 Section 18. Subsection (11) is added to section 553.80,
1367 Florida Statutes, to read:

1368 553.80 Enforcement.—

1369 (11) For purposes of the design, construction, erection,
1370 alteration, fire protection, fire suppression, modification,
1371 repair, and demolition of a single-family or two-family
1372 dwelling, such dwelling does not have a change of occupancy as
1373 defined in the Florida Building Code solely due to its being
1374 used as or converted into a dwelling used:

1375 (a) By a tax-exempt charitable organization under s.
1376 501(c)(3) of the Internal Revenue Code whose stated corporate
1377 purpose relates to the support of people who are living with a
1378 mental health disorder, provided the dwelling has no fewer than
1379 two and no more than four bedrooms, is occupied by a group of or
1380 family of no more than six ambulatory adults living with a
1381 mental disorder, and has no more than two adults assigned to any
1382 bedroom; or

1383 (b) For residential migrant housing as defined in s.
1384 381.008(8) which has a permit from the Department of Health
1385 pursuant to s. 381.0081.

1386 Section 19. Subsection (10) of section 560.309, Florida
1387 Statutes, is amended to read:

1388 560.309 Conduct of business.—

1389 (10) If a check is returned to a licensee from a payor
1390 financial institution due to lack of funds, a closed account, or
1391 a stop-payment order, the licensee may seek collection pursuant
1392 to s. 68.065. In seeking collection, the licensee must comply

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1393 with the prohibitions against harassment or abuse, false or
1394 misleading representations, and unfair practices in the Florida
1395 Consumer Collection Practices Act under part VI of chapter 559,
1396 including s. 559.77. The licensee must also comply with the Fair
1397 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
1398 1692f if the licensee uses a third-party debt collector or any
1399 name other than its own to collect such debts. A violation of
1400 this subsection is a deceptive and unfair trade practice and
1401 constitutes a violation of the Deceptive and Unfair Trade
1402 Practices Act under part II of chapter 501. ~~In addition, a~~
1403 ~~licensee must comply with the applicable provisions of the~~
1404 ~~Consumer Collection Practices Act under part VI of chapter 559,~~
1405 ~~including s. 559.77.~~

1406 Section 20. Subsection (3) of section 560.405, Florida
1407 Statutes, is amended to read:

1408 560.405 Deposit; redemption.—

1409 (3) Notwithstanding subsection (1), in lieu of presentment,
1410 a deferred presentment provider may allow the check to be
1411 redeemed at any time upon payment of the outstanding transaction
1412 balance and earned fees. Redemption in cash or through a debit
1413 card transaction must be treated the same. However, payment may
1414 not be made in the form of a personal check or through a credit
1415 card transaction. Upon redemption, the deferred presentment
1416 provider must return the drawer's check and provide a signed,
1417 dated receipt showing that the drawer's check has been redeemed.

1418 Section 21. Subsection (2) of section 560.406, Florida
1419 Statutes, is amended to read:

1420 560.406 Worthless checks.—

1421 (2) If a check is returned to a deferred presentment

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1422 provider from a payor financial institution due to insufficient
1423 funds, a closed account, or a stop-payment order, the deferred
1424 presentment provider may pursue all legally available civil
1425 remedies to collect the check, including, but not limited to,
1426 the imposition of all charges imposed on the deferred
1427 presentment provider by the financial institution. In its
1428 collection practices, a deferred presentment provider must
1429 comply with the prohibitions against harassment or abuse, false
1430 or misleading representations, and unfair practices that are
1431 contained in the Florida Consumer Collection Practices Act under
1432 part VI of chapter 559, including s. 559.77. A deferred
1433 presentment provider must also comply with the Fair Debt
1434 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f
1435 if the deferred presentment provider uses a third-party debt
1436 collector or any name other than its own to collect such debts.
1437 A violation of this act is a deceptive and unfair trade practice
1438 and constitutes a violation of the Deceptive and Unfair Trade
1439 Practices Act under part II of chapter 501. ~~In addition, a~~
1440 ~~deferred presentment provider must comply with the applicable~~
1441 ~~provisions of the Consumer Collection Practices Act under part~~
1442 ~~VI of chapter 559, including s. 559.77.~~

1443 Section 22. Subsection (3) of section 626.0428, Florida
1444 Statutes, is amended to read:

1445 626.0428 Agency personnel powers, duties, and limitations.—

1446 (3) An employee or an authorized representative located at
1447 a designated branch of an agent or agency may not initiate
1448 contact with any person for the purpose of soliciting insurance
1449 unless licensed and appointed as an agent or customer
1450 representative. As to title insurance, an employee of an agent

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1451 or agency may not initiate contact with any individual proposed
1452 insured for the purpose of soliciting title insurance unless
1453 licensed as a title insurance agent or exempt from such
1454 licensure pursuant to s. 626.8417(4) ~~and (5)~~.

1455 Section 23. Section 626.171, Florida Statutes, is amended
1456 to read:

1457 626.171 Application for license as an agent, customer
1458 representative, adjuster, or service representative, ~~or~~
1459 ~~reinsurance intermediary~~.

1460 (1) The department may not issue a license as agent,
1461 customer representative, adjuster, or service representative, ~~or~~
1462 ~~reinsurance intermediary~~ to any person except upon written
1463 application filed with the department, meeting the
1464 qualifications for the license applied for as determined by the
1465 department, and payment in advance of all applicable fees. The
1466 application must be made under the oath of the applicant and be
1467 signed by the applicant. An applicant may permit a third party
1468 to complete, submit, and sign an application on the applicant's
1469 behalf, but is responsible for ensuring that the information on
1470 the application is true and correct and is accountable for any
1471 misstatements or misrepresentations. The department shall accept
1472 the uniform application for resident and nonresident agent and
1473 adjuster licensing. The department may adopt revised versions of
1474 the uniform application by rule.

1475 (2) In the application, the applicant must include all of
1476 the following ~~shall set forth~~:

1477 (a) The applicant's ~~His or her~~ full name, age, social
1478 security number, residence address, business address, mailing
1479 address, contact telephone numbers, including a business

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1480 telephone number, and e-mail address.

1481 (b) A statement indicating the method the applicant used or
1482 is using to meet any required prelicensing education, knowledge,
1483 experience, or instructional requirements for the type of
1484 license applied for.

1485 (c) Whether the applicant ~~he or she~~ has been refused or has
1486 voluntarily surrendered or has had suspended or revoked a
1487 license to solicit insurance by the department or by the
1488 supervising officials of any state.

1489 (d) Whether any insurer or any managing general agent
1490 claims the applicant is indebted under any agency contract or
1491 otherwise and, if so, the name of the claimant, the nature of
1492 the claim, and the applicant's defense thereto, if any.

1493 (e) Proof that the applicant meets the requirements for the
1494 type of license for which he or she is applying.

1495 (f) The applicant's gender (male or female).

1496 (g) The applicant's native language.

1497 (h) The highest level of education achieved by the
1498 applicant.

1499 (i) The applicant's race or ethnicity (African American,
1500 white, American Indian, Asian, Hispanic, or other).

1501 (j) Such other or additional information as the department
1502 may deem proper to enable it to determine the character,
1503 experience, ability, and other qualifications of the applicant
1504 to hold himself or herself out to the public as an insurance
1505 representative.

1506

1507 However, the application must contain a statement that an
1508 applicant is not required to disclose his or her race or

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1509 ethnicity, gender, or native language, that he or she will not
1510 be penalized for not doing so, and that the department will use
1511 this information exclusively for research and statistical
1512 purposes and to improve the quality and fairness of the
1513 examinations. The department may ~~shall~~ make provisions for
1514 applicants to voluntarily submit their cellular telephone
1515 numbers as part of the application process solely ~~on a voluntary~~
1516 ~~basis only~~ for the purpose of two-factor authentication of
1517 secure login credentials ~~only~~.

1518 (3) Each application must be accompanied by payment of any
1519 applicable fee.

1520 (4) An applicant for a license issued by the department
1521 under this chapter must submit a set of the individual
1522 applicant's fingerprints, or, if the applicant is not an
1523 individual, a set of the fingerprints of the sole proprietor,
1524 majority owner, partners, officers, and directors, to the
1525 department and must pay the fingerprint processing fee set forth
1526 in s. 624.501. Fingerprints must be processed in accordance with
1527 s. 624.34 and used to investigate the applicant's qualifications
1528 pursuant to s. 626.201. The fingerprints must be taken by a law
1529 enforcement agency or other department-approved entity. The
1530 department may not approve an application for licensure as an
1531 agent, customer ~~service~~ representative, adjuster, or service
1532 representative, ~~or reinsurance intermediary~~ if fingerprints have
1533 not been submitted.

1534 (5) The application for license filing fee prescribed in s.
1535 624.501 is not subject to refund.

1536 (6) Members of the United States Armed Forces and their
1537 spouses, and veterans of the United States Armed Forces who have

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1538 separated from service ~~within 24 months~~ before application for
1539 licensure, are exempt from the application filing fee prescribed
1540 in s. 624.501. Qualified individuals must provide a copy of a
1541 military identification card, military dependent identification
1542 card, military service record, military personnel file, veteran
1543 record, discharge paper or separation document that indicates
1544 such members are currently in good standing or such veterans
1545 were honorably discharged.

1546 (7) Pursuant to the federal Personal Responsibility and
1547 Work Opportunity Reconciliation Act of 1996, each party is
1548 required to provide his or her social security number in
1549 accordance with this section. Disclosure of social security
1550 numbers obtained through this requirement must be limited to the
1551 purpose of administration of the Title IV-D program for child
1552 support enforcement.

1553 Section 24. Paragraph (c) of subsection (2) of section
1554 626.292, Florida Statutes, is amended to read:

1555 626.292 Transfer of license from another state.—

1556 (2) To qualify for a license transfer, an individual
1557 applicant must meet the following requirements:

1558 (c) The individual must submit a completed application for
1559 this state which is received by the department within 90 days
1560 after the date the individual became a resident of this state,
1561 along with payment of the applicable fees set forth in s.
1562 624.501 and submission of the following documents:

1563 1. A certification issued by the appropriate official of
1564 the applicant's home state identifying the type of license and
1565 lines of authority under the license and stating that, ~~at the~~
1566 ~~time the license from the home state was canceled,~~ the applicant

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1567 was in good standing in that state or that the state's Producer
1568 Database records, maintained by the National Association of
1569 Insurance Commissioners, its affiliates, or subsidiaries,
1570 indicate that the agent or all-lines adjuster is or was licensed
1571 in good standing for the line of authority requested. An
1572 applicant may hold a resident license in another state for 30
1573 days after the Florida resident license has been issued to
1574 facilitate the transfer of licensure between states.

1575 2. A set of the applicant's fingerprints in accordance with
1576 s. 626.171(4).

1577 Section 25. Subsection (1) of section 626.611, Florida
1578 Statutes, is amended to read:

1579 626.611 Grounds for compulsory refusal, suspension, or
1580 revocation of agent's, title agency's, adjuster's, customer
1581 representative's, service representative's, or managing general
1582 agent's license or appointment.—

1583 (1) The department shall require license reexamination,
1584 deny an application for, suspend, revoke, or refuse to renew or
1585 continue the license or appointment of any applicant, agent,
1586 title agency, adjuster, customer representative, service
1587 representative, or managing general agent, and it shall suspend
1588 or revoke the eligibility to hold a license or appointment of
1589 any such person, if it finds that as to the applicant, licensee,
1590 or appointee any one or more of the following applicable grounds
1591 exist:

1592 (a) Lack of one or more of the qualifications for the
1593 license or appointment as specified in this code.

1594 (b) Material misstatement, misrepresentation, or fraud in
1595 obtaining the license or appointment or in attempting to obtain

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1596 the license or appointment.

1597 (c) Failure to pass to the satisfaction of the department
1598 any examination required under this code, including cheating on
1599 an examination required for licensure or violating test center
1600 or examination procedures delivered orally, in writing, or
1601 electronically at the test site by authorized representatives of
1602 the examination program administrator.

1603 (d) If the license or appointment is willfully used, or to
1604 be used, to circumvent any of the requirements or prohibitions
1605 of this code.

1606 (e) Willful misrepresentation of any insurance policy or
1607 annuity contract or willful deception with regard to any such
1608 policy or contract, done either in person or by any form of
1609 dissemination of information or advertising.

1610 (f) If, as an adjuster, or agent licensed and appointed to
1611 adjust claims under this code, he or she has materially
1612 misrepresented to an insured or other interested party the terms
1613 and coverage of an insurance contract with intent and for the
1614 purpose of effecting settlement of claim for loss or damage or
1615 benefit under such contract on less favorable terms than those
1616 provided in and contemplated by the contract.

1617 (g) Demonstrated lack of fitness or trustworthiness to
1618 engage in the business of insurance.

1619 (h) Demonstrated lack of reasonably adequate knowledge and
1620 technical competence to engage in the transactions authorized by
1621 the license or appointment.

1622 (i) Fraudulent or dishonest practices in the conduct of
1623 business under the license or appointment.

1624 (j) Misappropriation, conversion, or unlawful withholding

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1625 of moneys belonging to insurers or insureds or beneficiaries or
1626 to others and received in conduct of business under the license
1627 or appointment.

1628 (k) Unlawfully rebating, attempting to unlawfully rebate,
1629 or unlawfully dividing or offering to divide his or her
1630 commission with another.

1631 (l) Having obtained or attempted to obtain, or having used
1632 or using, a license or appointment as agent or customer
1633 representative for the purpose of soliciting or handling
1634 "controlled business" as defined in s. 626.730 with respect to
1635 general lines agents, s. 626.784 with respect to life agents,
1636 and s. 626.830 with respect to health agents.

1637 (m) Willful failure to comply with, or willful violation
1638 of, any proper order or rule of the department or willful
1639 violation of any provision of this code.

1640 (n) Having been found guilty of or having pleaded guilty or
1641 nolo contendere to a misdemeanor directly related to the
1642 financial services business, any felony, or any crime punishable
1643 by imprisonment of 1 year or more under the law of the United
1644 States of America or of any state thereof or under the law of
1645 any other country, without regard to whether a judgment of
1646 conviction has been entered by the court having jurisdiction of
1647 such cases.

1648 (o) Fraudulent or dishonest practice in submitting or
1649 aiding or abetting any person in the submission of an
1650 application for workers' compensation coverage under chapter 440
1651 containing false or misleading information as to employee
1652 payroll or classification for the purpose of avoiding or
1653 reducing the amount of premium due for such coverage.

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1654 (p) Sale of an unregistered security that was required to
1655 be registered, pursuant to chapter 517.

1656 (q) In transactions related to viatical settlement
1657 contracts as defined in s. 626.9911:

1658 1. Commission of a fraudulent or dishonest act.

1659 2. No longer meeting the requirements for initial
1660 licensure.

1661 3. Having received a fee, commission, or other valuable
1662 consideration for his or her services with respect to viatical
1663 settlements that involved unlicensed viatical settlement
1664 providers or persons who offered or attempted to negotiate on
1665 behalf of another person a viatical settlement contract as
1666 defined in s. 626.9911 and who were not licensed life agents.

1667 4. Dealing in bad faith with viators.

1668 Section 26. Section 626.621, Florida Statutes, is amended
1669 to read:

1670 626.621 Grounds for discretionary refusal, suspension, or
1671 revocation of agent's, adjuster's, customer representative's,
1672 service representative's, or managing general agent's license or
1673 appointment.—The department may, in its discretion, require a
1674 license reexamination, deny an application for, suspend, revoke,
1675 or refuse to renew or continue the license or appointment of any
1676 applicant, agent, adjuster, customer representative, service
1677 representative, or managing general agent, and it may suspend or
1678 revoke the eligibility to hold a license or appointment of any
1679 such person, if it finds that as to the applicant, licensee, or
1680 appointee any one or more of the following applicable grounds
1681 exist under circumstances for which such denial, suspension,
1682 revocation, or refusal is not mandatory under s. 626.611:

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1683 (1) Any cause for which issuance of the license or
1684 appointment could have been refused had it then existed and been
1685 known to the department.

1686 (2) Violation of any provision of this code or of any other
1687 law applicable to the business of insurance in the course of
1688 dealing under the license or appointment.

1689 (3) Violation of any lawful order or rule of the
1690 department, commission, or office.

1691 (4) Failure or refusal, upon demand, to pay over to any
1692 insurer he or she represents or has represented any money coming
1693 into his or her hands belonging to the insurer.

1694 (5) Violation of the provision against twisting, as defined
1695 in s. 626.9541(1)(1).

1696 (6) In the conduct of business under the license or
1697 appointment, engaging in unfair methods of competition or in
1698 unfair or deceptive acts or practices, as prohibited under part
1699 IX of this chapter, or having otherwise shown himself or herself
1700 to be a source of injury or loss to the public.

1701 (7) Willful overinsurance of any property or health
1702 insurance risk.

1703 (8) If a life agent, violation of the code of ethics.

1704 (9) Cheating on an examination required for licensure or
1705 violating test center or examination procedures published
1706 orally, in writing, or electronically at the test site by
1707 authorized representatives of the examination program
1708 administrator. Communication of test center and examination
1709 procedures must be clearly established and documented.

1710 (10) Failure to inform the department in writing within 30
1711 days after pleading guilty or nolo contendere to, or being

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1712 convicted or found guilty of, any felony or a crime punishable
1713 by imprisonment of 1 year or more under the law of the United
1714 States or of any state thereof, or under the law of any other
1715 country without regard to whether a judgment of conviction has
1716 been entered by the court having jurisdiction of the case.

1717 (11) Knowingly aiding, assisting, procuring, advising, or
1718 abetting any person in the violation of or to violate a
1719 provision of the insurance code or any order or rule of the
1720 department, commission, or office.

1721 (12) Has been the subject of or has had a license, permit,
1722 appointment, registration, or other authority to conduct
1723 business subject to any decision, finding, injunction,
1724 suspension, prohibition, revocation, denial, judgment, final
1725 agency action, or administrative order by any court of competent
1726 jurisdiction, administrative law proceeding, state agency,
1727 federal agency, national securities, commodities, or option
1728 exchange, or national securities, commodities, or option
1729 association involving a violation of any federal or state
1730 securities or commodities law or any rule or regulation adopted
1731 thereunder, or a violation of any rule or regulation of any
1732 national securities, commodities, or options exchange or
1733 national securities, commodities, or options association.

1734 (13) Failure to comply with any civil, criminal, or
1735 administrative action taken by the child support enforcement
1736 program under Title IV-D of the Social Security Act, 42 U.S.C.
1737 ss. 651 et seq., to determine paternity or to establish, modify,
1738 enforce, or collect support.

1739 (14) Directly or indirectly accepting any compensation,
1740 inducement, or reward from an inspector for the referral of the

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1741 owner of the inspected property to the inspector or inspection
1742 company. This prohibition applies to an inspection intended for
1743 submission to an insurer in order to obtain property insurance
1744 coverage or establish the applicable property insurance premium.

1745 (15) Denial, suspension, or revocation of, or any other
1746 adverse administrative action against, a license to practice or
1747 conduct any regulated profession, business, or vocation by this
1748 state, any other state, any nation, any possession or district
1749 of the United States, any court, or any lawful agency thereof.

1750 (16) Taking an action that allows the personal financial or
1751 medical information of a consumer or customer to be made
1752 available or accessible to the general public, regardless of the
1753 format in which the record is stored.

1754 (17) Initiating in-person or telephone solicitation after 9
1755 p.m. or before 8 a.m. local time of the prospective customer
1756 unless requested by the prospective customer.

1757 (18) Cancellation of the applicant's, licensee's, or
1758 appointee's resident license in a state other than Florida.

1759 Section 27. Subsection (1) of section 626.731, Florida
1760 Statutes, is amended to read:

1761 626.731 Qualifications for general lines agent's license.—

1762 (1) The department may ~~shall~~ not grant or issue a license
1763 as general lines agent to any individual found by it to be
1764 untrustworthy or incompetent or who does not meet ~~each~~ all of
1765 the following qualifications:

1766 (a) The applicant is a natural person at least 18 years of
1767 age.

1768 (b) The applicant is a United States citizen or legal alien
1769 who possesses work authorization from the United States Bureau

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1770 of Citizenship and Immigration Services and is a bona fide
1771 resident of this state. ~~An individual who is a bona fide~~
1772 ~~resident of this state shall be deemed to meet the residence~~
1773 ~~requirement of this paragraph, notwithstanding the existence at~~
1774 ~~the time of application for license of a license in his or her~~
1775 ~~name on the records of another state as a resident licensee of~~
1776 ~~such other state, if the applicant furnishes a letter of~~
1777 ~~clearance satisfactory to the department that the resident~~
1778 ~~licenses have been canceled or changed to a nonresident basis~~
1779 ~~and that he or she is in good standing.~~

1780 (c) The applicant's place of business will be located in
1781 this state and he or she will be actively engaged in the
1782 business of insurance and will maintain a place of business, the
1783 location of which is identifiable by and accessible to the
1784 public.

1785 (d) The license is not being sought for the purpose of
1786 writing or handling controlled business, in violation of s.
1787 626.730.

1788 (e) The applicant is qualified as to knowledge, experience,
1789 or instruction in the business of insurance and meets the
1790 requirements provided in s. 626.732.

1791 (f) The applicant has passed any required examination for
1792 license required under s. 626.221.

