

20261452er

1
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;

20261452er

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33 deemed abandoned, rather than withdrawn, under certain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. 215.89, F.S.;
41 deleting provisions regarding the reporting structure
42 for charts of accounts relating to the use of public
43 funds by governmental entities; amending s. 215.93,
44 F.S.; revising the subsystems of the Florida Financial
45 Management Information System; amending s. 215.94,
46 F.S.; providing that the department is the functional
47 owner of the Financial Management Subsystem rather
48 than the Florida Accounting Information Resource
49 Subsystem; revising the functions of such subsystem;
50 amending s. 215.96, F.S.; revising the composition of
51 the coordinating council; deleting a requirement for
52 the design and coordination staff; requiring that
53 minutes of meetings be available to interested
54 persons; revising the composition of ex officio
55 members of the council; revising the duties, powers,
56 and responsibilities of the council to include
57 reviewing and coordinating annual workplans for a
58 specified purpose; amending ss. 215.985, 216.102, and

20261452er

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

20261452er

88 exemption from disqualification under certain
89 circumstances; specifying requirements for the
90 applicant in order for the board to grant an
91 exemption; specifying that the board has discretion to
92 grant or deny an exemption; specifying that certain
93 decisions are subject to ch. 120, F.S.; providing
94 applicability and construction; amending s. 497.142,
95 F.S.; prohibiting an application from being deemed
96 complete under certain circumstances; revising the
97 list of crimes to be disclosed on a license
98 application; amending s. 553.80, F.S.; specifying that
99 certain dwellings do not have a change of occupancy
100 under certain circumstances; amending s. 560.309,
101 F.S.; revising the provisions that a licensee must
102 comply with in seeking collection of worthless payment
103 instruments; amending s. 560.405, F.S.; providing that
104 redemption in cash or through a debit card transaction
105 shall be treated the same; prohibiting payment through
106 a credit card transaction; amending s. 560.406, F.S.;
107 requiring deferred presentment providers to comply
108 with the Fair Debt Collections Practices Act only if
109 such deferred presentment providers meet certain
110 criteria; amending s. 626.0428, F.S.; conforming a
111 provision to changes made by the act; amending s.
112 626.171, F.S.; deleting reinsurance intermediaries
113 from certain application requirements; revising the
114 list of persons from whom the department is required
115 to accept uniform applications; making clarifying
116 changes regarding the voluntary submission of cellular

20261452er

117 telephone numbers; revising the exemption from the
118 application filing fee for members of the United
119 States Armed Forces; amending s. 626.292, F.S.;
120 revising applicant requirements for a license
121 transfer; amending s. 626.611, F.S.; requiring the
122 department to require license reexamination of certain
123 persons and to suspend or revoke the eligibility of
124 such persons to hold a license or appointment under
125 certain circumstances; amending the grounds for
126 suspension or revocation; amending s. 626.621, F.S.;
127 authorizing the department to require a license
128 reexamination for certain persons; amending s.
129 626.731, F.S.; revising the qualifications for a
130 general lines agent's license; amending s. 626.785,
131 F.S.; revising the qualifications for a life agent's
132 license; amending s. 626.831, F.S.; revising the
133 qualifications for a health agent's license; amending
134 s. 626.8417, F.S.; revising the list of persons who
135 are exempt from certain provisions relating to title
136 insurance licensing and appointment requirements;
137 amending s. 626.854, F.S.; requiring a public
138 adjuster, public adjuster apprentice, or public
139 adjusting firm to respond to certain claims status
140 requests with specific information within a specified
141 timeframe and document in the file the response or
142 information provided; repealing s. 627.797, F.S.,
143 relating to agents exempt from title insurance
144 licensing; amending s. 633.208, F.S.; prohibiting
145 certain dwellings from being reclassified for certain

20261452er

146 purposes; amending s. 648.34, F.S.; revising
147 requirements for bail bond agent applicants; amending
148 s. 648.382, F.S.; requiring officers or officials of
149 the appointing insurer to obtain, rather than submit,
150 certain information; amending s. 717.001, F.S.;
151 revising a short title; amending s. 717.101, F.S.;
152 revising definitions and defining terms; amending s.
153 717.102, F.S.; providing that certain intangible
154 property is presumed abandoned; deleting a provision
155 relating to the presumption that certain intangible
156 property is presumed unclaimed; specifying the
157 dormancy period for property presumed abandoned;
158 requiring that property be considered payable or
159 distributable under certain circumstances; deleting a
160 provision relating to when property is payable or
161 distributable; revising a presumption; requiring that
162 property be presumed abandoned under certain
163 circumstances; providing an exception; amending s.
164 717.103, F.S.; requiring that intangible property be
165 subject to the custody of the department under certain
166 circumstances; revising criteria for when intangible
167 property is subject to the custody of the department;
168 repealing s. 717.1035, F.S., relating to property
169 originated or issued by this state, any political
170 subdivision of this state, or any entity incorporated,
171 organized, created, or otherwise located in the state;
172 amending ss. 717.104, 717.1045, 717.105, and 717.106,
173 F.S.; conforming provisions to changes made by the
174 act; amending s. 717.1065, F.S.; revising the

20261452er

175 timeframe for communication with certain entities by
176 the owner of virtual currency so that the virtual
177 currency is not presumed unclaimed; amending ss.
178 717.107, 717.1071, 717.108, and 717.109, F.S.;
179 conforming provisions to changes made by the act;
180 amending s. 717.1101, F.S.; revising the timelines and
181 conditions under which stock, other equity interests,
182 or debt of a business association is considered
183 abandoned; requiring the holder to attempt to confirm
184 the apparent owner's interest in the equity interest
185 by sending an e-mail communication within a specified
186 timeframe under certain circumstances; requiring the
187 holder to attempt to contact the apparent owner by
188 first-class United States mail under certain
189 circumstances; specifying that equity interest is
190 presumed abandoned under certain circumstances;
191 revising the timeframe in which unmatured, unredeemed,
192 matured, or redeemed debt is presumed abandoned;
193 specifying that the applicable dormancy period ceases
194 under certain circumstances; revising the timeframe in
195 which a sum held for or owing by a business
196 association is presumed abandoned; specifying that
197 certain equity interests are not presumed abandoned
198 under certain circumstances; requiring a holder to
199 perform annual data matching of certain records for a
200 specified purpose; specifying that the holder is
201 deemed to know the location of the apparent owner
202 under certain circumstances; prohibiting certain
203 transactions from constituting indication of apparent

20261452er

204 owner interest; specifying that certain accounts may
205 be presumed abandoned under certain circumstances;
206 providing applicability; amending ss. 717.111,
207 717.112, 717.1125, 717.113, 717.115, and 717.116,
208 F.S.; conforming provisions to changes made by the
209 act; amending s. 717.117, F.S.; specifying that
210 property is presumed abandoned upon the expiration of
211 the applicable dormancy period; specifying that
212 property is not deemed abandoned for certain purposes
213 until the holder meets certain requirements; requiring
214 holders of property presumed abandoned which