1793 Section 28. Subsection (2) of section 626.785, Florida
1794 Statutes, is amended to read:

1795 626.785 Qualifications for license.—

1796 ~~(2) An individual who is a bona fide resident of this state~~
1797 ~~shall be deemed to meet the residence requirement of paragraph~~
1798 ~~(1)(b), notwithstanding the existence at the time of application~~

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1799 ~~for license of a license in his or her name on the records of~~
1800 ~~another state as a resident licensee of such other state, if the~~
1801 ~~applicant furnishes a letter of clearance satisfactory to the~~
1802 ~~department that the resident licenses have been canceled or~~
1803 ~~changed to a nonresident basis and that he or she is in good~~
1804 ~~standing.~~

1805 Section 29. Section 626.831, Florida Statutes, is amended
1806 to read:

1807 626.831 Qualifications for license.—

1808 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
1809 as health agent as to any individual found by it to be
1810 untrustworthy or incompetent, or who does not meet all of the
1811 following qualifications:

1812 (1)(a) Is ~~Must be~~ a natural person of at least 18 years of
1813 age.

1814 (2)(b) Is ~~Must be~~ a United States citizen or legal alien
1815 who possesses work authorization from the United States Bureau
1816 of Citizenship and Immigration Services and is a bona fide
1817 resident of this state.

1818 (3)(e) Is ~~Must~~ not be an employee of the United States
1819 Department of Veterans Affairs or state service office, as
1820 referred to in s. 626.833.

1821 (4)(d) Has taken ~~Must take~~ and passed ~~pass~~ any examination
1822 for license required under s. 626.221.

1823 (5)(e) Is ~~Must be~~ qualified as to knowledge, experience, or
1824 instruction in the business of insurance and meets ~~meet~~ the
1825 requirements relative thereto provided in s. 626.8311.

1826 ~~(2) An individual who is a bona fide resident of this state~~
1827 ~~shall be deemed to meet the residence requirement of paragraph~~

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1828 ~~(1)(b), notwithstanding the existence at the time of application~~
1829 ~~for license of a license in his or her name on the records of~~
1830 ~~another state as a resident licensee of such other state, if the~~
1831 ~~applicant furnishes a letter of clearance satisfactory to the~~
1832 ~~department that the resident licenses have been canceled or~~
1833 ~~changed to a nonresident basis and that he or she is in good~~
1834 ~~standing.~~

1835 Section 30. Subsections (4) and (5) of section 626.8417,
1836 Florida Statutes, are amended to read:

1837 626.8417 Title insurance agent licensure; exemptions.—

1838 (4) Title insurers, acting through designated corporate
1839 officers, or attorneys duly admitted to practice law in this
1840 state and in good standing with The Florida Bar are exempt from
1841 the provisions of this chapter relating to title insurance
1842 licensing and appointment requirements.

1843 ~~(5) An insurer may designate a corporate officer of the~~
1844 ~~insurer to occasionally issue and countersign binders,~~
1845 ~~commitments, and policies of title insurance. The designated~~
1846 ~~officer is exempt from the provisions of this chapter relating~~
1847 ~~to title insurance licensing and appointment requirements while~~
1848 ~~the officer is acting within the scope of the designation.~~

1849 Section 31. Subsection (24) is added to section 626.854,
1850 Florida Statutes, to read:

1851 626.854 "Public adjuster" defined; prohibitions.—The
1852 Legislature finds that it is necessary for the protection of the
1853 public to regulate public insurance adjusters and to prevent the
1854 unauthorized practice of law.

1855 (24) A public adjuster, public adjuster apprentice, or
1856 public adjusting firm must respond with specific information to

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1857 a written or electronic request for claims status from a
1858 claimant or insured or their designated representative within 14
1859 days after the date of the request and shall document in the
1860 file the response or information provided.

1861 Section 32. Section 627.797, Florida Statutes, is repealed.

1862 Section 33. Subsection (11) of section 633.208, Florida
1863 Statutes, is amended to read:

1864 633.208 Minimum firesafety standards.—

1865 (11) Notwithstanding subsection (8), a single-family or
1866 two-family dwelling may not be reclassified for purposes of
1867 enforcing the Florida Fire Prevention Code solely due to such
1868 dwelling being used as or converted into:

1869 (a) That is A certified recovery residence, as defined in
1870 s. 397.311, or ~~that is~~ a recovery residence, as defined in s.
1871 397.311, that has a charter from an entity recognized or
1872 sanctioned by Congress;

1873 (b) A residence owned by a tax-exempt charitable
1874 organization under s. 501(c)(3) of the Internal Revenue Code
1875 whose stated corporate purpose relates to the support of people
1876 who are living with a mental health disorder and which has no
1877 fewer than two and no more than four bedrooms, is occupied by a
1878 group or family of no more than six ambulatory adults living
1879 with a mental health disorder, and has no more than two adults
1880 assigned to any bedroom; or

1881 (c) Residential migrant housing as defined in s. 381.008(8)
1882 which has a permit from the Department of Health pursuant to s.
1883 381.0081 may not be reclassified for purposes of enforcing the
1884 Florida Fire Prevention Code solely due to such use.

1885 Section 34. Subsection (4) of section 648.34, Florida

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1886 Statutes, is amended to read:

1887 648.34 Bail bond agents; qualifications.—

1888 (4) The applicant must ~~shall~~ furnish, with his or her
1889 application, a complete set of his or her fingerprints in
1890 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1891 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1892 not authorize an applicant to take the required examination
1893 until the department has received a report from the Department
1894 of Law Enforcement and the Federal Bureau of Investigation
1895 relative to the existence or nonexistence of a criminal history
1896 report based on the applicant's fingerprints.

1897 Section 35. Subsection (2) of section 648.382, Florida
1898 Statutes, is amended to read:

1899 648.382 Appointment of bail bond agents and bail bond
1900 agencies; effective date of appointment.—

1901 (2) Before any appointment, an appropriate officer or
1902 official of the appointing insurer must obtain all of the
1903 following information ~~submit~~:

1904 (a) A certified statement or affidavit to the department
1905 stating what investigation has been made concerning the proposed
1906 appointee and the proposed appointee's background and the
1907 appointing person's opinion to the best of his or her knowledge
1908 and belief as to the moral character and reputation of the
1909 proposed appointee. In lieu of such certified statement or
1910 affidavit, by authorizing the effectuation of an appointment for
1911 a licensee, the appointing entity certifies to the department
1912 that such investigation has been made and that the results of
1913 the investigation and the appointing person's opinion is that
1914 the proposed appointee is a person of good moral character and

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1915 reputation and is fit to engage in the bail bond business.†

1916 (b) An affidavit under oath on a form prescribed by the
1917 department, signed by the proposed appointee, stating that
1918 premiums are not owed to any insurer and that the appointee will
1919 discharge all outstanding forfeitures and judgments on bonds
1920 previously written. If the appointee does not satisfy or
1921 discharge such forfeitures or judgments, the former insurer
1922 shall file a notice, with supporting documents, with the
1923 appointing insurer, the former agent or agency, and the
1924 department, stating under oath that the licensee has failed to
1925 timely satisfy forfeitures and judgments on bonds written and
1926 that the insurer has satisfied the forfeiture or judgment from
1927 its own funds. Upon receipt of such notification and supporting
1928 documents, the appointing insurer shall immediately cancel the
1929 licensee's appointment. The licensee may be reappointed only
1930 upon certification by the former insurer that all forfeitures
1931 and judgments on bonds written by the licensee have been
1932 discharged. The appointing insurer or former agent or agency
1933 may, within 10 days, file a petition with the department seeking
1934 relief from this paragraph. Filing of the petition stays the
1935 duty of the appointing insurer to cancel the appointment until
1936 the department grants or denies the petition.†

1937 (c) Any other information that the department reasonably
1938 requires concerning the proposed appointee.†~~and~~

1939 (d) Effective January 1, 2025, a certification that the
1940 appointing entity obtained from each appointee the following
1941 sworn statement:

1942
1943 Pursuant to section 648.382(2)(b), Florida Statutes, I

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1944 do solemnly swear that I owe no premium to any insurer
1945 or agency and that I will discharge all outstanding
1946 forfeitures and judgments on bonds that have been
1947 previously written. I acknowledge that failure to do
1948 this will result in my active appointments being
1949 canceled.

1950
1951 An appointed bail bond agency must have the attestation under
1952 this paragraph signed by its owner.

1953 Section 36. Section 717.001, Florida Statutes, is amended
1954 to read:

1955 717.001 Short title.—This chapter may be cited as the
1956 “Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
1957 Act.”

1958 Section 37. Present subsections (1) through (4), (5)
1959 through (8), (10) through (13), (15) through (20), (21), (22)
1960 through (28), (31), (32), and (33) of section 717.101, Florida
1961 Statutes, are redesignated as subsections (4) through (7), (9)
1962 through (12), (13) through (16), (17) through (22), (24), (26)
1963 through (32), and (33), (34), and (35), respectively, new
1964 subsections (1), (2), (3), (8), (23), and (25) are added to that
1965 section, and present subsections (1), (2), (5), (6), (8), (9),
1966 (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30)
1967 of that section are amended, to read:

1968 717.101 Definitions.—As used in this chapter, unless the
1969 context otherwise requires:

1970 (1) “Abandoned property” means property held by a holder
1971 for which all of the following are true:

1972 (a) The apparent owner has shown no activity or indication

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1973 of interest for the duration of the applicable dormancy period
1974 established under this chapter.

1975 (b) The holder has complied with the due diligence
1976 requirements set forth in this chapter, including the issuance
1977 of notice to the apparent owner, and has received no response or
1978 contact sufficient to demonstrate continued interest in the
1979 property.

1980
1981 For purposes of this chapter, property is presumed abandoned
1982 upon expiration of the applicable dormancy period established
1983 under this chapter. Once the dormancy period has expired, the
1984 holder must comply with the due diligence requirements set forth
1985 in s. 717.117. If the holder does not receive response or
1986 contact sufficient to demonstrate continued interest in the
1987 property after completion of its due diligence efforts, the
1988 property is deemed abandoned and subject to reporting and
1989 remittance to the department for custodial holding on behalf of
1990 the owner.

1991 (2) "Abandoned Property Purchase Agreement" means the form
1992 adopted by the department pursuant to s. 717.135 which must be
1993 used, without modification or amendment, by a claimant
1994 representative to purchase abandoned property from an owner.

1995 (3) "Abandoned Property Recovery Agreement" means the form
1996 adopted by the department pursuant to s. 717.135 which must be
1997 used, without modification or amendment, by a claimant
1998 representative to obtain consent and authority to recover
1999 abandoned property on behalf of a person.

2000 (4)~~(1)~~ "Aggregate" means the amounts reported for owners of
2001 abandoned ~~unclaimed~~ property of less than \$10 or where there is

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2002 no name for the individual or entity listed on the holder's
2003 records, regardless of the amount to be reported.

2004 (5)~~(2)~~ "Apparent owner" means the person whose name appears
2005 on the records of the holder as the owner of the abandoned
2006 property, but whose status as the true owner entitled to receive
2007 the property may be subject to change due to the passage of time
2008 or changes in circumstances ~~person entitled to property held,~~
2009 ~~issued, or owing by the holder.~~

2010 (8) "Authorized representative" means a person or an entity
2011 legally empowered to act on behalf of the apparent owner or his
2012 or her estate, including, but not limited to, an agent, a
2013 fiduciary, a personal representative, a trustee, a legal heir, a
2014 guardian, or any other individual or entity authorized by law or
2015 agreement.

2016 (9)~~(5)~~ "Banking or financial organization" means any and
2017 all banks, trust companies, private bankers, savings banks,
2018 industrial banks, safe-deposit companies, savings and loan
2019 associations, credit unions, savings associations, banking
2020 organizations, international bank agencies, cooperative banks,
2021 building and loan associations, and investment companies in this
2022 state, organized under or subject to the laws of this state or
2023 of the United States, including entities organized under 12
2024 U.S.C. s. 611, but does not include federal reserve banks. The
2025 term also includes any corporation, business association, or
2026 other organization that:

2027 (a) Is a wholly or partially owned subsidiary of any
2028 banking, banking corporation, or bank holding company that
2029 performs any or all of the functions of a banking organization;
2030 or

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2031 (b) Performs functions pursuant to the terms of a contract
2032 with any banking organization.

2033 ~~(10)~~⁽⁶⁾ "Business association" means any for-profit or
2034 nonprofit corporation other than a public corporation; joint
2035 stock company; investment company; unincorporated association or
2036 association of two or more individuals for business purposes,
2037 whether or not for profit; partnership; joint venture; limited
2038 liability company; sole proprietorship; business trust; trust
2039 company; land bank; safe-deposit company; safekeeping
2040 depository; banking or financial organization; insurance
2041 company; federally chartered entity; utility company; transfer
2042 agent; or other business entity, whether or not for profit.

2043 ~~(12)~~⁽⁸⁾ "Claimant ~~Claimant's~~ representative" means an
2044 attorney who is a member in good standing with ~~of~~ The Florida
2045 Bar, a certified public accountant licensed in this state, or a
2046 private investigator ~~who is duly licensed to do business in this~~
2047 ~~the state,~~ who is registered with the department, and authorized
2048 to file claims on behalf of persons with the department ~~by the~~
2049 ~~claimant to claim unclaimed property on the claimant's behalf.~~
2050 The term does not include a person acting in a representative or
2051 fiduciary capacity, such as a personal representative, guardian,
2052 trustee, or attorney, whose representation is not contingent
2053 upon the discovery or location of abandoned ~~unclaimed~~ property,
2054 and it expressly excludes locators who engage in locating owners
2055 of abandoned property for a fee but are not registered with the
2056 department; ~~provided, however, that any agreement entered into~~
2057 ~~for the purpose of evading s. 717.135 is invalid and~~
2058 ~~unenforceable.~~

2059 ~~(9)~~ "Credit balance" means ~~an account balance in the~~

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2060 ~~customer's favor.~~

2061 (15)~~(12)~~ "Due diligence" means the use of reasonable and
2062 prudent methods under particular circumstances to locate
2063 apparent owners of presumed abandoned property ~~inactive accounts~~
2064 using the taxpayer identification number or social security
2065 number, if known, which may include, but are not limited to,
2066 using a nationwide database, cross-indexing with other records
2067 of the holder, mailing to the last known address unless the last
2068 known address is known to be inaccurate, providing written
2069 notice as described in this chapter by e-mail ~~electronic mail~~ if
2070 an apparent owner has elected such delivery, or engaging a
2071 licensed agency or company capable of conducting such search and
2072 providing updated addresses.

2073 ~~(14) "Financial organization" means a savings association,~~
2074 ~~savings and loan association, savings bank, industrial bank,~~
2075 ~~bank, banking organization, trust company, international bank~~
2076 ~~agency, cooperative bank, building and loan association, or~~
2077 ~~credit union.~~

2078 (18)~~(16)~~ "Holder" means a person who is in possession of
2079 property belonging to another or who owes a debt or an
2080 obligation to another person, including, but not limited to,
2081 financial institutions, insurance companies, corporations,
2082 partnerships, fiduciaries, and government agencies.

2083 ~~(a) A person who is in possession or control or has custody~~
2084 ~~of property or the rights to property belonging to another; is~~
2085 ~~indebted to another on an obligation; or is obligated to hold~~
2086 ~~for the account of, or to deliver or pay to, the owner, property~~
2087 ~~subject to this chapter; or~~

2088 ~~(b) A trustee in case of a trust.~~

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2089 ~~(20)(18)~~ "Intangible property" includes, by way of
2090 illustration and not limitation:

2091 (a) Moneys, checks, virtual currency, drafts, deposits,
2092 interest, dividends, and income.

2093 (b) Credit balances, customer overpayments, security
2094 deposits and other instruments as defined by chapter 679,
2095 refunds, unpaid wages, unused airline tickets, and unidentified
2096 remittances.

2097 (c) Stocks, and other intangible ownership interests in
2098 business associations except for:

2099 1. A non-freely transferable security; or
2100 2. A security that is subject to a lien, legal hold, or
2101 restriction evidenced on the records of the holder or imposed by
2102 operation of law, if the lien, legal hold, or restriction
2103 restricts the holder's or owner's ability to receive, transfer,
2104 sell, or otherwise negotiate the security.

2105 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
2106 original issue discount bonds, coupons, and other securities, or
2107 to make distributions.

2108 (e) Amounts due and payable under the terms of insurance
2109 policies.

2110 (f) Amounts distributable from a trust or custodial fund
2111 established under a plan to provide any health, welfare,
2112 pension, vacation, severance, retirement, death, stock purchase,
2113 profit sharing, employee savings, supplemental unemployment
2114 insurance, or similar benefit.

2115 ~~(21)(19)~~ "Last known address" means a description of the
2116 location of the apparent owner sufficient for the purpose of the
2117 delivery of mail. For the purposes of identifying, reporting,

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2118 and remitting property to the department ~~which is presumed to be~~
2119 ~~unclaimed,~~ the term "last known address" includes any partial
2120 description of the location of the apparent owner sufficient to
2121 establish the apparent owner was a resident of this state at the
2122 time of last contact with the apparent owner or at the time the
2123 property became due and payable.

2124 (22) ~~(20)~~ "Lawful charges" means charges against the
2125 property or the account in which the property is held which
2126 ~~dormant accounts that~~ are authorized by statute for the purpose
2127 of offsetting the costs of maintaining the property or the
2128 account in which the property is held ~~dormant account.~~

2129 (23) "Locator" means a private individual or business that
2130 locates owners of abandoned property in exchange for a fee,
2131 typically a percentage of the recovered property. Locators are
2132 not employees or agents of the state and are not registered with
2133 the department.

2134 (25) "Non-freely transferable security" means a security
2135 that cannot be delivered to the administrator by the Depository
2136 Trust and Clearing Corporation or similar custodian of
2137 securities providing post-trade clearing and settlement services
2138 to financial markets or cannot be delivered because there is no
2139 agent to effect transfer. The term includes a worthless
2140 security.

2141 (26) ~~(22)~~ "Owner" means the a person, ~~or the person's legal~~
2142 ~~representative,~~ entitled to receive or having a legal or
2143 equitable interest in the abandoned property. An owner
2144 establishes his or her entitlement by filing a valid claim with
2145 the department pursuant ~~or claim against property subject to~~
2146 ~~this chapter; a depositor in the case of a deposit; a~~

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2147 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
2148 ~~payee in the case of a negotiable instrument or other intangible~~
2149 ~~property.~~

2150 (29)~~(25)~~ "Record" means information that is captured or
2151 maintained in any format, including written, printed,
2152 electronic, audio, visual, or other forms, and that can be made
2153 perceptible or understandable to a person, either directly or
2154 through technological means, including assistive technologies
2155 ~~inscribed on a tangible medium or that is stored in an~~
2156 ~~electronic or other medium and is retrievable in perceivable~~
2157 ~~form.~~

2158 ~~(29) "Unclaimed Property Purchase Agreement" means the form~~
2159 ~~adopted by the department pursuant to s. 717.135 which must be~~
2160 ~~used, without modification or amendment, by a claimant's~~
2161 ~~representative to purchase unclaimed property from an owner.~~

2162 ~~(30) "Unclaimed Property Recovery Agreement" means the form~~
2163 ~~adopted by the department pursuant to s. 717.135 which must be~~
2164 ~~used, without modification or amendment, by a claimant's~~
2165 ~~representative to obtain an owner's consent and authority to~~
2166 ~~recover unclaimed property on the owner's behalf.~~

2167 Section 38. Section 717.102, Florida Statutes, is amended
2168 to read:

2169 717.102 Property presumed abandoned ~~unclaimed~~; general
2170 rule.—

2171 (1) Except as otherwise provided by this chapter, all
2172 intangible property, including any income or increment thereon
2173 less any lawful charges, that is held, issued, or owing in the
2174 ordinary course of the holder's business and for which the
2175 apparent owner or authorized representative fails to demonstrate

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2176 continued interest for more than the applicable dormancy period
2177 prescribed by this chapter shall be presumed abandoned ~~claim~~
2178 ~~such property for more than 5 years after the property becomes~~
2179 ~~payable or distributable is presumed unclaimed, except as~~
2180 ~~otherwise provided by this chapter. Unless otherwise specified~~
2181 by law, the dormancy period is 5 years from the date the
2182 property becomes payable or distributable. For the purposes of
2183 this chapter, property is considered payable or distributable
2184 once the holder's obligation to pay or deliver the property
2185 arises, regardless of whether the apparent owner or authorized
2186 representative has failed to demand or to present documents
2187 required to receive payment.

2188 (2) ~~Property is payable or distributable for the purpose of~~
2189 ~~this chapter notwithstanding the owner's failure to make demand~~
2190 ~~or to present any instrument or document required to receive~~
2191 ~~payment.~~

2192 ~~(3)~~ A presumption that property is abandoned may be
2193 ~~unclaimed is~~ rebutted by the affirmative demonstration of
2194 continued interest by the apparent owner or authorized
2195 representative ~~an apparent owner's expression of interest in the~~
2196 ~~property. Such demonstration~~ An owner's expression of continued
2197 interest in property includes, but is not limited to, any of the
2198 following:

2199 (a) A record communicated by the apparent owner or
2200 authorized representative to the holder or its agent ~~of the~~
2201 ~~holder~~ concerning the property or the account in which the
2202 property is held. ~~†~~

2203 (b) An oral communication by the apparent owner or
2204 authorized representative to the holder or its agent ~~of the~~

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2205 ~~holder~~ concerning the property or the account in which the
2206 property is held, if the holder or its agent contemporaneously
2207 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
2208 ~~apparent owner's~~ communication.†

2209 (c) Presentment of a check or other instrument for ~~of~~
2210 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
2211 distributions related to the property. ~~distribution~~, with
2212 ~~respect to an account, underlying security, or interest in a~~
2213 ~~business association;~~

2214 (d) Any account activity initiated ~~directed~~ by an apparent
2215 owner or authorized representative in the account in which the
2216 ~~property is held~~, including accessing the account or directing
2217 changes to information concerning the account, ~~or to the amount~~
2218 or type of property held, excluding routine automatic
2219 transactions previously authorized, ~~a direction by the apparent~~
2220 ~~owner~~ to increase, decrease, or otherwise change the amount or
2221 type of property held in the account.†

2222 (e) Any ~~A~~ deposit into or withdrawal from the property or
2223 the an account in which the property is held ~~at a financial~~
2224 ~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or
2225 reinvestments ~~deposit or withdrawal~~ previously authorized by the
2226 apparent owner or authorized representative. ~~an automatic~~
2227 ~~reinvestment of dividends or interest, which does not constitute~~
2228 ~~an expression of interest; or~~

2229 (f) Any other action by the apparent owner or authorized
2230 representative which reasonably demonstrates to the holder that
2231 the apparent owner or authorized representative is aware of and
2232 maintains an interest in ~~knows that~~ the property ~~exists~~.

2233 (3) ~~(4)~~ If a holder learns or receives confirmation of an

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2234 apparent owner's death, the property shall be presumed abandoned
2235 ~~unclaimed~~ 2 years after the date of death, unless an authorized
2236 representative makes an affirmative demonstration ~~a fiduciary~~
2237 ~~appointed to represent the estate of the apparent owner has made~~
2238 ~~an expression~~ of interest in the property before the expiration
2239 of the 2-year period. This subsection may not be construed to
2240 extend the otherwise applicable dormancy period prescribed by
2241 this chapter.

2242 Section 39. Section 717.103, Florida Statutes, is amended
2243 to read:

2244 717.103 General rules for taking custody of intangible
2245 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
2246 chapter or by other statute of this state, intangible property
2247 is subject to the custody of the department as abandoned
2248 ~~unclaimed~~ property when ~~if~~ the conditions leading to a
2249 presumption that the property is abandoned ~~unclaimed~~ as
2250 described in ss. 717.102 and 717.105-717.116 are satisfied and
2251 the holder has fulfilled all required due diligence obligations
2252 without receiving any response or claim from the apparent owner,
2253 and one or more of the following criteria apply:

2254 (1) The last known address, as shown on the records of the
2255 holder, of the apparent owner is in this state.†

2256 (2) The records of the holder do not identify the name of
2257 the apparent owner, but do reflect the identity of the person
2258 ~~entitled to the property, and it is established that the last~~
2259 ~~known address of the~~ apparent owner ~~person entitled to the~~
2260 ~~property~~ is in this state.†

2261 (3) The records of the holder do not reflect the last known
2262 address of the apparent owner, but ~~and~~ it is established that

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2263 either of the following conditions apply:

2264 (a) The last known address of the apparent owner ~~person~~
2265 ~~entitled to the property~~ is in this state. ~~;~~ ~~or~~

2266 (b) The holder is domiciled in this state, ~~a domiciliary~~ or
2267 is a government entity or ~~governmental~~ subdivision ~~or agency~~ of
2268 this state, and has not previously paid the property to the
2269 state of the last known address of the apparent owner. ~~or other~~
2270 ~~person entitled to the property;~~

2271 (4) The last known address, as shown on the records of the
2272 holder, of the apparent owner ~~or other person entitled to the~~
2273 ~~property~~ is in a jurisdiction state that does not have
2274 applicable provide by law for the escheat, abandoned, or
2275 unclaimed property laws ~~custodial taking of the property, or its~~
2276 ~~escheat or unclaimed property law is not applicable to the~~
2277 ~~property~~, and the holder is domiciled in this state a
2278 ~~domiciliary~~ or is a government entity or governmental
2279 subdivision or agency of this state. ~~;~~

2280 (5) The last known address, as shown on the records of the
2281 holder, of the apparent owner is in a foreign nation and the
2282 holder is domiciled in this state ~~a domiciliary~~ or is a
2283 government entity or governmental subdivision ~~or agency~~ of this
2284 state. ~~;~~ ~~or~~

2285 (6) The transaction out of which the property arose
2286 occurred in this state, ~~and~~ both of the following are true:

2287 (a) ~~1.~~ The last known address of the apparent owner ~~or other~~
2288 ~~person entitled to the property~~ is unknown. ~~;~~ ~~or~~

2289 ~~2.~~ ~~The last known address of the apparent owner or other~~
2290 ~~person entitled to the property is in a state that does not~~
2291 ~~provide by law for the escheat or custodial taking of the~~

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2292 ~~property, or its escheat or unclaimed property law is not~~
2293 ~~applicable to the property; and~~

2294 (b) The holder is domiciled in a jurisdiction ~~a domiciliary~~
2295 ~~of a state that does not~~ have applicable ~~provide by law for the~~
2296 ~~escheat, abandoned, or custodial taking of the property, or its~~
2297 ~~escheat or unclaimed property laws~~ law is not applicable to the
2298 ~~property.~~

2299 Section 40. Section 717.1035, Florida Statutes, is
2300 repealed.

2301 Section 41. Section 717.104, Florida Statutes, is amended
2302 to read:

2303 717.104 Traveler's checks and money orders.—

2304 (1) Subject to subsection (4), any sum payable on a
2305 traveler's check that has been outstanding for more than 15
2306 years after its issuance is presumed abandoned ~~unclaimed~~ unless
2307 the apparent owner or authorized representative, within 15
2308 years, has demonstrated a continued interest in the property in
2309 accordance with s. 717.102 ~~communicated in writing with the~~
2310 ~~issuer concerning it or otherwise indicated an interest as~~
2311 ~~evidenced by a memorandum or other record on file with the~~
2312 ~~issuer.~~

2313 (2) Subject to subsection (4), any sum payable on a money
2314 order or similar written instrument, other than a third party
2315 bank check, that has been outstanding for more than 7 years
2316 after its issuance is presumed abandoned ~~unclaimed~~ unless the
2317 apparent owner or authorized representative, within 7 years, has
2318 demonstrated a continued interest in the property in accordance
2319 with s. 717.102 ~~communicated in writing with the issuer~~
2320 ~~concerning it or otherwise indicated an interest as evidenced by~~

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2321 ~~a memorandum or other record on file with the issuer.~~

2322 (3) A ~~No~~ holder may not deduct from the amount of any
2323 traveler's check or money order any charges imposed by reason of
2324 the failure to present those instruments for payment unless
2325 there is a valid and enforceable written contract between the
2326 holder issuer and the apparent owner of the property pursuant to
2327 which the holder issuer may impose those charges and the holder
2328 issuer regularly imposes those charges and does not regularly
2329 reverse or otherwise cancel those charges with respect to the
2330 property.

2331 (4) No sum payable on a traveler's check, money order, or
2332 similar written instrument, other than a third party bank check,
2333 described in subsections (1) and (2) may be subjected to the
2334 custody of this state as abandoned ~~unclaimed~~ property unless any
2335 of the following conditions are met:

2336 (a) The records of the holder issuer show that the
2337 traveler's check, money order, or similar written instrument was
2338 purchased in this state.;

2339 (b) The holder issuer has its principal place of business
2340 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
2341 state in which the traveler's check, money order, or similar
2342 written instrument was purchased.; ~~or~~

2343 (c) The holder issuer has its principal place of business
2344 in this state; the holder's records ~~of the issuer~~ show the state
2345 in which the traveler's check, money order, or similar written
2346 instrument was purchased; and the ~~laws of the state of purchase~~
2347 does not provide applicable ~~do not provide for the escheat,~~
2348 abandoned, or unclaimed property laws ~~or custodial taking of the~~
2349 ~~property, or its escheat or unclaimed property law is not~~

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2350 ~~applicable to the property.~~

2351 (5) Notwithstanding any other provision of this chapter,
2352 subsection (4) applies to sums payable on traveler's checks,
2353 money orders, and similar written instruments presumed abandoned
2354 ~~unclaimed~~ on or after February 1, 1965, except to the extent
2355 that those sums have been paid over to a state prior to January
2356 1, 1974.

2357 Section 42. Section 717.1045, Florida Statutes, is amended
2358 to read:

2359 717.1045 Gift certificates and similar credit items.—
2360 Notwithstanding s. 717.117, an unredeemed gift certificate or
2361 credit memo as defined in s. 501.95 is not required to be
2362 reported as abandoned ~~unclaimed~~ property.

2363 (1) The consideration paid for an unredeemed gift
2364 certificate or credit memo is the property of the issuer of the
2365 unredeemed gift certificate or credit memo.

2366 (2) An unredeemed gift certificate or credit memo is
2367 subject only to any rights of a purchaser or owner thereof and
2368 is not subject to a claim made by any state acting on behalf of
2369 a purchaser or owner.

2370 (3) It is the intent of the Legislature that this section
2371 apply to the custodial holding of unredeemed gift certificates
2372 and credit memos.

2373 (4) However, a gift certificate or credit memo described in
2374 s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
2375 property. The consideration paid for such a gift certificate or
2376 credit memo is the property of the owner of the gift certificate
2377 or credit memo.

2378 Section 43. Section 717.105, Florida Statutes, is amended

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2379 to read:

2380 717.105 Checks, drafts, and similar instruments issued or
2381 certified by banking and financial organizations.—

2382 (1) Any sum payable on a check, draft, or similar
2383 instrument, except those subject to ss. 717.104 and 717.115, on
2384 which a banking or financial organization is directly liable,
2385 including, but not limited to, a cashier's check or a certified
2386 check, which has been outstanding for more than 5 years after it
2387 was payable or after its issuance if payable on demand, is
2388 presumed abandoned ~~unclaimed~~ unless the apparent owner or
2389 authorized representative, within 5 years, has communicated in
2390 writing with the banking or financial organization concerning it
2391 or otherwise demonstrated a continued interest in the property
2392 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
2393 ~~by a memorandum or other record on file with the banking or~~
2394 ~~financial organization.~~

2395 (2) A ~~No~~ holder may not deduct from the amount of any
2396 instrument subject to this section any charges imposed by reason
2397 of the failure to present the instrument for encashment unless
2398 there is a valid and enforceable written contract between the
2399 holder and the apparent owner of the instrument pursuant to
2400 which the holder may impose those charges and does not regularly
2401 reverse or otherwise cancel those charges with respect to the
2402 instrument.

2403 Section 44. Subsection (1), paragraphs (a) and (b) of
2404 subsection (3), and subsections (4) and (5) of section 717.106,
2405 Florida Statutes, are amended to read:

2406 717.106 Bank deposits and funds in financial
2407 organizations.—

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2408 (1) Any demand, savings, or matured time deposit with a
2409 banking or financial organization, including deposits that are
2410 automatically renewable, and any funds paid toward the purchase
2411 of shares, a mutual investment certificate, or any other
2412 interest in a banking or financial organization is presumed
2413 abandoned ~~unclaimed~~ unless the apparent owner or authorized
2414 representative has, within 5 years, engaged in any of the
2415 following activities:

2416 (a) Increased or decreased the amount of the deposit or
2417 presented the passbook or other similar evidence of the deposit
2418 for the crediting of interest.~~†~~

2419 (b) Communicated in writing or by documented telephone
2420 contact with the banking or financial organization concerning
2421 the property.~~†~~

2422 (c) Otherwise demonstrated a continued ~~indicated an~~
2423 interest in the property as evidenced by a memorandum or other
2424 record on file with the banking or financial organization.~~†~~

2425 (d) Owned other property to which paragraph (a), paragraph
2426 (b), or paragraph (c) is applicable and if the banking or
2427 financial organization communicates in writing with the owner
2428 with regard to the property that would otherwise be presumed
2429 abandoned ~~unclaimed~~ under this subsection at the address to
2430 which communications regarding the other property regularly are
2431 sent.~~† or~~

2432 (e) Had another relationship with the banking or financial
2433 organization concerning which the apparent owner has:

2434 1. Communicated in writing with the banking or financial
2435 organization; or

2436 2. Otherwise demonstrated a continued ~~indicated an~~ interest

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2437 as evidenced by a memorandum or other record on file with the
2438 banking or financial organization and if the banking or
2439 financial organization communicates in writing with the apparent
2440 owner or authorized representative with regard to the property
2441 that would otherwise be presumed abandoned ~~unclaimed~~ under this
2442 subsection at the address to which communications regarding the
2443 other relationship regularly are sent.

2444 (3) ~~A No~~ holder may not impose with respect to property
2445 described in subsection (1) any charges due to dormancy or
2446 inactivity or cease payment of interest unless:

2447 (a) There is an enforceable written contract between the
2448 holder and the apparent owner of the property pursuant to which
2449 the holder may impose those charges or cease payment of
2450 interest.

2451 (b) For property in excess of \$2, the holder, no more than
2452 3 months prior to the initial imposition of those charges or
2453 cessation of interest, has given written notice to the apparent
2454 owner of the amount of those charges at the last known address
2455 of the apparent owner stating that those charges shall be
2456 imposed or that interest shall cease, but the notice provided in
2457 this section need not be given with respect to charges imposed
2458 or interest ceased before July 1, 1987.

2459 (4) Any property described in subsection (1) that is
2460 automatically renewable is matured for purposes of subsection
2461 (1) upon the expiration of its initial time period except that,
2462 in the case of any renewal to which the apparent owner consents
2463 at or about the time of renewal by communicating in writing with
2464 the banking or financial organization or otherwise indicating
2465 consent as evidenced by a memorandum or other record on file

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2466 prepared by an employee of the organization, the property is
2467 matured upon the expiration of the last time period for which
2468 consent was given. If, at the time provided for delivery in s.
2469 717.119, a penalty or forfeiture in the payment of interest
2470 would result from the delivery of the property, the time for
2471 delivery is extended until the time when no penalty or
2472 forfeiture would result.

2473 (5) If the documents establishing a deposit described in
2474 subsection (1) state the address of a beneficiary of the
2475 deposit, and the account has a value of at least \$50, notice
2476 shall be given to the beneficiary as provided for notice to the
2477 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
2478 shall apply to accounts opened on or after October 1, 1990.

2479 Section 45. Subsection (1) of section 717.1065, Florida
2480 Statutes, is amended to read:

2481 717.1065 Virtual currency.—

2482 (1) Any virtual currency held or owing by a banking
2483 organization, corporation, custodian, exchange, or other entity
2484 engaged in virtual currency business activity is presumed
2485 unclaimed unless the owner, within 7 ~~5~~ years, has communicated
2486 in writing with the banking organization, corporation,
2487 custodian, exchange, or other entity engaged in virtual currency
2488 business activity concerning the virtual currency or otherwise
2489 indicated an interest as evidenced by a memorandum or other
2490 record on file with the banking organization, corporation,
2491 custodian, exchange, or other entity engaged in virtual currency
2492 business activity.

2493 Section 46. Subsection (1) of section 717.107, Florida
2494 Statutes, is amended to read:

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2495 717.107 Funds owing under life insurance policies, annuity
2496 contracts, and retained asset accounts; fines, penalties, and
2497 interest; United States Social Security Administration Death
2498 Master File.—

2499 (1) Funds held or owing under any life or endowment
2500 insurance policy or annuity contract which has matured or
2501 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
2502 more than 5 years after the date of death of the insured, the
2503 annuitant, or the retained asset account holder, but property
2504 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
2505 such property is not claimed for more than 2 years. The amount
2506 presumed abandoned ~~unclaimed~~ shall include any amount due and
2507 payable under s. 627.4615.

2508 Section 47. Section 717.1071, Florida Statutes, is amended
2509 to read:

2510 717.1071 Lost owners of abandoned ~~unclaimed~~
2511 demutualization, rehabilitation, or related reorganization
2512 proceeds.—

2513 (1) Property distributable in the course of a
2514 demutualization, rehabilitation, or related reorganization of an
2515 insurance company is deemed abandoned 2 years after the date the
2516 property is first distributable if, at the time of the first
2517 distribution, the last known address of the apparent owner on
2518 the books and records of the holder is known to be incorrect or
2519 the distribution or statements are returned by the post office
2520 as undeliverable; and the apparent owner or authorized
2521 representative ~~owner~~ has not communicated in writing with the
2522 holder or its agent regarding the interest or otherwise
2523 communicated with the holder regarding the interest as evidenced

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2524 by a memorandum or other record on file with the holder or its
2525 agent.

2526 (2) Property distributable in the course of
2527 demutualization, rehabilitation, or related reorganization of a
2528 mutual insurance company that is not subject to subsection (1)
2529 shall be reportable as otherwise provided by this chapter.

2530 (3) Property subject to this section shall be reported and
2531 delivered no later than May 1 as of the preceding December 31;
2532 however, the initial report under this section shall be filed no
2533 later than November 1, 2003, as of December 31, 2002.

2534 Section 48. Section 717.108, Florida Statutes, is amended
2535 to read:

2536 717.108 Deposits held by utilities.—Any deposit, including
2537 any interest thereon, made by a subscriber with a utility to
2538 secure payment or any sum paid in advance for utility services
2539 to be furnished, less any lawful charges, that remains unclaimed
2540 by the apparent owner for more than 1 year after termination of
2541 the services for which the deposit or advance payment was made
2542 is presumed abandoned ~~unclaimed~~.

2543 Section 49. Section 717.109, Florida Statutes, is amended
2544 to read:

2545 717.109 Refunds held by business associations.—Except as
2546 otherwise provided by law, any sum that a business association
2547 has been ordered to refund by a court or administrative agency
2548 which has been unclaimed by the apparent owner for more than 1
2549 year after it became payable in accordance with the final
2550 determination or order providing for the refund, regardless of
2551 whether the final determination or order requires any person
2552 entitled to a refund to make a claim for it, is presumed

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2553 abandoned ~~unclaimed~~.

2554 Section 50. Section 717.1101, Florida Statutes, is amended
2555 to read:

2556 717.1101 Abandoned ~~Unclaimed~~ equity and debt of business
2557 associations.—

2558 (1) (a) Stock, or other equity interests, or debt of
2559 interest in a business association is presumed abandoned
2560 unclaimed on the date of the earliest of any of the following:

2561 1. Three years after the date a communication, other than
2562 communications required by s. 717.117, sent by the holder by
2563 first-class United States mail to the apparent owner is returned
2564 to the holder undelivered by the United States Postal Service.
2565 If such returned communication is resent within 1 month to the
2566 apparent owner, the 3-year dormancy period does not begin until
2567 the day the resent item is returned as undelivered.

2568 2. Five ~~Three~~ years after the most recent of any account
2569 owner-generated activity or communication initiated by the
2570 apparent owner or authorized representative which demonstrates
2571 continued interest in the related to the account, as recorded
2572 and maintained by in the holder. Routine automatic reinvestments
2573 or other routine transactions previously authorized by the
2574 apparent owner or authorized representative do not prevent,
2575 interrupt, or reset the dormancy period and do not constitute an
2576 affirmative demonstration of continued interest. holder's
2577 database and records systems sufficient enough to demonstrate
2578 the owner's continued awareness or interest in the property;

2579 3.2. Two ~~Three~~ years after the date of the death of the
2580 apparent owner, as evidenced by:

2581 a. Notice to the holder of the apparent owner's death by an

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2582 ~~authorized representative administrator, beneficiary, relative,~~
2583 ~~or trustee, or by a personal representative or other legal~~
2584 ~~representative of the owner's estate;~~

2585 b. Receipt by the holder of a copy of the death certificate
2586 of the apparent owner;

2587 c. Confirmation by the holder of the apparent owner's death
2588 ~~through~~ ~~though~~ other means; or

2589 d. Other evidence from which the holder may reasonably
2590 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

2591 ~~3. One year after the date on which the holder receives~~
2592 ~~notice under subparagraph 2. if the notice is received 2 years~~
2593 ~~or less after the owner's death and the holder lacked knowledge~~
2594 ~~of the owner's death during that period of 2 years or less.~~

2595 (b) If the holder does not send communication to the
2596 apparent owner of a security by first-class United States mail
2597 on an annual basis, the holder must attempt to confirm the
2598 apparent owner's interest in the equity interest by sending the
2599 apparent owner an e-mail communication not later than 3 years
2600 after the apparent owner's or authorized representative's last
2601 demonstration of continued interest in the equity interest.
2602 However, the holder must promptly attempt to contact the
2603 apparent owner by first-class United States mail if:

2604 1. The holder does not have information needed to send the
2605 apparent owner an e-mail communication or the holder believes
2606 that the apparent owner's e-mail address in the holder's records
2607 is not valid;

2608 2. The holder received notification that the e-mail
2609 communication was not received; or

2610 3. The apparent owner does not respond to the e-mail

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2611 communication within 30 days after the communication was sent.

2612 (c) If first-class United States mail sent under paragraph
2613 (b) is returned to the holder undelivered by the United States
2614 Postal Service, the equity interest is presumed abandoned in
2615 accordance with paragraph (a).

2616 (d) Unmatured or unredeemed debt, other than a bearer bond
2617 or an original issue discount bond, is presumed abandoned 5
2618 unclaimed 3 years after the date of the most recent interest
2619 payment unclaimed by the owner.

2620 (e)-(e) Matured or redeemed debt is presumed abandoned 5
2621 unclaimed 3 years after the date of maturity or redemption.

2622 (f)-(d) At the time property is presumed abandoned unclaimed
2623 under paragraph (a) or paragraph (b), any other property right
2624 accrued or accruing to the owner as a result of the property
2625 interest and not previously presumed abandoned unclaimed is also
2626 presumed abandoned unclaimed.

2627 (2) The running of the applicable dormancy period under
2628 this section such 3-year period ceases if the apparent owner or
2629 authorized representative demonstrates continued interest under
2630 s. 717.102, including by any of the following actions person:

2631 (a)1. Communicating Communicates in writing or by other
2632 means with the association or its agent regarding the interest,
2633 or a dividend, distribution, or other sum payable as a result of
2634 the interest, as recorded by the association or its agent, or

2635 2. Otherwise communicates with the association regarding
2636 the interest or a dividend, distribution, or other sum payable
2637 as a result of the interest, as evidenced by a memorandum or
2638 other record on file with the association or its agent.

2639 (b) Presenting Presents an instrument issued to pay

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2640 interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any
2641 future dividend, distribution, or other sum payable ~~to the owner~~
2642 as a result of the interest is subsequently unclaimed ~~not~~
2643 ~~claimed by the owner~~, a new period in which the property is
2644 presumed abandoned ~~unclaimed~~ commences and relates back only to
2645 the time a subsequent dividend, distribution, or other sum
2646 became due and payable.

2647 (3) At the same time any interest is presumed abandoned
2648 ~~unclaimed~~ under this section, any dividend, distribution, or
2649 other sum then held for or owing to the owner as a result of the
2650 interest, is presumed abandoned ~~unclaimed~~.

2651 (4) Any dividend, profit, distribution, interest
2652 redemption, payment on principal, or other sum held or owing by
2653 a business association for or to a shareholder,
2654 certificateholder, member, bondholder, or other security holder,
2655 who has not claimed such amount or corresponded in writing with
2656 the business association concerning such amount, within 5 ~~3~~
2657 years after the date prescribed for payment or delivery, is
2658 presumed abandoned ~~unclaimed~~.

2659 (5) Notwithstanding any other provision of this section,
2660 equity interests in business associations and securities
2661 accounts are not presumed abandoned solely due to inactivity if
2662 the holder knows the location of the apparent owner.

2663 (a) For purposes of this subsection, a holder must perform
2664 data matching of owner records maintained in its database
2665 against commercially available third-party data comparison
2666 sources to identify updated owner address information and
2667 indicators of deceased status. Utilizing any updated
2668 information, together with existing information of record, the

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2669 holder is deemed to know the location of the apparent owner if:

2670 1. The holder communicates with the apparent owner at least
2671 annually by first-class United States mail or electronic means,
2672 including, but not limited to, e-mail, text message, mobile
2673 application, or similar mechanism;

2674 2. Such communication is successfully delivered, meaning
2675 not returned as undeliverable; and

2676 3. One or more additional account-level indicators
2677 demonstrating an owner indication of interest occur at least
2678 once every 10 years, including:

2679 a. Owner-initiated activity, such as authenticated access
2680 to a website, mobile engagement via mobile messaging, or other
2681 authenticated third-party account servicing software;

2682 b. Updated contact information received through an
2683 authorized financial adviser;

2684 c. Responses to account notifications or alerts;

2685 d. Negotiation of distributions, including dividends; or

2686 e. Any other action by the apparent owner or authorized
2687 representative which reasonably demonstrates to the holder that
2688 the apparent owner or authorized representative is aware of and
2689 maintains an interest in the property.

2690 (b) Automatic deposits, reinvestments, or other recurring
2691 transactions initiated by the holder may not independently
2692 constitute an indication of apparent owner interest for purposes
2693 of this section.

2694 (c) If the conditions in paragraph (a) are not satisfied
2695 and the owner's location is deemed unknown, the equity interest
2696 or securities account may be presumed abandoned:

2697 1. Ten years after the owner's most recent indication of

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2698 interest in the property; or

2699 2. Ten years after the date a communication is returned as
2700 undeliverable, unless the owner responds to a due diligence
2701 notice before the reporting deadline.

2702 (d) Property described in paragraph (c) is presumed
2703 abandoned only after reasonable efforts to locate the owner have
2704 been unsuccessful and the holder has complied with the due
2705 diligence requirement of this chapter.

2706 (e) This subsection applies to equity interests and
2707 securities accounts held directly by the owner or indirectly
2708 through a brokerage account or similar account.

2709 Section 51. Section 717.111, Florida Statutes, is amended
2710 to read:

2711 717.111 Property of business associations held in course of
2712 dissolution.—All intangible property distributable in the course
2713 of a voluntary or involuntary dissolution of a business
2714 association which is not claimed by the apparent owner for more
2715 than 6 months after the date specified for final distribution is
2716 presumed abandoned ~~unclaimed~~.

2717 Section 52. Subsections (1) and (5) of section 717.112,
2718 Florida Statutes, are amended to read:

2719 717.112 Property held by agents and fiduciaries.—

2720 (1) All intangible property and any income or increment
2721 thereon held in a fiduciary capacity for the benefit of another
2722 person, including property held by an attorney in fact or an
2723 agent, except as provided in ss. 717.1125 and 733.816, is
2724 presumed abandoned ~~unclaimed~~ unless the apparent owner has
2725 within 5 years after it has become payable or distributable
2726 increased or decreased the principal, accepted payment of

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2727 principal or income, communicated in writing concerning the
2728 property, or otherwise indicated an interest as evidenced by a
2729 memorandum or other record on file with the fiduciary.

2730 (5) All intangible property, and any income or increment
2731 thereon, issued by a government or governmental subdivision or
2732 agency, public corporation, or public authority and held in an
2733 agency capacity for the governmental subdivision, agency, public
2734 corporation, or public authority for the benefit of the owner of
2735 record, is presumed abandoned ~~unclaimed~~ unless the apparent
2736 owner has, within 1 year after such property has become payable
2737 or distributable, increased or decreased the principal, accepted
2738 payment of the principal or income, communicated concerning the
2739 property, or otherwise indicated an interest in the property as
2740 evidenced by a memorandum or other record on file with the
2741 fiduciary.

2742 Section 53. Section 717.1125, Florida Statutes, is amended
2743 to read:

2744 717.1125 Property held by fiduciaries under trust
2745 instruments.—All intangible property and any income or increment
2746 thereon held in a fiduciary capacity for the benefit of another
2747 person under a trust instrument is presumed abandoned ~~unclaimed~~
2748 unless the apparent owner has, within 2 years after it has
2749 become payable or distributable, increased or decreased the
2750 principal, accepted payment of principal or income, communicated
2751 concerning the property, or otherwise indicated an interest as
2752 evidenced by a memorandum or other record on file with the
2753 fiduciary. This section does not relieve a fiduciary of his or
2754 her duties under the Florida Trust Code.

2755 Section 54. Section 717.113, Florida Statutes, is amended

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2756 to read:

2757 717.113 Property held by courts and public agencies.—All
2758 intangible property held for the apparent owner by any court,
2759 government or governmental subdivision or agency, public
2760 corporation, or public authority that has not been claimed by
2761 the apparent owner for more than 1 year after it became payable
2762 or distributable is presumed abandoned ~~unclaimed~~. Except as
2763 provided in s. 45.032(3)(c), money held in the court registry
2764 and for which no court order has been issued to determine an
2765 owner does not become payable or distributable and is not
2766 subject to reporting under this chapter. Notwithstanding the
2767 provisions of this section, funds deposited in the Minerals
2768 Trust Fund pursuant to s. 377.247 are presumed abandoned
2769 ~~unclaimed~~ only if the funds have not been claimed by the
2770 apparent owner for more than 5 years after the date of first
2771 production from the well.

2772 Section 55. Section 717.115, Florida Statutes, is amended
2773 to read:

2774 717.115 Wages.—Unpaid wages, including wages represented by
2775 unrepresented payroll checks, owing in the ordinary course of the
2776 holder's business that have not been claimed by the apparent
2777 owner for more than 1 year after becoming payable are presumed
2778 abandoned ~~unclaimed~~.

2779 Section 56. Section 717.116, Florida Statutes, is amended
2780 to read:

2781 717.116 Contents of safe-deposit box or other safekeeping
2782 repository.—All tangible and intangible property held by a
2783 banking or financial organization in a safe-deposit box or any
2784 other safekeeping repository in this state in the ordinary

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2785 course of the holder's business, and proceeds resulting from the
2786 sale of the property permitted by law, that has not been claimed
2787 by the apparent owner or authorized representative for more than
2788 3 years after the lease or rental period on the box or other
2789 repository has expired are presumed abandoned ~~unclaimed~~.

2790 Section 57. Section 717.117, Florida Statutes, is amended
2791 to read:

2792 717.117 Holder due diligence and report of abandoned
2793 unclaimed property.—

2794 (1) Property is presumed abandoned upon expiration of the
2795 applicable dormancy period under this chapter. However, such
2796 property is not deemed abandoned for purposes of reporting or
2797 remittance to the department until the holder has conducted
2798 reasonable due diligence as required by this section, resulting
2799 in no indication of interest from the apparent owner or
2800 authorized representative.

2801 (2) Holders of property presumed abandoned which has a
2802 value of \$50 or more shall use due diligence to locate and
2803 notify the apparent owner that the holder is in possession of
2804 property subject to this chapter. At least 90 days, but not more
2805 than 180 days, before filing the report required by this
2806 section, a holder in possession of presumed abandoned property
2807 shall send written notice by first-class United States mail to
2808 the apparent owner's last known address as shown in the holder's
2809 records or from other available sources, or by e-mail if the
2810 apparent owner has elected for e-mail delivery, informing the
2811 apparent owner that the holder is in possession of property
2812 subject to this chapter, provided that the holder's records
2813 contain a mailing or e-mail address for the apparent owner which

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2814 is not known by the holder to be inaccurate. The holder may
2815 provide notice by mail, by e-mail, or by both methods. If the
2816 holder's records indicate that the mailing address is
2817 inaccurate, notice may be provided by e-mail if the apparent
2818 owner has elected e-mail delivery.

2819 (3) If the value of the property is greater than \$1,000,
2820 the holder must send a second written notice by certified United
2821 States mail, return receipt requested, to the apparent owner's
2822 last known address at least 60 days before filing the report
2823 required by this section, if the holder's records contain a
2824 mailing address for the apparent owner which is not known by the
2825 holder to be inaccurate. Reasonable costs paid to the United
2826 States Postal Service for certified mail, return receipt
2827 requested, may be deducted from the property as a service
2828 charge. A signed return receipt received in response to the
2829 certified mail notice constitutes an affirmative demonstration
2830 of continued interest as described in s. 717.102.

2831 (4) The written notice required under this section must
2832 include:

2833 (a) A heading that reads substantially as follows: "Notice:
2834 The State of Florida requires us to notify you that your
2835 property may be transferred to the custody of the Florida
2836 Department of Financial Services if you do not contact us before
2837 ...(insert date that is at least 30 days after the date of
2838 notice)...."

2839 (b) A description of the type, nature, and, unless the
2840 property does not have a fixed value, value of the property that
2841 is the subject of the notice.

2842 (c) A statement that the property will be turned over to

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2843 the custody of the department as abandoned property if no
2844 response is received.

2845 (d) A statement that noncash property will be sold or
2846 liquidated by the department.

2847 (e) A statement that, after the property is remitted to the
2848 department, a claim must be filed with the department to recover
2849 the property.

2850 (f) A statement that the property is currently in the
2851 custody of the holder and that the apparent owner may prevent
2852 transfer of the property by contacting the holder before the
2853 deadline stated in the notice.

2854 (g) If the property is virtual currency, a statement that
2855 the virtual currency will be liquidated by the holder before it
2856 is remitted to the department and that only the proceeds of the
2857 liquidation will be transferred.

2858 (5) Every holder of abandoned ~~person holding funds or other~~
2859 property, tangible or intangible, ~~presumed unclaimed and~~ subject
2860 to custody ~~as unclaimed property~~ under this chapter shall submit
2861 a report to the department via electronic medium as the
2862 department may prescribe by rule. The report must include:

2863 (a) Except for traveler's checks and money orders, the
2864 name, social security number or taxpayer identification number,
2865 date of birth, if known, and last known address, if any, of each
2866 apparent ~~person appearing from the records of the holder to be~~
2867 the owner of any property which is abandoned ~~presumed unclaimed~~
2868 and which has a value of \$10 or more.

2869 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
2870 or more held or owing under any life or endowment insurance
2871 policy or annuity contract, the identifying information provided

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2872 in paragraph (a) for both the insured or annuitant and the
2873 beneficiary according to records of the insurance company
2874 holding or owing the funds.

2875 (c) For all tangible property held in a safe-deposit box or
2876 other safekeeping repository, a description of the property and
2877 the place where the property is held and may be inspected by the
2878 department, and any amounts owing to the holder. Contents of a
2879 safe-deposit box or other safekeeping repository which consist
2880 of documents or writings ~~of a private nature and~~ which have
2881 little or no commercial value ~~may apparent value shall~~ not be
2882 reported as abandoned property ~~presumed unclaimed~~.

2883 (d) The nature or type of property, any accounting or
2884 identifying number associated with the property, a description
2885 of the property, and the amount appearing from the records to be
2886 due. Items of value of less than \$10 each may be reported in the
2887 aggregate.

2888 (e) The date the property became payable, demandable, or
2889 returnable, and the date of the last transaction with the
2890 apparent owner with respect to the property.

2891 (f) Any other information the department may prescribe by
2892 rule as necessary for the administration of this chapter.

2893 ~~(6)(2)~~ If the total value of all abandoned ~~presumed~~
2894 ~~unclaimed~~ property, whether tangible or intangible, held by a
2895 person is less than \$10, a zero balance report may be filed for
2896 that reporting period.

2897 ~~(7)(3)~~ Credit balances, customer overpayments, security
2898 deposits, and refunds having a value of less than \$10 may not be
2899 reported as abandoned property ~~shall not be presumed unclaimed~~.

2900 (8) A security identified by the holder as non-freely

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2901 transferable or worthless may not be included in a report filed
2902 under this section. If the holder determines that a security is
2903 no longer non-freely transferable or worthless, the holder must
2904 report and deliver the security on the next regular report date
2905 prescribed for delivery of securities by the holder under this
2906 chapter.

2907 (9)~~(4)~~ If the holder of abandoned property ~~presumed~~
2908 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2909 ~~property~~ is a successor holder or if the holder has changed the
2910 holder's name while in possession of the property, the holder
2911 must ~~shall~~ file with the holder's report all known names and
2912 addresses of each prior holder of the property. Compliance with
2913 this subsection means the holder exercises reasonable and
2914 prudent efforts to determine the names of all prior holders.

2915 (10) The report must be signed by or on behalf of the
2916 holder and verified as to its completeness and accuracy, and the
2917 holder must state that it has complied with the due diligence
2918 requirements of this section.

2919 (11)~~(5)~~ The report must be filed before May 1 of each year.
2920 The report applies to the preceding calendar year. Upon written
2921 request by any person required to file a report, and upon a
2922 showing of good cause, the department may extend the reporting
2923 date. The department may impose and collect a penalty of \$10 per
2924 day up to a maximum of \$500 for the failure to timely report, if
2925 an extension was not provided or if the holder of the property
2926 failed to include in a report information required by this
2927 chapter which was in the holder's possession at the time of
2928 reporting. The penalty shall be remitted to the department
2929 within 30 days after the date of the notification to the holder

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2930 that the penalty is due and owing. As necessary for proper
2931 administration of this chapter, the department may waive any
2932 penalty due with appropriate justification. The department must
2933 provide information contained in a report filed with the
2934 department to any person requesting a copy of the report or
2935 information contained in a report, to the extent the information
2936 requested is not confidential, within 45 days after the
2937 department determines that the report is accurate and acceptable
2938 and that the reported property is the same as the remitted
2939 property.

2940 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2941 ~~more shall use due diligence to locate and notify apparent~~
2942 ~~owners that the entity is holding unclaimed property available~~
2943 ~~for them to recover. Not more than 120 days and not less than 60~~
2944 ~~days prior to filing the report required by this section, the~~
2945 ~~holder in possession of property presumed unclaimed and subject~~
2946 ~~to custody as unclaimed property under this chapter shall send~~
2947 ~~written notice by first class United States mail to the apparent~~
2948 ~~owner at the apparent owner's last known address from the~~
2949 ~~holder's records or from other available sources, or via~~
2950 ~~electronic mail if the apparent owner has elected this method of~~
2951 ~~delivery, informing the apparent owner that the holder is in~~
2952 ~~possession of property subject to this chapter, if the holder~~
2953 ~~has in its records a mailing or electronic address for the~~
2954 ~~apparent owner which the holder's records do not disclose to be~~
2955 ~~inaccurate. These two means of contact are not mutually~~
2956 ~~exclusive; if the mailing address is determined to be~~
2957 ~~inaccurate, electronic mail may be used if so elected by the~~
2958 ~~apparent owner.~~

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2959 ~~(7) The written notice to the apparent owner required under~~
2960 ~~this section must:~~

2961 ~~(a) Contain a heading that reads substantially as follows:~~
2962 ~~"Notice. The State of Florida requires us to notify you that~~
2963 ~~your property may be transferred to the custody of the Florida~~
2964 ~~Department of Financial Services if you do not contact us before~~
2965 ~~...(insert date that is at least 30 days after the date of~~
2966 ~~notice)...."~~

2967 ~~(b) Identify the type, nature, and, except for property~~
2968 ~~that does not have a fixed value, value of the property that is~~
2969 ~~the subject of the notice.~~

2970 ~~(c) State that the property will be turned over to the~~
2971 ~~custody of the department as unclaimed property if no response~~
2972 ~~to this letter is received.~~

2973 ~~(d) State that any property that is not legal tender of the~~
2974 ~~United States may be sold or liquidated by the department.~~

2975 ~~(e) State that after the property is turned over to the~~
2976 ~~department, an apparent owner seeking return of the property may~~
2977 ~~file a claim with the department.~~

2978 ~~(f) State that the property is currently with a holder and~~
2979 ~~provide instructions that the apparent owner must follow to~~
2980 ~~prevent the holder from reporting and paying for the property or~~
2981 ~~from delivering the property to the department.~~

2982 ~~(12)~~~~(8)~~ Any holder of intangible property may file with the
2983 department a petition for determination that the property is
2984 abandoned and unclaimed requesting the department to accept
2985 custody of the property. The petition shall state any special
2986 circumstances that exist, contain the information required by
2987 subsection (9) ~~subsection (4)~~, and show that a diligent search

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2988 has been made to locate the apparent owner. If the department
2989 finds that the proof of diligent search is satisfactory, it
2990 shall give notice as provided in s. 717.118 and accept custody
2991 of the property.

2992 (13)~~(9)~~ Upon written request by any entity or person
2993 required to file a report, stating such entity's or person's
2994 justification for such action, the department may place that
2995 entity or person in an inactive status as an abandoned ~~unclaimed~~
2996 property "holder."

2997 (14)~~(10)~~(a) This section does not apply to the abandoned
2998 ~~unclaimed~~ patronage refunds as provided for by contract or
2999 through bylaw provisions of entities organized under chapter 425
3000 or that are exempt from ad valorem taxation pursuant to s.
3001 196.2002.

3002 (b) This section does not apply to intangible property
3003 held, issued, or owing by a business association subject to the
3004 jurisdiction of the United States Surface Transportation Board
3005 or its successor federal agency if the apparent owner of such
3006 intangible property is a business association. The holder of
3007 such property does not have any obligation to report, to pay, or
3008 to deliver such property to the department.

3009 (c) This section does not apply to credit balances,
3010 overpayments, refunds, or outstanding checks owed by a health
3011 care provider to a managed care payor with whom the health care
3012 provider has a managed care contract, provided that the credit
3013 balances, overpayments, refunds, or outstanding checks become
3014 due and owing pursuant to the managed care contract.

3015 (15)~~(11)~~(a) As used in this subsection, the term "property
3016 identifier" means the descriptor used by the holder to identify

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3017 the abandoned ~~unclaimed~~ property.

3018 (b) Social security numbers and property identifiers
3019 contained in reports required under this section, held by the
3020 department, are confidential and exempt from s. 119.07(1) and s.
3021 24(a), Art. I of the State Constitution.

3022 (c) This exemption applies to social security numbers and
3023 property identifiers held by the department before, on, or after
3024 the effective date of this exemption.

3025 Section 58. Section 717.118, Florida Statutes, is amended
3026 to read:

3027 717.118 Notification of apparent owners of abandoned
3028 ~~unclaimed~~ property.—

3029 (1) It is specifically recognized that the state has an
3030 obligation to make an effort to notify apparent owners in a
3031 cost-effective manner that their abandoned property has been
3032 reported and remitted to the department ~~of unclaimed property in~~
3033 ~~a cost-effective manner~~. In order to provide all the citizens of
3034 this state an effective and efficient program for the recovery
3035 of abandoned personal ~~unclaimed~~ property, the department shall
3036 use cost-effective means to make at least one active attempt to
3037 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
3038 valued at \$50 or more, abandoned tangible property, and
3039 abandoned shares of stock for which more than \$250 with a
3040 reported address or taxpayer identification number is available.
3041 Such active attempt to notify apparent owners shall include any
3042 attempt by the department to directly contact the apparent
3043 owner. Other means of notification, such as publication of the
3044 names of apparent owners in the newspaper, on television, on the
3045 Internet, or through other promotional efforts and items in

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3046 which the department does not directly attempt to contact the
3047 apparent owner are expressly declared to be passive attempts.
3048 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
3049 agencies or entities of state government from notifying owners
3050 of the existence of abandoned ~~unclaimed~~ property or attempting
3051 to notify apparent owners of abandoned ~~unclaimed~~ property.

3052 (2) Notification provided directly to individual apparent
3053 owners shall contain ~~consist of~~ a description of the abandoned
3054 property and information regarding recovery of the ~~unclaimed~~
3055 property from the department. The form and content of the
3056 department's notice must be tailored to the type of property
3057 reported and must include any information necessary to
3058 reasonably inform the apparent owner of the consequences of
3059 failure to claim the property, including potential sale or
3060 disposition under s. 717.122.

3061 (3) The department shall maintain a publicly accessible,
3062 electronically searchable website that includes the names of
3063 apparent owners of abandoned property reported to the department
3064 and instructions for filing a claim. The website must list
3065 property valued at \$10 or more and provide instructions for
3066 filing a claim. Abandoned property valued at less than \$10
3067 remains recoverable from the department in accordance with this
3068 chapter.

3069 (4) This section is not applicable to abandoned sums
3070 payable on traveler's checks, money orders, and other written
3071 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
3072 abandoned property reported without the necessary identifying
3073 information to establish ownership.

3074 Section 59. Section 717.119, Florida Statutes, is amended

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3075 to read:

3076 717.119 Payment or delivery of abandoned ~~unclaimed~~
3077 property.—

3078 (1) Every person who is required to file a report under s.
3079 717.117 shall simultaneously pay or deliver to the department
3080 all abandoned ~~unclaimed~~ property required to be reported. Such
3081 payment or delivery shall accompany the report as required in
3082 this chapter for the preceding calendar year.

3083 (2) Payment of abandoned ~~unclaimed~~ funds may be made to the
3084 department by electronic funds transfer.

3085 (3) If the apparent owner establishes the right to receive
3086 the abandoned ~~unclaimed~~ property to the satisfaction of the
3087 holder before the property has been delivered to the department
3088 or it appears that for some other reason ~~the presumption~~ that
3089 the property was erroneously classified as abandoned ~~is~~
3090 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
3091 property to the department. In lieu of delivery, the holder
3092 shall file a verified written explanation of the proof of claim
3093 or of the error in classification of ~~the presumption that~~ the
3094 property as abandoned ~~was unclaimed~~.

3095 (4) All virtual currency reported under this chapter on the
3096 annual report filing required in s. 717.117 shall be remitted to
3097 the department with the report. The holder shall liquidate the
3098 virtual currency and remit the proceeds to the department. The
3099 liquidation must occur within 30 days before the filing of the
3100 report. Upon delivery of the virtual currency proceeds to the
3101 department, the holder is relieved of all liability of every
3102 kind in accordance with the provisions of s. 717.1201 to every
3103 person for any losses or damages resulting to the person by the

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3104 delivery to the department of the virtual currency proceeds.

3105 (5) All stock or other intangible ownership interest
3106 reported under this chapter on the annual report filing required
3107 in s. 717.117 shall be remitted to the department with the
3108 report. Upon delivery of the stock or other intangible ownership
3109 interest to the department, the holder and any transfer agent,
3110 registrar, or other person acting for or on behalf of a holder
3111 is relieved of all liability of every kind in accordance with
3112 the provisions of s. 717.1201 to every person for any losses or
3113 damages resulting to the person by the delivery to the
3114 department of the stock or other intangible ownership interest.

3115 (6) All intangible and tangible property held in a safe-
3116 deposit box or any other safekeeping repository reported under
3117 s. 717.117 shall not be delivered to the department until 120
3118 days after the report due date. The delivery of the property,
3119 through the United States mail or any other carrier, shall be
3120 insured by the holder at an amount equal to the estimated value
3121 of the property. Each package shall be clearly marked on the
3122 outside "Deliver Unopened." A holder's safe-deposit box contents
3123 shall be delivered to the department in a single shipment. In
3124 lieu of a single shipment, holders may provide the department
3125 with a single detailed shipping schedule that includes package
3126 tracking information for all packages being sent pursuant to
3127 this section.

3128 (a) Holders may remit the value of cash and coins found in
3129 abandoned ~~unclaimed~~ safe-deposit boxes to the department by
3130 cashier's check or by electronic funds transfer, unless the cash
3131 or coins have a value above face value. The department shall
3132 identify by rule those cash and coin items having a numismatic

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3133 value. Cash and coin items identified as having a numismatic
3134 value shall be remitted to the department in their original
3135 form.

3136 (b) Any firearm or ammunition found in an abandoned
3137 ~~unclaimed~~ safe-deposit box or any other safekeeping repository
3138 shall be delivered by the holder to a law enforcement agency for
3139 property handling or disposal pursuant to s. 705.103(2) (b). If
3140 the firearm is sold by the law enforcement agency, ~~with~~ the
3141 balance of the proceeds must be deposited into the State School
3142 Fund ~~if the firearm is sold. However,~~ The department is
3143 authorized to make a reasonable attempt to ascertain the
3144 historical value to collectors of any firearm that has been
3145 delivered to the department. Any firearm appearing to have
3146 historical value to collectors may be sold by the department
3147 pursuant to s. 717.122 to a person having a federal firearms
3148 license. Any firearm which is not sold pursuant to s. 717.122
3149 shall be delivered by the department to a law enforcement agency
3150 in this state for proper handling or disposal. In accordance
3151 with ~~pursuant to~~ s. 705.103(2) (b), if the firearm is sold by the
3152 law enforcement agency, ~~with~~ the balance of the proceeds must be
3153 deposited into the State School Fund ~~if the firearm is sold.~~ The
3154 department ~~is shall~~ not ~~be~~ administratively, civilly, or
3155 criminally liable for any firearm delivered by the department to
3156 a law enforcement agency in this state for disposal.

3157 (c) If such property is not paid or delivered to the
3158 department on or before the applicable payment or delivery date,
3159 the holder shall pay to the department a penalty for each safe-
3160 deposit box shipment received late. The penalty shall be \$100
3161 for a safe-deposit box shipment container that is late 30 days

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3162 or less. Thereafter, the penalty shall be \$500 for a safe-
3163 deposit box shipment container that is late for each additional
3164 successive 30-day period. The penalty assessed against a holder
3165 for a late safe-deposit box shipment container may ~~shall~~ not
3166 exceed \$4,000 annually. The penalty shall be remitted to the
3167 department within 30 days after the date of the notification to
3168 the holder that the penalty is due and owing.

3169 (d) The department may waive any penalty due with
3170 appropriate justification, as provided by rule.

3171 (e) If a will or trust instrument is included among the
3172 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
3173 repository delivered to the department, the department must
3174 provide a copy of the will, trust, and any codicils or
3175 amendments to such will or trust instrument, upon request, to
3176 anyone who provides the department with a certified copy of the
3177 death certificate or another government-certified record
3178 evidencing ~~evidence of~~ the death of the testator or settlor.

3179 (7) Any holder may request an extension in writing of up to
3180 60 days for the delivery of property if extenuating
3181 circumstances exist for the late delivery of the property. Any
3182 such extension the department may grant shall be in writing.

3183 (8) A holder may not assign or otherwise transfer its
3184 obligation to report, pay, or deliver property or to comply with
3185 the provisions of this chapter, other than to a parent,
3186 subsidiary, or affiliate of the holder.

3187 (a) Unless otherwise agreed to by the parties to a
3188 transaction, the holder's successor by merger or consolidation,
3189 or any person or entity that acquires all or substantially all
3190 of the holder's capital stock or assets, is responsible for

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3191 fulfilling the holder's obligation to report, pay, or deliver
3192 property or to comply with the duties of this chapter regarding
3193 the transfer of property owed to the holder's successor and
3194 being held for an owner resulting from the merger,
3195 consolidation, or acquisition.

3196 (b) This subsection does not prohibit a holder from
3197 contracting with a third party for the reporting of abandoned
3198 ~~unclaimed~~ property, but the holder remains responsible to the
3199 department for the complete, accurate, and timely reporting of
3200 the property.

3201 Section 60. Subsections (1), (2), and (4) of section
3202 717.1201, Florida Statutes, are amended to read:

3203 717.1201 Custody by state; holder liability; reimbursement
3204 of holder paying claim; reclaiming for owner; payment of safe-
3205 deposit box or repository charges.—

3206 (1) Upon the good faith payment or delivery of abandoned
3207 ~~unclaimed~~ property to the department, the state assumes custody
3208 and responsibility for the safekeeping of the property. Any
3209 person who pays or delivers abandoned ~~unclaimed~~ property to the
3210 department in good faith is relieved of all liability to the
3211 extent of the value of the property paid or delivered for any
3212 claim then existing or which thereafter may arise or be made
3213 with ~~in~~ respect to the property.

3214 (a) A holder's substantial compliance with the due
3215 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
3216 payment or delivery of abandoned ~~unclaimed~~ property to the
3217 department releases the holder from liability that may arise
3218 from such payment or delivery, and such delivery and payment may
3219 be pleaded as a defense in any suit or action brought by reason

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3220 of such delivery or payment. This section does not relieve a
3221 fiduciary of his or her duties under the Florida Trust Code or
3222 Florida Probate Code.

3223 (b) If the holder pays or delivers property to the
3224 department in good faith and thereafter any other person claims
3225 the property from the holder paying or delivering, or another
3226 state claims the money or property under that state's laws
3227 relating to escheat or abandoned or unclaimed property, the
3228 department, upon written notice of the claim, shall defend the
3229 holder against the claim and indemnify the holder against any
3230 liability on the claim, except that a holder may not be
3231 indemnified against penalties imposed by another state.

3232 (2) For the purposes of this section, a payment or delivery
3233 of abandoned ~~unclaimed~~ property is made in good faith if:

3234 (a) The payment or delivery was made in conjunction with an
3235 accurate and acceptable report.

3236 (b) The payment or delivery was made in a reasonable
3237 attempt to comply with this chapter and other applicable general
3238 law.

3239 (c) The holder had a reasonable basis for believing, based
3240 on the facts then known, that the property was abandoned
3241 ~~unclaimed~~ and subject to this chapter.

3242 (d) There is no showing that the records pursuant to which
3243 the delivery was made did not meet reasonable commercial
3244 standards of practice in the industry.

3245 (4) Any holder who has delivered property, including a
3246 certificate of any interest in a business association, other
3247 than money to the department pursuant to this chapter may
3248 reclaim the property if still in the possession of the

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3249 department, without payment of any fee or other charges, upon
3250 filing proof that the person entitled to the property ~~owner~~ has
3251 claimed it ~~the property~~ from the holder.

3252 Section 61. Section 717.122, Florida Statutes, is amended
3253 to read:

3254 717.122 Public sale of abandoned ~~unclaimed~~ property.—

3255 (1) Except as provided in paragraph (2) (a), the department
3256 after the receipt of abandoned ~~unclaimed~~ property shall sell it
3257 to the highest bidder at public sale on the Internet or at a
3258 specified physical location wherever in the judgment of the
3259 department the most favorable market for the property involved
3260 exists. The department may decline the highest bid and reoffer
3261 the property for sale if in the judgment of the department the
3262 bid is insufficient. The department shall have the discretion to
3263 withhold from sale any abandoned ~~unclaimed~~ property that the
3264 department deems to be of benefit to the people of the state. If
3265 in the judgment of the department the probable cost of sale
3266 exceeds the value of the property, it need not be offered for
3267 sale and may be disposed of as the department determines
3268 appropriate. Any sale at a specified physical location held
3269 under this section must be preceded by a single publication of
3270 notice, at least 3 weeks in advance of sale, in a newspaper of
3271 general circulation in the county in which the property is to be
3272 sold. The department shall proportionately deduct auction fees,
3273 preparation costs, and expenses from the amount posted to an ~~the~~
3274 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
3275 contents are sold. No action or proceeding may be maintained
3276 against the department for or on account of any decision to
3277 decline the highest bid or withhold any abandoned ~~unclaimed~~

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3278 property from sale.

3279 (2) (a) Securities listed on an established stock exchange
3280 must be sold at prices prevailing at the time of sale on the
3281 exchange. Other securities may be sold over the counter at
3282 prices prevailing at the time of sale or by any other method the
3283 department deems advisable. The department may authorize the
3284 agent or broker acting on behalf of the department to deduct
3285 fees from the proceeds of these sales at a rate agreed upon in
3286 advance by the agent or broker and the department. The
3287 department shall reimburse owners' accounts for these brokerage
3288 fees from the State School Fund unless the securities are sold
3289 at the owner's request.

3290 (b) Unless the department deems it to be in the public
3291 interest to do otherwise, all abandoned securities ~~presumed~~
3292 ~~unclaimed~~ and delivered to the department may be sold upon
3293 receipt. Any person making a claim pursuant to this chapter is
3294 entitled to receive either the securities delivered to the
3295 department by the holder, if they still remain in the hands of
3296 the department, or the proceeds received from sale, but no
3297 person has any claim under this chapter against the state, the
3298 holder, any transfer agent, any registrar, or any other person
3299 acting for or on behalf of a holder for any appreciation in the
3300 value of the property occurring after delivery by the holder to
3301 the state.

3302 (c) Certificates for abandoned ~~unclaimed~~ stock or other
3303 equity interest of business associations that cannot be canceled
3304 and registered in the department's name or that cannot be
3305 readily liquidated and converted into the currency of the United
3306 States may be sold for the value of the certificate, if any, in

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3307 accordance with subsection (1) or may be destroyed in accordance
3308 with s. 717.128.

3309 (3) The purchaser of property at any sale conducted by the
3310 department pursuant to this chapter is entitled to ownership of
3311 the property purchased free from all claims of the owner or
3312 previous holder thereof and of all persons claiming through or
3313 under them. The department shall execute all documents necessary
3314 to complete the transfer of ownership.

3315 (4) The sale of abandoned ~~unclaimed~~ tangible personal
3316 property is not subject to tax under chapter 212 when such
3317 property is sold by or on behalf of the department pursuant to
3318 this section.

3319 Section 62. Section 717.123, Florida Statutes, is amended
3320 to read:

3321 717.123 Deposit of funds.—

3322 (1) All funds received under this chapter, including the
3323 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
3324 717.122, shall immediately ~~forthwith~~ be deposited by the
3325 department in the Unclaimed Property Trust Fund. The department
3326 shall retain, from funds received under this chapter, an amount
3327 not exceeding \$15 million from which the department shall make
3328 prompt payment of claims allowed by the department and shall pay
3329 the costs incurred by the department in administering and
3330 enforcing this chapter. All remaining funds received by the
3331 department under this chapter shall be deposited by the
3332 department into the State School Fund.

3333 (2) The department shall record the name and last known
3334 address of each person appearing from the holder's reports to be
3335 entitled to the abandoned ~~unclaimed~~ property in the total

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3336 amounts of \$5 or greater; the name and the last known address of
3337 each insured person or annuitant; and with respect to each
3338 policy or contract listed in the report of an insurance
3339 corporation, its number, the name of the corporation, and the
3340 amount due.

3341 Section 63. Section 717.1235, Florida Statutes, is amended
3342 to read:

3343 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
3344 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
3345 campaign for public office, for any campaign that must dispose
3346 of surplus funds in its campaign account pursuant to s. 106.141,
3347 after being reported to the department, shall be deposited with
3348 the Chief Financial Officer to the credit of the State School
3349 Fund.

3350 Section 64. Section 717.124, Florida Statutes, is amended
3351 to read:

3352 717.124 Abandoned Unclaimed property claims.—

3353 (1) Any person, excluding another state, claiming an
3354 interest in any property paid or delivered to the department
3355 under this chapter may file with the department a claim on a
3356 form prescribed by the department and verified by the claimant
3357 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
3358 ~~representative must be an attorney licensed to practice law in~~
3359 ~~this state, a licensed Florida-certified public accountant, or a~~
3360 ~~private investigator licensed under chapter 493.~~ The claimant
3361 ~~claimant's~~ representative must be registered with the department
3362 under this chapter. The claimant, or the claimant ~~claimant's~~
3363 representative, shall provide the department with a legible copy
3364 of a valid driver license of the claimant at the time the

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3365 original claim form is filed. If the claimant has not been
3366 issued a valid driver license at the time the original claim
3367 form is filed, the department must ~~shall~~ be provided with a
3368 legible copy of a photographic identification of the claimant
3369 issued by the United States, a state or territory of the United
3370 States, a foreign nation, or a political subdivision or agency
3371 thereof or other evidence deemed acceptable by the department by
3372 rule. In lieu of photographic identification, a notarized sworn
3373 statement by the claimant may be provided which affirms the
3374 claimant's identity and states the claimant's full name and
3375 address. The claimant must produce to the notary photographic
3376 identification of the claimant issued by the United States, a
3377 state or territory of the United States, a foreign nation, or a
3378 political subdivision or agency thereof or other evidence deemed
3379 acceptable by the department by rule. The notary shall indicate
3380 the notary's full address on the notarized sworn statement. Any
3381 claim filed without the required identification or the sworn
3382 statement with the original claim form and the original
3383 Abandoned Unclaimed Property Recovery Agreement or Abandoned
3384 Unclaimed Property Purchase Agreement, if applicable, is void.

3385 (a) Within 90 days after receipt of a claim, the department
3386 may return any claim that provides for the receipt of fees and
3387 costs greater than that permitted under this chapter or that
3388 contains any apparent errors or omissions. The department may
3389 also request that the claimant or the claimant ~~claimant's~~
3390 representative provide additional information. The department
3391 shall retain a copy or electronic image of the claim.

3392 (b) A claim is ~~considered to have been~~ withdrawn by a
3393 ~~claimant or the claimant's representative~~ if any of the

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3394 following applies: ~~the department does not receive a response to~~
3395 ~~its request for additional information within 60 days after the~~
3396 ~~notification of any apparent errors or omissions.~~

3397 1. The department receives a written acknowledgment from
3398 the claimant confirming withdrawal of the claim.

3399 2. The department receives a written notice to withdraw the
3400 claim from a claimant representative which is accompanied by
3401 written authorization from the claimant expressly approving
3402 withdrawal of the claim.

3403 a. The authorization must state the reason for the
3404 withdrawal, contain an acknowledgment that the claimant
3405 understands that withdrawal will affect the processing of that
3406 claim and may affect the processing of other pending claims, and
3407 must be signed by the claimant.

3408 b. The claimant's authorization must be submitted
3409 concurrently with, or as part of, the withdrawal notice.

3410 3. The claimant or the claimant's representative fails to
3411 respond to the department's written request for additional
3412 information within 60 days after the department provides notice
3413 of any apparent errors or omissions.

3414 (c) Within 90 days after receipt of the claim, or the
3415 response of the claimant or the claimant ~~claimant's~~
3416 representative to the department's request for additional
3417 information, whichever is later, the department shall determine
3418 each claim. Such determination shall contain a notice of rights
3419 provided by ss. 120.569 and 120.57. The 90-day period shall be
3420 extended by 60 days if the department has good cause to need
3421 additional time or if the abandoned ~~unclaimed~~ property:

3422 1. Is owned by a person who has been a debtor in

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3423 bankruptcy;

3424 2. Was reported with an address outside of the United
3425 States;

3426 3. Is being claimed by a person outside of the United
3427 States; or

3428 4. Contains documents filed in support of the claim that
3429 are not in the English language and have not been accompanied by
3430 an English language translation.

3431 (2) A claim for a cashier's check or a stock certificate
3432 without the original instrument may require an indemnity bond
3433 equal to the value of the claim to be provided prior to issue of
3434 the stock or payment of the claim by the department.

3435 (3) The department may require an affidavit swearing to the
3436 authenticity of the claim, lack of documentation, and an
3437 agreement to allow the department to provide the name and
3438 address of the claimant to subsequent claimants coming forward
3439 with substantiated proof to claim the account. This shall apply
3440 to claims equal to or less than \$250. The exclusive remedy of a
3441 subsequent claimant to the property shall be against the person
3442 who received the property from the department.

3443 (4) (a) Except as otherwise provided in this chapter, if a
3444 claim is determined in favor of the claimant, the department
3445 shall deliver or pay over to the claimant the property or the
3446 amount the department actually received or the proceeds if it
3447 has been sold by the department, together with any additional
3448 amount required by s. 717.121.

3449 (b) If a claimant ~~an owner~~ authorizes a claimant
3450 representative ~~an attorney licensed to practice law in this~~
3451 ~~state, a Florida-certified public accountant, or a private~~

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3452 ~~investigator licensed under chapter 493,~~ and registered with the
3453 department under this chapter, to claim the abandoned ~~unclaimed~~
3454 property on the claimant's ~~owner's~~ behalf, the department is
3455 authorized to make distribution of the property or money in
3456 accordance with the Abandoned ~~Unclaimed~~ Property Recovery
3457 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3458 under s. 717.135. The original Abandoned ~~Unclaimed~~ Property
3459 Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase
3460 Agreement must be executed by the claimant or seller and must be
3461 filed with the department.

3462 (c)1. Payments of approved claims for unclaimed cash
3463 accounts must be made to the owner after deducting any fees and
3464 costs authorized by the claimant under an Abandoned ~~Unclaimed~~
3465 Property Recovery Agreement. The contents of a safe-deposit box
3466 or shares of securities must be delivered directly to the
3467 claimant.

3468 2. Payments of fees and costs authorized under an Abandoned
3469 ~~Unclaimed~~ Property Recovery Agreement for approved claims must
3470 be made or issued to the law firm of the designated attorney
3471 licensed to practice law in this state, the public accountancy
3472 firm of the licensed Florida-certified public accountant, or the
3473 designated employing private investigative agency licensed by
3474 this state. Such payments shall be made by electronic funds
3475 transfer and may be made on such periodic schedule as the
3476 department may define by rule, provided the payment intervals do
3477 not exceed 31 days. Payment made to an attorney licensed in this
3478 state, a Florida-certified public accountant, or a private
3479 investigator licensed under chapter 493, operating individually
3480 or as a sole practitioner, must be to the attorney, certified

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3481 public accountant, or private investigator.

3482 (5) The department is ~~shall~~ not be administratively,
3483 civilly, or criminally liable for any property or funds
3484 distributed pursuant to this section, provided such distribution
3485 is made in good faith.

3486 (6) This section does not supersede the licensing
3487 requirements of chapter 493.

3488 (7) The department may allow an apparent owner to
3489 electronically submit a claim for abandoned ~~unclaimed~~ property
3490 to the department. If a claim is submitted electronically for
3491 \$2,000 or less, the department may use a method of identity
3492 verification other than a copy of a valid driver license, other
3493 government-issued photographic identification, or a sworn
3494 notarized statement. The department may adopt rules to implement
3495 this subsection.

3496 (8) Notwithstanding any other provision of this chapter,
3497 the department may develop and implement an identification
3498 verification and disbursement process by which an account valued
3499 at \$2,000 or less, after being received by the department and
3500 added to the abandoned ~~unclaimed~~ property database, may be
3501 disbursed to an apparent owner after the department has verified
3502 that the apparent owner is living and that the apparent owner's
3503 current address is correct. The department shall include with
3504 the payment a notification and explanation of the dollar amount,
3505 the source, and the property type of each account included in
3506 the disbursement. The department shall adopt rules to implement
3507 this subsection.

3508 (9) (a) Notwithstanding any other provision of this chapter,
3509 the department may develop and implement a verification and

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3510 disbursement process by which an account, after being received
3511 by the department and added to the abandoned ~~unclaimed~~ property
3512 database, for which the apparent owner entity is:

3513 1. A state agency in this state or a subdivision or
3514 successor agency thereof;

3515 2. A county government in this state or a subdivision
3516 thereof;

3517 3. A public school district in this state or a subdivision
3518 thereof;

3519 4. A municipality in this state or a subdivision thereof;
3520 or

3521 5. A special taxing district or authority in this state,
3522
3523 may be disbursed to the apparent owner entity or successor
3524 entity. The department shall include with the payment a
3525 notification and explanation of the dollar amount, the source,
3526 and the property type of each account included in the
3527 disbursement.

3528 (b) The department may adopt rules to implement this
3529 subsection.

3530 (10) Notwithstanding any other provision of this chapter,
3531 the department may develop a process by which a claimant
3532 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
3533 electronically submit to the department an electronic image of a
3534 completed claim and claims-related documents under this chapter,
3535 including an Abandoned Unclaimed Property Recovery Agreement or
3536 Abandoned Unclaimed Property Purchase Agreement that has been
3537 signed and dated by a claimant or seller under s. 717.135, after
3538 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~

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3539 ~~property~~ receives the original documents provided by the
3540 claimant or the seller for any claim. Each claim filed by a
3541 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
3542 ~~property~~ must include a statement by the claimant ~~claimant's~~
3543 representative ~~or the buyer of unclaimed property~~ attesting that
3544 all documents are true copies of the original documents and that
3545 all original documents are physically in the possession of the
3546 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3547 ~~property~~. All original documents must be kept in the original
3548 form, by claim number, under the secure control of the claimant
3549 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
3550 must be available for inspection by the department in accordance
3551 with s. 717.1315. The department may adopt rules to implement
3552 this subsection.

3553 (11) This section applies to all abandoned ~~unclaimed~~
3554 property reported and remitted to the Chief Financial Officer,
3555 including, but not limited to, property reported pursuant to ss.
3556 45.032, 732.107, 733.816, and 744.534.

3557 Section 65. Section 717.12403, Florida Statutes, is amended
3558 to read:

3559 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
3560 account in a financial institution held in the name of more than
3561 one person.—

3562 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
3563 checking account in a financial institution is reported as an
3564 "and" account in the name of two or more persons who are not
3565 beneficiaries, it is presumed that each person must claim the
3566 account in order for the claim to be approved by the department.
3567 This presumption may be rebutted by showing that entitlement to

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3568 the account has been transferred to another person or by clear
3569 and convincing evidence demonstrating that the account should
3570 have been reported by the financial institution as an "or"
3571 account.

3572 (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
3573 account in a financial institution is reported as an "and"
3574 account and one of the persons on the account is deceased, it is
3575 presumed that the account is a survivorship account. This
3576 presumption may be rebutted by showing that entitlement to the
3577 account has been transferred to another person or by clear and
3578 convincing evidence demonstrating that the account is not a
3579 survivorship account.

3580 (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
3581 account in a financial institution is reported as an "or"
3582 account in the name of two or more persons who are not
3583 beneficiaries, it is presumed that either person listed on the
3584 account may claim the entire amount held in the account. This
3585 presumption may be rebutted by showing that entitlement to the
3586 account has been transferred to another person or by clear and
3587 convincing evidence demonstrating that the account should have
3588 been reported by the financial institution as an "and" account.

3589 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
3590 account in a financial institution is reported in the name of
3591 two or more persons who are not beneficiaries without
3592 identifying whether the account is an "and" account or an "or"
3593 account, it is presumed that the account is an "or" account.
3594 This presumption may be rebutted by showing that entitlement to
3595 the account has been transferred to another person or by clear
3596 and convincing evidence demonstrating that the account should

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3597 have been reported by the financial institution as an "and"
3598 account.

3599 (4) The department shall be deemed to have made a
3600 distribution in good faith if the department remits funds
3601 consistent with this section.

3602 Section 66. Subsection (2) of section 717.12404, Florida
3603 Statutes, is amended to read:

3604 717.12404 Claims on behalf of a business entity or trust.—

3605 (2) Claims on behalf of an active or ~~a~~ dissolved
3606 corporation, a business entity ~~other than an active corporation~~,
3607 or a trust must include a legible copy of a valid driver license
3608 of the person acting on behalf of the ~~dissolved~~ corporation,
3609 business entity ~~other than an active corporation~~, or trust. If
3610 the person has not been issued a valid driver license, the
3611 department shall be provided with a legible copy of a
3612 photographic identification of the person issued by the United
3613 States, a foreign nation, or a political subdivision or agency
3614 thereof. In lieu of photographic identification, a notarized
3615 sworn statement by the person may be provided which affirms the
3616 person's identity and states the person's full name and address.
3617 The person must produce his or her photographic identification
3618 issued by the United States, a state or territory of the United
3619 States, a foreign nation, or a political subdivision or agency
3620 thereof or other evidence deemed acceptable by the department by
3621 rule. The notary shall indicate the notary's full address on the
3622 notarized sworn statement. Any claim filed without the required
3623 identification or the sworn statement with the original claim
3624 form and the original Abandoned Unclaimed Property Recovery
3625 Agreement or Abandoned Unclaimed Property Purchase Agreement, if

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3626 applicable, is void.

3627 Section 67. Section 717.12405, Florida Statutes, is amended
3628 to read:

3629 717.12405 Claims by estates.—An estate or any person
3630 representing an estate or acting on behalf of an estate may
3631 claim abandoned ~~unclaimed~~ property only after the heir or
3632 legatee of the decedent entitled to the property has been
3633 located. Any estate, or any person representing an estate or
3634 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
3635 property before the heir or legatee of the decedent entitled to
3636 the property has been located, is personally liable for the
3637 abandoned ~~unclaimed~~ property and must immediately return the
3638 full amount of the abandoned ~~unclaimed~~ property or the value
3639 thereof to the department in accordance with s. 717.1341.

3640 Section 68. Section 717.12406, Florida Statutes, is amended
3641 to read:

3642 717.12406 Joint ownership of abandoned ~~unclaimed~~ securities
3643 or dividends.—For the purpose of determining joint ownership of
3644 abandoned ~~unclaimed~~ securities or dividends, the term:

3645 (1) "TEN COM" means tenants in common.

3646 (2) "TEN ENT" means tenants by the entireties.

3647 (3) "JT TEN" or "JT" means joint tenants with the right of
3648 survivorship and not as tenants in common.

3649 (4) "And" means tenants in common with each person entitled
3650 to an equal pro rata share.

3651 (5) "Or" means that each person listed on the account is
3652 entitled to all of the funds.

3653 Section 69. Section 717.1241, Florida Statutes, is amended
3654 to read:

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3655 717.1241 Conflicting claims.—

3656 (1) For purposes of this section, the term "conflicting
3657 claim" means two or more claims received by the department for
3658 the same abandoned property account or accounts in which two or
3659 more claimants appear to be equally entitled to the property.
3660 The term also includes circumstances in which the same claimant
3661 has more than one claim pending for the same property, including
3662 when the claimant is represented by more than one claimant
3663 representative or submits both a personal claim and a claim
3664 through a representative.

3665 (2) When conflicting claims have been received by the
3666 department for the same abandoned ~~unclaimed~~ property account or
3667 accounts, the property shall be remitted in accordance with the
3668 claim filed by the person as follows, notwithstanding the
3669 withdrawal of a claim:

3670 (a) To the person submitting the first claim received by
3671 the ~~Division of Unclaimed Property of the~~ department that is
3672 complete or made complete.

3673 (b) If a claimant's claim and a claimant ~~claimant's~~
3674 representative's claim for the recovery of property are received
3675 by the ~~Division of Unclaimed Property of the~~ department on the
3676 same day and both claims are complete, to the claimant.

3677 (c) If a buyer's claim or a purchasing claimant
3678 representative's claim and a claimant's claim or a claimant
3679 ~~claimant's~~ representative's claim for the recovery of property
3680 are received by the ~~Division of Unclaimed Property of the~~
3681 department on the same day and the claims are complete, to the
3682 buyer.

3683 (d) As between two or more claimant representatives'

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3684 ~~claimant's representative's~~ claims received by the ~~Division of~~
3685 ~~Unclaimed Property of~~ the department that are complete or made
3686 complete on the same day, to the claimant ~~claimant's~~
3687 representative who has agreed to receive the lowest fee. If the
3688 two or more claimant ~~claimant's~~ representatives whose claims
3689 received by ~~the Division of Unclaimed Property of~~ the department
3690 were complete or made complete on the same day are charging the
3691 same ~~lowest~~ fee, the fee shall be divided equally between the
3692 claimant ~~claimant's~~ representatives.

3693 (e) If more than one buyer's claim received by the ~~Division~~
3694 ~~of Unclaimed Property of~~ the department is complete or made
3695 complete on the same day, the department shall remit the
3696 abandoned ~~unclaimed~~ property to the buyer who paid the highest
3697 amount to the seller. If the buyers paid the same amount to the
3698 seller, the department shall remit the abandoned ~~unclaimed~~
3699 property to the buyers divided in equal amounts.

3700 (3) ~~(2)~~ The purpose of this section is solely to provide
3701 guidance to the department regarding to whom it should remit the
3702 abandoned ~~unclaimed~~ property and is not intended to extinguish
3703 or affect any private cause of action that any person may have
3704 against another person for breach of contract or other statutory
3705 or common-law remedy. A buyer's sole remedy, if any, shall be
3706 against the claimant ~~claimant's~~ representative or the seller, or
3707 both. A claimant ~~claimant's~~ representative's sole remedy, if
3708 any, shall be against the buyer or the seller, or both. A
3709 claimant's or seller's sole remedy, if any, shall be against the
3710 buyer or the claimant ~~claimant's~~ representative, or both.
3711 Nothing in this section forecloses the right of a person to
3712 challenge the department's determination of completeness in a

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3713 proceeding under ss. 120.569 and 120.57.

3714 (4)~~(3)~~ A claim is complete when entitlement to the
3715 abandoned ~~unclaimed~~ property has been established.

3716 Section 70. Subsection (1) of section 717.1242, Florida
3717 Statutes, is amended to read:

3718 717.1242 Restatement of jurisdiction of the circuit court
3719 sitting in probate and the department.—

3720 (1) It is and has been the intent of the Legislature that,
3721 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3722 proceedings relating to the settlement of the estates of
3723 decedents and other jurisdiction usually pertaining to courts of
3724 probate. It is and has been the intent of the Legislature that,
3725 pursuant to this chapter, the department determines the merits
3726 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3727 or delivered to the department under this chapter. Consistent
3728 with this legislative intent, any beneficiary, devisee, heir,
3729 personal representative, or other interested person, as those
3730 terms are defined in the Florida Probate Code and the Florida
3731 Trust Code, of an estate seeking to obtain property paid or
3732 delivered to the department under this chapter must file a claim
3733 with the department as provided in s. 717.124.

3734 Section 71. Subsections (1) and (4) of section 717.1243,
3735 Florida Statutes, are amended to read:

3736 717.1243 Small estate accounts.—

3737 (1) A claim for abandoned ~~unclaimed~~ property made by a
3738 beneficiary, as defined in s. 731.201, of a deceased owner need
3739 not be accompanied by an order of a probate court if the
3740 claimant files with the department an affidavit, signed by all
3741 beneficiaries, stating that all the beneficiaries have amicably

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3742 agreed among themselves upon a division of the estate and that
3743 all funeral expenses, expenses of the last illness, and any
3744 other lawful claims have been paid, and any additional
3745 information reasonably necessary to make a determination of
3746 entitlement. If the owner died testate, the claim shall be
3747 accompanied by a copy of the will.

3748 (4) This section applies only if all of the abandoned
3749 ~~unclaimed~~ property held by the department on behalf of the owner
3750 has an aggregate value of \$20,000 or less and no probate
3751 proceeding is pending.

3752 Section 72. Section 717.1244, Florida Statutes, is amended
3753 to read:

3754 717.1244 Determinations of abandoned ~~unclaimed~~ property
3755 claims.—In rendering a determination regarding the merits of an
3756 abandoned ~~unclaimed~~ property claim, the department shall rely on
3757 the applicable statutory, regulatory, common, and case law.
3758 Agency statements applying the statutory, regulatory, common,
3759 and case law to abandoned ~~unclaimed~~ property claims are not
3760 agency statements subject to s. 120.56(4).

3761 Section 73. Section 717.1245, Florida Statutes, is amended
3762 to read:

3763 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3764 any person files a petition for writ of garnishment seeking to
3765 obtain property paid or delivered to the department under this
3766 chapter, the petitioner shall be ordered to pay the department
3767 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3768 brought by the department to oppose, appeal, or collaterally
3769 attack the petition or writ if the department is the prevailing
3770 party in any such proceeding.

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3771 Section 74. Subsection (1) of section 717.125, Florida
3772 Statutes, is amended to read:

3773 717.125 Claim of another state to recover property;
3774 procedure.—

3775 (1) At any time after property has been paid or delivered
3776 to the department under this chapter, another state may recover
3777 the property if:

3778 (a) The property was subjected to custody by this state
3779 because the records of the holder did not reflect the last known
3780 address of the apparent owner when the property was presumed
3781 abandoned ~~unclaimed~~ under this chapter, and the other state
3782 establishes that the last known address of the apparent owner or
3783 other person entitled to the property was in that state and
3784 under the laws of that state the property escheated to or was
3785 subject to a claim of abandonment or being unclaimed by that
3786 state;

3787 (b) The last known address of the apparent owner or other
3788 person entitled to the property, as reflected by the records of
3789 the holder, is in the other state and under the laws of that
3790 state the property has escheated to or become subject to a claim
3791 of abandonment by that state;

3792 (c) The records of the holder were erroneous in that they
3793 did not accurately reflect the actual owner of the property and
3794 the last known address of the actual owner is in the other state
3795 and under laws of that state the property escheated to or was
3796 subject to a claim of abandonment by that state;

3797 (d) The property was subject to custody by this state under
3798 s. 717.103(6) and under the laws of the state of domicile of the
3799 holder the property has escheated to or become subject to a

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3800 claim of abandonment by that state; or

3801 (e) The property is the sum payable on a traveler's check,
3802 money order, or other similar instrument that was subjected to
3803 custody by this state under s. 717.104, and the instrument was
3804 purchased in the other state, and under the laws of that state
3805 the property escheated to or became subject to a claim of
3806 abandonment by that state.

3807 Section 75. Subsection (1) of section 717.126, Florida
3808 Statutes, is amended to read:

3809 717.126 Administrative hearing; burden of proof; proof of
3810 entitlement; venue.—

3811 (1) Any person aggrieved by a decision of the department
3812 may petition for a hearing as provided in ss. 120.569 and
3813 120.57. In any proceeding for determination of a claim to
3814 property paid or delivered to the department under this chapter,
3815 the burden shall be upon the claimant to establish entitlement
3816 to the property by a preponderance of evidence. Having the same
3817 name as that reported to the department is not sufficient, in
3818 the absence of other evidence, to prove entitlement to abandoned
3819 ~~unclaimed~~ property.

3820 Section 76. Section 717.1261, Florida Statutes, is amended
3821 to read:

3822 717.1261 Death certificates.—Any person who claims
3823 entitlement to abandoned ~~unclaimed~~ property by means of the
3824 death of one or more persons shall file a copy of the death
3825 certificate of the decedent or decedents that has been certified
3826 as being authentic by the issuing governmental agency.

3827 Section 77. Section 717.1262, Florida Statutes, is amended
3828 to read:

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3829 717.1262 Court documents.—Any person who claims entitlement
3830 to abandoned ~~unclaimed~~ property by reason of a court document
3831 shall file a certified copy of the court document with the
3832 department. A certified copy of each pleading filed with the
3833 court to obtain a court document establishing entitlement, filed
3834 within 180 days before the date the claim form was signed by the
3835 claimant or claimant ~~claimant's~~ representative, must also be
3836 filed with the department.

3837 Section 78. Section 717.129, Florida Statutes, is amended
3838 to read:

3839 717.129 Periods of limitation.—

3840 (1) The expiration before or after July 1, 1987, of any
3841 period of time specified by contract, statute, or court order,
3842 during which a claim for money or property may be made or during
3843 which an action or proceeding may be commenced or enforced to
3844 obtain payment of a claim for money or to recover property, does
3845 not prevent the money or property from being presumed abandoned
3846 ~~unclaimed~~ or affect any duty to file a report or to pay or
3847 deliver abandoned ~~unclaimed~~ property to the department as
3848 required by this chapter.

3849 (2) The department may not commence an action or proceeding
3850 to enforce this chapter with respect to the reporting, payment,
3851 or delivery of property or any other duty of a holder under this
3852 chapter more than 10 years after the duty arose. The period of
3853 limitation established under this subsection is tolled by the
3854 earlier of the department's or audit agent's delivery of a
3855 notice that a holder is subject to an audit or examination under
3856 s. 717.1301 or the holder's written election to enter into an
3857 abandoned ~~unclaimed~~ property voluntary disclosure agreement.

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3858 Section 79. Subsections (3) and (4) of section 717.1301,
3859 Florida Statutes, are amended to read:

3860 717.1301 Investigations; examinations; subpoenas.—

3861 (3) The department may authorize a compliance review of a
3862 report for a specified reporting year. The review must be
3863 limited to the contents of the report filed, as required by s.
3864 717.117 and subsection (2), and all supporting documents related
3865 to the reports. If the review results in a finding of a
3866 deficiency in abandoned ~~unclaimed~~ property due and payable to
3867 the department, the department shall notify the holder in
3868 writing of the amount of deficiency within 1 year after the
3869 authorization of the compliance review. If the holder fails to
3870 pay the deficiency within 90 days, the department may seek to
3871 enforce the assessment under subsection (1). The department is
3872 not required to conduct a review under this section before
3873 initiating an audit.

3874 (4) Notwithstanding any other provision of law, in a
3875 contract providing for the location or collection of abandoned
3876 ~~unclaimed~~ property, the department may authorize the contractor
3877 to deduct its fees and expenses for services provided under the
3878 contract from the abandoned ~~unclaimed~~ property that the
3879 contractor has recovered or collected under the contract. The
3880 department shall annually report to the Chief Financial Officer
3881 the total amount collected or recovered by each contractor
3882 during the previous fiscal year and the total fees and expenses
3883 deducted by each contractor.

3884 Section 80. Section 717.1315, Florida Statutes, is amended
3885 to read:

3886 717.1315 Retention of records by claimant ~~claimant's~~

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3887 representatives and buyers of abandoned ~~unclaimed~~ property.—

3888 (1) Every claimant ~~claimant's~~ representative and buyer of
3889 abandoned ~~unclaimed~~ property shall keep and use in his or her
3890 business such books, accounts, and records of the business
3891 conducted under this chapter to enable the department to
3892 determine whether such person is complying with this chapter and
3893 the rules adopted by the department under this chapter. Every
3894 claimant ~~claimant's~~ representative and buyer of abandoned
3895 ~~unclaimed~~ property shall preserve such books, accounts, and
3896 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3897 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3898 between the owner and such claimant ~~claimant's~~ representative or
3899 buyer, for at least 3 years after the date of the initial
3900 agreement.

3901 (2) A claimant ~~claimant's~~ representative or buyer of
3902 abandoned ~~unclaimed~~ property, operating at two or more places of
3903 business in this state, may maintain the books, accounts, and
3904 records of all such offices at any one of such offices, or at
3905 any other office maintained by such claimant ~~claimant's~~
3906 representative or buyer of abandoned ~~unclaimed~~ property, upon
3907 the filing of a written notice with the department designating
3908 in the written notice the office at which such records are
3909 maintained.

3910 (3) A claimant ~~claimant's~~ representative or buyer of
3911 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3912 records available at a convenient location in this state upon
3913 request of the department.

3914 Section 81. Subsection (2) of section 717.132, Florida
3915 Statutes, is amended to read:

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3916 717.132 Enforcement; cease and desist orders; fines.—

3917 (2) In addition to any other powers conferred upon it to
3918 enforce and administer the provisions of this chapter, the
3919 department may issue and serve upon a person an order to cease
3920 and desist and to take corrective action whenever the department
3921 finds that such person is violating, has violated, or is about
3922 to violate any provision of this chapter, any rule or order
3923 promulgated under this chapter, or any written agreement entered
3924 into with the department. For purposes of this subsection, the
3925 term "corrective action" includes refunding excessive charges,
3926 requiring a person to return abandoned ~~unclaimed~~ property,
3927 requiring a holder to remit abandoned ~~unclaimed~~ property, and
3928 requiring a holder to correct a report that contains errors or
3929 omissions. Any such order shall contain a notice of rights
3930 provided by ss. 120.569 and 120.57.

3931 Section 82. Paragraphs (c), (d), and (j) of subsection (1),
3932 subsections (2) and (3), paragraph (b) of subsection (4), and
3933 subsection (5) of section 717.1322, Florida Statutes, are
3934 amended to read:

3935 717.1322 Administrative and civil enforcement.—

3936 (1) The following acts are violations of this chapter and
3937 constitute grounds for an administrative enforcement action by
3938 the department in accordance with the requirements of chapter
3939 120 and for civil enforcement by the department in a court of
3940 competent jurisdiction:

3941 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
3942 concealment of any matter required to be stated or furnished to
3943 the department or to an owner or apparent owner under this
3944 ~~chapter, regardless of reliance by or damage to the owner or~~

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3945 ~~apparent owner.~~

3946 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3947 any abandoned unclaimed property transaction.

3948 (j) Requesting or receiving compensation for notifying a
3949 person of his or her abandoned unclaimed property or assisting
3950 another person in filing a claim for abandoned unclaimed
3951 property, ~~unless the person is an attorney licensed to practice~~
3952 ~~law in this state, a Florida-certified public accountant, or a~~
3953 ~~private investigator licensed under chapter 493, or entering~~
3954 ~~into, or making a solicitation to enter into, an agreement to~~
3955 ~~file a claim for abandoned unclaimed property owned by another,~~
3956 ~~unless such person is a registered claimant representative~~
3957 ~~registered with the department under this chapter and an~~
3958 ~~attorney licensed to practice law in this state in the regular~~
3959 ~~practice of her or his profession, a Florida-certified public~~
3960 ~~accountant who is acting within the scope of the practice of~~
3961 ~~public accounting as defined in chapter 473, or a private~~
3962 ~~investigator licensed under chapter 493.~~ This paragraph does not
3963 apply to a person who has been granted a durable power of
3964 attorney to convey and receive all of the real and personal
3965 property of the owner, is the court-appointed guardian of the
3966 owner, has been employed as an attorney or qualified
3967 representative to contest the department's denial of a claim, or
3968 has been employed as an attorney to probate the estate of the
3969 owner or an heir or legatee of the owner.

3970 (2) Upon a finding by the department that any person has
3971 committed any of the acts set forth in subsection (1), the
3972 department may enter an order doing any of the following:

3973 (a) Revoking for a minimum of 5 years or suspending for a

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3974 maximum of 5 years a registration previously granted under this
3975 chapter during which time the registrant may not reapply for a
3976 registration under this chapter.~~†~~

3977 (b) Placing a claimant representative ~~registrant~~ or an
3978 applicant for a registration on probation for a period of time
3979 and subject to such conditions as the department may specify.~~†~~

3980 (c) Placing permanent restrictions or conditions upon
3981 issuance or maintenance of a registration under this chapter.~~†~~

3982 (d) Issuing a reprimand.~~†~~

3983 (e) Imposing an administrative fine not to exceed \$2,000
3984 for each such act.~~†~~~~or~~

3985 (f) Prohibiting any person from being a director, officer,
3986 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
3987 ~~percent~~ or greater interest in an employer of a claimant
3988 representative ~~registrant~~.

3989 (3) A claimant ~~claimant's~~ representative is subject to
3990 civil enforcement and the disciplinary actions specified in
3991 subsection (2) for violations of subsection (1) by an agent or
3992 employee of the claimant representative's ~~registrant's~~ employer
3993 if the claimant ~~claimant's~~ representative knew or should have
3994 known that such agent or employee was violating any provision of
3995 this chapter.

3996 (4)

3997 (b) The disciplinary guidelines shall specify a meaningful
3998 range of designated penalties based upon the severity or
3999 repetition of specific offenses, or both. It is the legislative
4000 intent that minor violations be distinguished from more serious
4001 violations; that such guidelines consider the amount of the
4002 claim involved, the complexity of locating the owner, the steps

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4003 taken to ensure the accuracy of the claim by the person filing
4004 the claim, the acts of commission and omission of the claimant
4005 ~~ultimate owners~~ in establishing themselves as rightful owners of
4006 the funds, the acts of commission or omission of the agent or
4007 employee of a claimant representative or its ~~an~~ employer in the
4008 filing of the claim, the actual knowledge of the agent,
4009 employee, employer, or owner in the filing of the claim, the
4010 departure, if any, by the agent or employee from the internal
4011 controls and procedures established by the claimant
4012 representative or its employer with regard to the filing of a
4013 claim, the number of defective claims previously filed by the
4014 agent, employee, employer, or owner; that such guidelines
4015 provide reasonable and meaningful notice of likely penalties
4016 that may be imposed for proscribed conduct; and that such
4017 penalties be consistently applied by the department.

4018 (5) The department may seek any appropriate civil legal
4019 remedy available to it by filing a civil action in a court of
4020 competent jurisdiction against any person who has, directly or
4021 through a claimant ~~claimant's~~ representative, wrongfully
4022 submitted a claim as the ~~ultimate~~ owner of property and
4023 improperly received funds from the department in violation of
4024 this chapter.

4025 Section 83. Subsections (1) and (3) of section 717.133,
4026 Florida Statutes, are amended to read:

4027 717.133 Interstate agreements and cooperation; joint and
4028 reciprocal actions with other states.—

4029 (1) The department may enter into agreements with other
4030 states to exchange information needed to enable this or another
4031 state to audit or otherwise determine abandoned ~~unclaimed~~

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4032 property that it or another state may be entitled to subject to
4033 a claim of custody. The department may require the reporting of
4034 information needed to enable compliance with agreements made
4035 pursuant to this section and prescribe the form.

4036 (3) At the request of another state, the department may
4037 bring an action in the name of the other state in any court of
4038 competent jurisdiction to enforce the abandoned ~~unclaimed~~
4039 property laws of the other state against a holder in this state
4040 of property subject to escheat or a claim of abandonment by the
4041 other state, if the other state has agreed to pay expenses
4042 incurred in bringing the action.

4043 Section 84. Subsection (2) of section 717.1333, Florida
4044 Statutes, is amended to read:

4045 717.1333 Evidence; estimations; audit reports and
4046 worksheets, investigator reports and worksheets, other related
4047 documents.—

4048 (2) If the records of the holder that are available for the
4049 periods subject to this chapter are insufficient to permit the
4050 preparation of a report of the abandoned ~~unclaimed~~ property due
4051 and owing by a holder, or if the holder fails to provide records
4052 after being requested to do so, the amount due to the department
4053 may be reasonably estimated.

4054 Section 85. Paragraph (a) of subsection (1) and subsections
4055 (2) and (4) of section 717.1341, Florida Statutes, are amended
4056 to read:

4057 717.1341 Invalid claims, recovery of property, interest and
4058 penalties.—

4059 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
4060 ~~unclaimed~~ property that the person is not entitled to receive.

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4061 Any person who receives, or assists another person to receive,
4062 abandoned ~~unclaimed~~ property that the person is not entitled to
4063 receive is strictly, jointly, personally, and severally liable
4064 for the abandoned ~~unclaimed~~ property and shall immediately
4065 return the property, or the reasonable value of the property if
4066 the property has been damaged or disposed of, to the department
4067 plus interest at the rate set in accordance with s. 55.03(1).
4068 Assisting another person to receive abandoned ~~unclaimed~~ property
4069 includes executing a claim form on the person's behalf.

4070 (2) The department may maintain a civil or administrative
4071 action:

4072 (a) To recover abandoned ~~unclaimed~~ property that was paid
4073 or remitted to a person who was not entitled to the abandoned
4074 ~~unclaimed~~ property or to offset amounts owed to the department
4075 against amounts owed to an owner representative;

4076 (b) Against a person who assists another person in
4077 receiving, or attempting to receive, abandoned ~~unclaimed~~
4078 property that the person is not entitled to receive; or

4079 (c) Against a person who attempts to receive abandoned
4080 ~~unclaimed~~ property that the person is not entitled to receive.

4081 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly
4082 conspire to file, or knowingly assist in filing, a claim for
4083 abandoned ~~unclaimed~~ property the person is not entitled to
4084 receive. Any person who violates this subsection regarding
4085 abandoned ~~unclaimed~~ property of an aggregate value:

4086 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
4087 the first degree, punishable as provided in s. 775.082, s.
4088 775.083, or s. 775.084;

4089 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~

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4090 ~~of~~ a felony of the second degree, punishable as provided in s.
4091 775.082, s. 775.083, or s. 775.084;

4092 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a
4093 felony of the third degree, punishable as provided in s.
4094 775.082, s. 775.083, or s. 775.084;

4095 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
4096 misdemeanor of the first degree, punishable as provided in s.
4097 775.082 or s. 775.083; or

4098 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
4099 second degree, punishable as provided in s. 775.082 or s.
4100 775.083.

4101 Section 86. Section 717.135, Florida Statutes, is amended
4102 to read:

4103 717.135 Recovery agreements and purchase agreements for
4104 claims filed by a claimant ~~claimant's~~ representative; fees and
4105 costs or total net gain.—

4106 (1) In order to protect the interests of owners of
4107 abandoned ~~unclaimed~~ property, the department shall adopt by rule
4108 a form entitled "Abandoned Unclaimed Property Recovery
4109 Agreement" and a form entitled "Abandoned Unclaimed Property
4110 Purchase Agreement."

4111 (2) The Abandoned Unclaimed Property Recovery Agreement and
4112 the Abandoned Unclaimed Property Purchase Agreement must include
4113 and disclose all of the following:

4114 (a) The total dollar amount of abandoned ~~unclaimed~~ property
4115 accounts claimed or sold.

4116 (b) The total percentage of all authorized fees and costs
4117 to be paid to the claimant ~~claimant's~~ representative or the
4118 percentage of the value of the property to be paid as net gain

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4119 to the purchasing claimant ~~claimant's~~ representative.

4120 (c) The total dollar amount to be deducted and received
4121 from the claimant as fees and costs by the claimant ~~claimant's~~
4122 representative or the total net dollar amount to be received by
4123 the purchasing claimant ~~claimant's~~ representative.

4124 (d) The net dollar amount to be received by the claimant or
4125 the seller.

4126 (e) For each account claimed, the abandoned ~~unclaimed~~
4127 property account number.

4128 (f) For the Abandoned ~~Unclaimed~~ Property Purchase
4129 Agreement, a statement that the amount of the purchase price
4130 will be remitted to the seller by the purchaser within 30 days
4131 after the execution of the agreement by the seller.

4132 (g) The name, address, e-mail address, phone number, and
4133 license number of the claimant ~~claimant's~~ representative.

4134 (h)1. The manual signature of the claimant or seller and
4135 the date signed, affixed on the agreement by the claimant or
4136 seller.

4137 2. Notwithstanding any other provision of this chapter to
4138 the contrary, the department may allow ~~an apparent owner, who is~~
4139 ~~also~~ the claimant or seller, to sign the agreement
4140 electronically. All electronic signatures on the Abandoned
4141 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
4142 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
4143 agreement by the claimant or seller using the specific,
4144 exclusive eSignature product and protocol authorized by the
4145 department.

4146 (i) The social security number or taxpayer identification
4147 number of the claimant or seller, if a number has been issued to

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4148 the claimant or seller.

4149 (j) The total fees and costs, or the total discount in the
4150 case of a purchase agreement, which may not exceed 30 percent of
4151 the claimed amount. In the case of a recovery agreement, if the
4152 total fees and costs exceed 30 percent, the fees and costs shall
4153 be reduced to 30 percent and the net balance shall be remitted
4154 directly by the department to the claimant. In the case of a
4155 purchase agreement, if the total net gain of the claimant
4156 ~~claimant's~~ representative exceeds 30 percent, the claim will be
4157 denied.

4158 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
4159 form, proof that the purchaser has made payment must be filed
4160 with the department along with the claim. If proof of payment is
4161 not provided, the claim is void.

4162 (4) A claimant ~~claimant's~~ representative must use the
4163 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
4164 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
4165 entering into an agreement or a contract with a claimant or
4166 seller to file a claim with the department.

4167 (5) Fees and costs may be owed or paid to, or received by,
4168 a claimant ~~claimant's~~ representative only after a filed claim
4169 has been approved and if the claimant's representative used an
4170 agreement authorized by this section.

4171 (6) A claimant ~~claimant's~~ representative may not use or
4172 distribute any other agreement of any type, conveyed by any
4173 method, with respect to the claimant or seller which relates,
4174 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
4175 held by the department or the Chief Financial Officer other than
4176 the agreements authorized by this section. Any engagement,

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4177 authorization, recovery, or fee agreement that is not authorized
4178 by this section is void. A claimant ~~claimant's~~ representative is
4179 subject to administrative and civil enforcement under s.
4180 717.1322 if he or she uses an agreement that is not authorized
4181 by this section and if the agreement is used to apply, directly
4182 or indirectly, to abandoned ~~unclaimed~~ property held by this
4183 state. This subsection does not prohibit lawful nonagreement,
4184 noncontractual, or advertising communications between or among
4185 the parties.

4186 (7) The Abandoned Unclaimed Property Recovery Agreement may
4187 not contain language that makes the agreement irrevocable or
4188 that creates an assignment of any portion of abandoned ~~unclaimed~~
4189 property held by the department.

4190 (8) When a claim is approved, the department may pay any
4191 additional account that is owned by the claimant but has not
4192 been claimed at the time of approval, provided that a subsequent
4193 claim has not been filed or is not pending for the claimant at
4194 the time of approval.

4195 (9) This section does not supersede s. 717.1241.

4196 ~~(10) This section does not apply to the sale and purchase~~
4197 ~~of Florida held unclaimed property accounts through a bankruptcy~~
4198 ~~estate representative or other person or entity authorized~~
4199 ~~pursuant to Title XI of the United States Code or an order of a~~
4200 ~~bankruptcy court to act on behalf or for the benefit of the~~
4201 ~~debtor, its creditors, and its bankruptcy estate.~~

4202 Section 87. Section 717.1356, Florida Statutes, is created
4203 to read:

4204 717.1356 Purchase of abandoned property.—

4205 (1) Agreements for the purchase of abandoned property

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4206 reported to the department shall be valid only if all of the
4207 following conditions are met:

4208 (a) The agreement is entitled "Florida Abandoned Property
4209 Purchase Agreement" and is in writing, in minimum 12-point type.

4210 (b) The agreement includes the social security number or
4211 taxpayer identification number of the seller, if a number has
4212 been issued to the seller; a valid e-mail address, mailing
4213 address, and telephone number for the seller; and is manually
4214 signed and dated by the seller with the signature notarized.

4215 (c) The agreement discloses with specificity the nature and
4216 value of the abandoned property, including the name of the
4217 apparent owner as shown by the records of the department, the
4218 name of the holder who remitted the property, the date of last
4219 contact, and the property category. With respect to the value of
4220 the abandoned property, the agreement must contain the
4221 following:

4222 1. The total dollar amount of all abandoned property to be
4223 sold.

4224 2. The total percentage of the value of the abandoned
4225 property to be paid as net gain to the purchaser.

4226 3. The total net dollar amount to be received by the
4227 purchaser.

4228 4. The net dollar amount to be received by the seller.

4229 (d) The agreement states the abandoned property account
4230 number for each abandoned property account sold.

4231 (e) The purchase price does not discount the total value of
4232 all abandoned property subject to the sale by more than 30
4233 percent.

4234 (f) The agreement states that the amount of the purchase

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4235 price will be remitted to the seller by the purchaser within 30
4236 days after the execution of the agreement by the seller.

4237 (g) The agreement includes the name, address, e-mail
4238 address, and phone number of the purchaser.

4239 (h) The agreement states that the abandoned property is
4240 currently in the department's custody and that the seller can
4241 claim the property directly from the department on its
4242 electronically searchable website without being charged a fee.
4243 The agreement must provide the department's website address.

4244 (2) A seller may cancel a purchase agreement without
4245 penalty or obligation within 15 business days after the date on
4246 which the agreement was executed. The agreement must contain the
4247 following language in minimum 12-point type: "You may cancel
4248 this agreement for any reason without penalty or obligation to
4249 you within 15 days after the date of this agreement by providing
4250 notice to . . .(name of purchaser). . . , submitted in writing
4251 and sent by certified mail, return receipt requested, or other
4252 form of mailing that provides proof thereof, at the address or
4253 e-mail address specified in the agreement."

4254 (3) A copy of an executed Florida Abandoned Property
4255 Purchase Agreement must be filed with the purchaser's claim,
4256 along with proof that the purchaser has made payment in full,
4257 and all other required documentation. If proof of payment is not
4258 provided, the department may not approve the claim.

4259 (4) A purchase agreement under this section which discounts
4260 the value of abandoned property by more than the amount
4261 authorized in paragraph (1) (e) is enforceable only by the
4262 seller.

4263 (5) (a) For purposes of this subsection, the term:

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4264 1. "Asset purchaser" means a business association that has
4265 purchased property from a large business association.

4266 2. "Large business association" means a business
4267 association or group of business associations which:

4268 a. Generates \$100 million or more in annual gross receipts
4269 or sales;

4270 b. Employs 100 or more full-time employees in the United
4271 States; or

4272 c. Has equity securities publicly traded on an exchange
4273 regulated by the United States Securities and Exchange
4274 Commission.

4275 (b) Claims filed by an asset purchaser under this section
4276 must include:

4277 1. A complete copy of the asset purchase agreement or
4278 similar contract between the asset purchaser and the seller; and

4279 2. An attestation by the seller, either in the asset
4280 purchase agreement or in a separate written affirmation from the
4281 owner, that the owner:

4282 a. Is a large business association as defined in paragraph
4283 (a); and

4284 b. Is aware that it is selling unclaimed property that may
4285 be recovered from the administrator without paying a fee.

4286 (c) If the seller is a publicly traded entity, the asset
4287 purchaser may provide a copy, or a link to an online copy, of
4288 the most recent Form 10K filed with the United States Securities
4289 and Exchange Commission in lieu of the attestation required by
4290 subparagraph (b)2.

4291 (d) This subsection does not apply to asset purchase
4292 agreements involving the assets of a business association

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4293 arising out of a bankruptcy proceeding under Title 11 of the
4294 United States Code or corporate dissolution or a similar
4295 proceeding under applicable state law, such as receiverships and
4296 assignments for the benefit of creditors.

4297 (e) This subsection does not apply to asset purchase
4298 agreements between an asset purchaser and sellers that comprise
4299 a large business association.

4300 (f) The requirements of this subsection apply only to
4301 claims filed based on asset purchase agreements executed on or
4302 after the effective date of this act.

4303 (g) This subsection does not limit the ability of the
4304 department to request or receive additional evidence sufficient
4305 to establish to the satisfaction of the department that the
4306 claimant is the owner of the property pursuant to this chapter.

4307 (h) The department may adopt rules to implement this
4308 subsection. The department may change by administrative rule the
4309 annual gross receipts or sales threshold to an amount less than
4310 \$100 million as specified in sub-subparagraph (a)2.a.

4311 Section 88. Section 717.138, Florida Statutes, is amended
4312 to read:

4313 717.138 Rulemaking authority.—The department shall
4314 administer and provide for the enforcement of this chapter. The
4315 department has authority to adopt rules pursuant to ss.
4316 120.536(1) and 120.54 to implement the provisions of this
4317 chapter. The department may adopt rules to allow for electronic
4318 filing of fees, forms, and reports required by this chapter. The
4319 authority to adopt rules pursuant to this chapter applies to all
4320 abandoned ~~unclaimed~~ property reported and remitted to the Chief
4321 Financial Officer, including, but not limited to, property

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4322 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
4323 and 744.534.

4324 Section 89. Section 717.1382, Florida Statutes, is amended
4325 to read:

4326 717.1382 United States savings bond; abandoned ~~unclaimed~~
4327 property; escheatment; procedure.—

4328 (1) Notwithstanding any other provision of law, a United
4329 States savings bond in possession of the department or
4330 registered to a person with a last known address in the state,
4331 including a bond that is lost, stolen, or destroyed, is presumed
4332 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
4333 and no longer earns interest and shall be reported and remitted
4334 to the department by the financial institution or other holder
4335 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
4336 ~~(5)~~ and 717.119, if the department is not in possession of the
4337 bond.

4338 (2) (a) After a United States savings bond is abandoned ~~and~~
4339 ~~unclaimed~~ in accordance with subsection (1), the department may
4340 commence a civil action in a court of competent jurisdiction in
4341 Leon County for a determination that the bond shall escheat to
4342 the state. Upon determination of escheatment, all property
4343 rights to the bond or proceeds from the bond, including all
4344 rights, powers, and privileges of survivorship of an owner, co-
4345 owner, or beneficiary, shall vest solely in the state.

4346 (b) Service of process by publication may be made on a
4347 party in a civil action pursuant to this section. A notice of
4348 action shall state the name of any known owner of the bond, the
4349 nature of the action or proceeding in short and simple terms,
4350 the name of the court in which the action or proceeding is

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4351 instituted, and an abbreviated title of the case.

4352 (c) The notice of action shall require a person claiming an
4353 interest in the bond to file a written defense with the clerk of
4354 the court and serve a copy of the defense by the date fixed in
4355 the notice. The date must not be less than 28 or more than 60
4356 days after the first publication of the notice.

4357 (d) The notice of action shall be published once a week for
4358 4 consecutive weeks in a newspaper of general circulation
4359 published in Leon County. Proof of publication shall be placed
4360 in the court file.

4361 (e)1. If no person files a claim with the court for the
4362 bond and if the department has substantially complied with the
4363 provisions of this section, the court shall enter a default
4364 judgment that the bond, or proceeds from such bond, has
4365 escheated to the state.

4366 2. If a person files a claim for one or more bonds and,
4367 after notice and hearing, the court determines that the claimant
4368 is not entitled to the bonds claimed by such claimant, the court
4369 shall enter a judgment that such bonds, or proceeds from such
4370 bonds, have escheated to the state.

4371 3. If a person files a claim for one or more bonds and,
4372 after notice and hearing, the court determines that the claimant
4373 is entitled to the bonds claimed by such claimant, the court
4374 shall enter a judgment in favor of the claimant.

4375 (3) The department may redeem a United States savings bond
4376 escheated to the state pursuant to this section or, in the event
4377 that the department is not in possession of the bond, seek to
4378 obtain the proceeds from such bond. Proceeds received by the
4379 department shall be deposited in accordance with s. 717.123.

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4380 Section 90. Section 717.139, Florida Statutes, is amended
4381 to read:

4382 717.139 Uniformity of application and construction.—

4383 (1) The Legislature finds that laws governing abandoned
4384 property serve a vital public purpose by protecting the property
4385 rights of owners, facilitating the return abandoned property to
4386 its owners, preventing private escheatment, and ensuring that
4387 abandoned assets are preserved and safeguarded from waste or
4388 misuse. It is the public policy of the state to protect the
4389 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
4390 ~~declared to be in the best interests of owners of unclaimed~~
4391 ~~property that such owners receive the full amount of any~~
4392 ~~unclaimed property without any fee.~~

4393 (2) This chapter shall be applied and construed as to
4394 effectuate its general purpose of protecting the interest of
4395 missing owners of abandoned property, while providing that the
4396 benefit of all ~~unclaimed and~~ abandoned property shall go to all
4397 the people of the state, and to make uniform the law with
4398 respect to the subject of this chapter among states enacting it.
4399 It is the intent of the Legislature that property reported under
4400 this chapter remains the property of the owner and that the
4401 State of Florida acts solely as a custodian, not as the owner,
4402 of such property. Title to abandoned property may not transfer
4403 to the state except as expressly provided by law and only after
4404 all reasonable efforts to identify and return the property to
4405 its rightful owner have been exhausted.

4406 Section 91. Section 717.1400, Florida Statutes, is amended
4407 to read:

4408 717.1400 Registration.—

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4409 (1) In order to file claims as a claimant ~~claimant's~~
4410 representative, receive a distribution of fees and costs for
4411 approved claims from the department, and obtain information
4412 regarding abandoned ~~unclaimed~~ property dollar amounts and
4413 numbers of reported shares of stock held by the department, an
4414 individual must meet all of the following requirements:

4415 (a) Be one of the following:

4416 1. A Florida-licensed private investigator holding a Class
4417 "C" individual license under chapter 493;

4418 2. A Florida-certified public accountant; or

4419 3. A Florida-licensed attorney.

4420 (b) Have obtained a certificate of registration from ~~Must~~
4421 ~~register with~~ the department.

4422 (2) An application for registration as a claimant
4423 representative must be submitted in writing on a form prescribed
4424 by the department and must be accompanied by all of the
4425 following:

4426 (a) A legible color copy of the applicant's current driver
4427 license showing the full name and current address of such
4428 person. If a current driver license is not available, another
4429 form of photo identification must be provided which shows the
4430 full name and current address of such person.

4431 (b) If the applicant is a private investigator:

4432 1. ~~on such form as the department prescribes by rule and~~
4433 ~~must be verified by the applicant. To register with the~~
4434 ~~department, a private investigator must provide:~~

4435 ~~(a)~~ A legible copy of the applicant's Class "A" business
4436 license under chapter 493 or that of the applicant's firm or
4437 employer which holds a Class "A" business license under chapter

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4438 493; and.

4439 2.~~(b)~~ A legible copy of the applicant's Class "C"
4440 individual license issued under chapter 493.

4441 (c) If the applicant is a certified public accountant, the
4442 applicant's Florida Board of Accountancy number.

4443 (d) If the applicant is a licensed attorney, the
4444 applicant's Florida Bar number.

4445 (e)~~(e)~~ The business address, and telephone number, tax
4446 identification number, and state of domicile or incorporation of
4447 the applicant's ~~private investigative~~ firm or employer.

4448 (f)~~(d)~~ The names of agents, or employees, or independent
4449 contractors, if any, who are designated or authorized to act on
4450 behalf of the applicant private investigator, together with a
4451 legible color copy of their photo identification issued by an
4452 agency of the United States, or a state, or a political
4453 subdivision thereof.

4454 (g) A statement that the applicant has not, during the 5-
4455 year period immediately preceding the submission of the
4456 application, violated any part of the Florida Disposition of
4457 Abandoned Personal Property Act.

4458 (h) A statement that the applicant has not been convicted
4459 of, or plead guilty to, a felony or any offense involving moral
4460 turpitude; dishonesty; deceit; or breach of fiduciary duty,
4461 including theft, attempted theft, falsification, tampering with
4462 records, securing writings by deception, fraud, forgery, or
4463 perjury.

4464 (i)~~(e)~~ Sufficient information to enable the department to
4465 disburse funds by electronic funds transfer.

4466 (j) The applicant's notarized signature immediately

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4467 following an acknowledgment that any false or perjured statement
4468 subjects the applicant to criminal liability under the laws of
4469 this state

4470 ~~(f) The tax identification number of the private~~
4471 ~~investigator's firm or employer which holds a Class "A" business~~
4472 ~~license under chapter 493.~~

4473 ~~(2) In order to file claims as a claimant's representative,~~
4474 ~~receive a distribution of fees and costs from the department,~~
4475 ~~and obtain unclaimed property dollar amounts and numbers of~~
4476 ~~reported shares of stock held by the department, a Florida-~~
4477 ~~certified public accountant must register with the department on~~
4478 ~~such form as the department prescribes by rule and must be~~
4479 ~~verified by the applicant. To register with the department, a~~
4480 ~~Florida-certified public accountant must provide:~~

4481 ~~(a) The applicant's Florida Board of Accountancy number.~~

4482 ~~(b) A legible copy of the applicant's current driver~~
4483 ~~license showing the full name and current address of such~~
4484 ~~person. If a current driver license is not available, another~~
4485 ~~form of identification showing the full name and current address~~
4486 ~~of such person or persons shall be filed with the department.~~

4487 ~~(c) The business address and telephone number of the~~
4488 ~~applicant's public accounting firm or employer.~~

4489 ~~(d) The names of agents or employees, if any, who are~~
4490 ~~designated to act on behalf of the Florida-certified public~~
4491 ~~accountant, together with a legible copy of their photo~~
4492 ~~identification issued by an agency of the United States, or a~~
4493 ~~state, or a political subdivision thereof.~~

4494 ~~(e) Sufficient information to enable the department to~~
4495 ~~disburse funds by electronic funds transfer.~~

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4496 ~~(f) The tax identification number of the accountant's~~
4497 ~~public accounting firm employer.~~

4498 ~~(3) In order to file claims as a claimant's representative,~~
4499 ~~receive a distribution of fees and costs from the department,~~
4500 ~~and obtain unclaimed property dollar amounts and numbers of~~
4501 ~~reported shares of stock held by the department, an attorney~~
4502 ~~licensed to practice in this state must register with the~~
4503 ~~department on such form as the department prescribes by rule and~~
4504 ~~must be verified by the applicant. To register with the~~
4505 ~~department, such attorney must provide:~~

4506 ~~(a) The applicant's Florida Bar number.~~

4507 ~~(b) A legible copy of the applicant's current driver~~
4508 ~~license showing the full name and current address of such~~
4509 ~~person. If a current driver license is not available, another~~
4510 ~~form of identification showing the full name and current address~~
4511 ~~of such person or persons shall be filed with the department.~~

4512 ~~(c) The business address and telephone number of the~~
4513 ~~applicant's firm or employer.~~

4514 ~~(d) The names of agents or employees, if any, who are~~
4515 ~~designated to act on behalf of the attorney, together with a~~
4516 ~~legible copy of their photo identification issued by an agency~~
4517 ~~of the United States, or a state, or a political subdivision~~
4518 ~~thereof.~~

4519 ~~(e) Sufficient information to enable the department to~~
4520 ~~disburse funds by electronic funds transfer.~~

4521 ~~(f) The tax identification number of the attorney's firm or~~
4522 ~~employer.~~

4523 ~~(4) Information and documents already on file with the~~
4524 ~~department before the effective date of this provision need not~~

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4525 be resubmitted in order to complete the registration.

4526 (4)~~(5)~~ If a material change in the status of a registration
4527 occurs, the claimant representative ~~a registrant~~ must, within 30
4528 days, provide the department with the updated documentation and
4529 information in writing. Material changes include, but are not
4530 limited to, the following,~~+~~ a designated agent or employee
4531 ceasing to act on behalf of the designating person, a surrender,
4532 suspension, or revocation of a license, or a license renewal.

4533 (a) If a designated agent or employee ceases to act on
4534 behalf of the person who has designated the agent or employee to
4535 act on such person's behalf, the designating person must, within
4536 30 days, inform the department ~~the Division of Unclaimed~~
4537 ~~Property~~ in writing of the termination of agency or employment.

4538 (b) If a registrant surrenders the registrant's license or
4539 the license is suspended or revoked, the registrant must, within
4540 30 days, inform the division in writing of the surrender,
4541 suspension, or revocation.

4542 (c) If a private investigator's Class "C" individual
4543 license under chapter 493 or a private investigator's employer's
4544 Class "A" business license under chapter 493 is renewed, the
4545 private investigator must provide a copy of the renewed license
4546 to the department within 30 days after the receipt of the
4547 renewed license by the private investigator or the private
4548 investigator's employer.

4549 (5)~~(6)~~ An applicant's claimant representative's A
4550 ~~registrant's~~ firm or employer may not have a name that might
4551 lead another person to conclude that the claimant
4552 representative's ~~registrant's~~ firm or employer is affiliated or
4553 associated with the United States, or an agency thereof, or a

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4554 state or an agency or political subdivision of a state. The
4555 department shall deny an application for registration or revoke
4556 a registration if the applicant's or claimant representative's
4557 ~~registrant's~~ firm or employer has a name that might lead another
4558 person to conclude that the firm or employer is affiliated or
4559 associated with the United States, or an agency thereof, or a
4560 state or an agency or political subdivision of a state. Names
4561 that might lead another person to conclude that the firm or
4562 employer is affiliated or associated with the United States, or
4563 an agency thereof, or a state or an agency or political
4564 subdivision of a state, include, but are not limited to, the
4565 words United States, Florida, state, bureau, division,
4566 department, or government.

4567 (6)~~(7)~~ The licensing and other requirements of this section
4568 must be maintained as a condition of registration with the
4569 department.

4570 (7) To maintain active registration under this section, a
4571 claimant representative must file and obtain payment on at least
4572 10 claims per calendar year following the date of initial
4573 registration.

4574 (a) If a claimant representative fails to meet this
4575 requirement, the department must notify the claimant
4576 representative in writing and provide 30 days to demonstrate
4577 compliance or good cause for noncompliance.

4578 (b) If the claimant representative does not cure the
4579 deficiency or demonstrate good cause within the time provided,
4580 the department must revoke the registration.

4581 (c) A claimant representative whose registration is revoked
4582 under this subsection may not reapply for registration under

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4583 this section for a period of 1 year following the effective date
4584 of the revocation.

4585 Section 92. Subsection (1) of section 1001.281, Florida
4586 Statutes, is amended to read:

4587 1001.281 Operating Trust Fund.—

4588 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
4589 created within the Department of Education.

4590 Section 93. Subsection (1) of section 1001.282, Florida
4591 Statutes, is amended to read:

4592 1001.282 Administrative Trust Fund.—

4593 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
4594 is created within the Department of Education.

4595 Section 94. Paragraph (a) of subsection (2) of section
4596 197.582, Florida Statutes, is amended to read:

4597 197.582 Disbursement of proceeds of sale.—

4598 (2) (a) If the property is purchased for an amount in excess
4599 of the statutory bid of the certificateholder, the surplus must
4600 be paid over and disbursed by the clerk as set forth in
4601 subsections (3), (5), and (6). If the opening bid included the
4602 homestead assessment pursuant to s. 197.502(6)(c), that amount
4603 must be treated as surplus and distributed in the same manner.
4604 The clerk shall distribute the surplus to the governmental units
4605 for the payment of any lien of record held by a governmental
4606 unit against the property, including any tax certificates not
4607 incorporated in the tax deed application and omitted taxes, if
4608 any. If there remains a balance of undistributed funds, the
4609 balance must be retained by the clerk for the benefit of persons
4610 described in s. 197.522(1)(a), except those persons described in
4611 s. 197.502(4)(h), as their interests may appear. The clerk shall

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4612 mail notices to such persons notifying them of the funds held
4613 for their benefit at the addresses provided in s. 197.502(4).
4614 Such notice constitutes compliance with the requirements of s.
4615 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing
4616 notices shall be paid out of the excess balance held by the
4617 clerk. Notice must be provided in substantially the following
4618 form:

4619
4620 NOTICE OF SURPLUS FUNDS
4621 FROM TAX DEED SALE
4622

4623 CLERK OF COURT
4624 COUNTY, FLORIDA
4625

4626 Tax Deed #.....
4627 Certificate #.....
4628 Property Description:

4629 Pursuant to chapter 197, Florida Statutes, the above
4630 property was sold at public sale on ...(date of sale)..., and a
4631 surplus of \$...(amount)... (subject to change) will be held by
4632 this office for 120 days beginning on the date of this notice to
4633 benefit the persons having an interest in this property as
4634 described in section 197.502(4), Florida Statutes, as their
4635 interests may appear (except for those persons described in
4636 section 197.502(4)(h), Florida Statutes).

4637 To the extent possible, these funds will be used to satisfy
4638 in full each claimant with a senior mortgage or lien in the
4639 property before distribution of any funds to any junior mortgage
4640 or lien claimant or to the former property owner. To be

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4641 considered for funds when they are distributed, you must file a
4642 notarized statement of claim with this office within 120 days
4643 after ~~of~~ this notice. If you are a lienholder, your claim must
4644 include the particulars of your lien and the amounts currently
4645 due. Any lienholder claim that is not filed within the 120-day
4646 deadline is barred.

4647 A copy of this notice must be attached to your statement of
4648 claim. After the office examines the filed claim statements, it
4649 will notify you if you are entitled to any payment.

4650 Dated:

4651 Clerk of Court

4652

4653 Section 95. Paragraph (t) of subsection (1) of section
4654 626.9541, Florida Statutes, is amended to read:

4655 626.9541 Unfair methods of competition and unfair or
4656 deceptive acts or practices defined.—

4657 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
4658 ACTS.—The following are defined as unfair methods of competition
4659 and unfair or deceptive acts or practices:

4660 (t) *Certain life insurance relations with funeral directors*
4661 *prohibited.*—

4662 1. No life insurer shall permit any funeral director or
4663 direct disposer to act as its representative, adjuster, claim
4664 agent, special claim agent, or agent for such insurer in
4665 soliciting, negotiating, or effecting contracts of life
4666 insurance on any plan or of any nature issued by such insurer or
4667 in collecting premiums for holders of any such contracts except
4668 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

4669 2. No life insurer shall:

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4670 a. Affix, or permit to be affixed, advertising matter of
4671 any kind or character of any licensed funeral director or direct
4672 disposer to such policies of insurance.

4673 b. Circulate, or permit to be circulated, any such
4674 advertising matter with such insurance policies.

4675 c. Attempt in any manner or form to influence policyholders
4676 of the insurer to employ the services of any particular licensed
4677 funeral director or direct disposer.

4678 3. No such insurer shall maintain, or permit its agent to
4679 maintain, an office or place of business in the office,
4680 establishment, or place of business of any funeral director or
4681 direct disposer in this state.

4682 Section 96. For the purpose of incorporating the amendment
4683 made by this act to section 717.101, Florida Statutes, in a
4684 reference thereto, paragraph (a) of subsection (6) of section
4685 772.13, Florida Statutes, is reenacted to read:

4686 772.13 Civil remedy for terrorism or facilitating or
4687 furthering terrorism.—

4688 (6) (a) In any postjudgment execution proceedings to enforce
4689 a judgment entered against a terrorist party under this section
4690 or under 18 U.S.C. s. 2333 or a substantially similar law of the
4691 United States or of any state or territory of the United States,
4692 including postjudgment execution proceedings against any agency
4693 or instrumentality of the terrorist party not named in the
4694 judgment pursuant to s. 201(a) of the Terrorism Risk Insurance
4695 Act, 28 U.S.C. s. 1610:

4696 1. There is no right to a jury trial under s. 56.18 or s.
4697 77.08;

4698 2. A defendant or a person may not use the resources of the

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4699 courts of this state in furtherance of a defense or an objection
4700 to postjudgment collection proceedings if the defendant or
4701 person purposely leaves the jurisdiction of this state or the
4702 United States, declines to enter or reenter this state or the
4703 United States to submit to its jurisdiction, or otherwise evades
4704 the jurisdiction of the court in which a criminal case is
4705 pending against the defendant or person. This subparagraph
4706 applies to any entity that is owned or controlled by a person to
4707 whom this paragraph applies;

4708 3. Creditor process issued under chapter 56 or chapter 77
4709 may be served upon any person or entity over whom the court has
4710 personal jurisdiction. Writs of garnishment issued under s.
4711 77.01 and proceedings supplementary under s. 56.29 apply to
4712 intangible assets wherever located, without territorial
4713 limitation, including bank accounts as defined in s.
4714 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4715 other intangible property as defined in s. 717.101. The situs of
4716 any intangible assets held or maintained by or in the
4717 possession, custody, or control of a person or entity so served
4718 shall be deemed to be in this state for the purposes of a
4719 proceeding under chapter 56 or chapter 77. Service of a writ or
4720 notice to appear under this section shall provide the court with
4721 in rem jurisdiction over any intangible assets regardless of the
4722 location of the assets;

4723 4. Notwithstanding s. 678.1121, the interest of a debtor in
4724 a financial asset or security entitlement may be reached by a
4725 creditor by legal process upon the securities intermediary with
4726 whom the debtor's securities account is maintained, or, if that
4727 is a foreign entity, legal process under chapter 56 or chapter

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4728 77 may be served upon the United States securities custodian or
4729 intermediary that has reported holding, maintaining, possessing,
4730 or controlling the blocked financial assets or security
4731 entitlements to the Office of Foreign Assets Control of the
4732 United States Department of the Treasury, and such financial
4733 assets or security entitlements shall be subject to execution,
4734 garnishment, and turnover by the United States securities
4735 custodian or intermediary; and

4736 5. Notwithstanding s. 670.502(4), when an electronic funds
4737 transfer is not completed within 5 banking days and is canceled
4738 pursuant to s. 670.211(4) because a United States intermediary
4739 financial institution has blocked the transaction in compliance
4740 with a United States sanctions program, and a terrorist party or
4741 any agency or instrumentality thereof was either the originator
4742 or the intended beneficiary, then the blocked funds shall be
4743 deemed owned by the terrorist party or its agency or
4744 instrumentality and shall be subject to execution and
4745 garnishment.

4746 Section 97. The following rules are ratified for the sole
4747 and exclusive purpose of satisfying any condition on
4748 effectiveness imposed under chapter 2025-100, Laws of Florida:
4749 Rules 69C-2.004, 69C-2.005, 69C-2.016, 69C-2.022, 69C-2.026,
4750 69C-2.034, 69C-2.035, 69U-100.097, 69V-560.1000, 69V-560.1012,
4751 69V-560.102, 69V-560.7032, 69V-560.7033, 69V-560.7034, 69V-
4752 560.7035, and 69V-560.7036, Florida Administrative Code,
4753 entitled "Definitions," "Designation of a Qualified Public
4754 Depository," "Financial Information Reports by a Qualified
4755 Public Depository," "Requirements of Public Depositors,"
4756 "Administration of Payment of Losses," "Disqualification,

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4757 Suspension, and Administrative Penalty," "Custodians of Gold
4758 Coin or Silver Coin," "Gold Coin or Silver Coin Deposits,"
4759 "Disciplinary Guidelines," "Adoption of Forms," "Application or
4760 Appointment Procedures and Requirements," "Records to Be
4761 Maintained when Engaged in Transactions Involving Gold and
4762 Silver Coin," "Gold Coin and Silver Coin Disclosures,"
4763 "Accredited Refiner or Wholesaler of Gold Coin or Silver Coin,"
4764 "Chain of Custody Related to Gold or Silver Coin," and "Rapid
4765 Response Time by Law Enforcement," respectively, as filed for
4766 adoption with the Department of State pursuant to the
4767 certification packages dated October 31, 2025, and November 1,
4768 2025.

4769 Section 98. Section 18 of chapter 2025-100, Laws of
4770 Florida, is repealed.

4771 Section 99. The Division of Law Revision is directed to
4772 replace the phrase "the effective date of this act" wherever it
4773 occurs in this act with the date this act becomes a law.

4774 Section 100. This act shall take effect upon becoming a
4775 law.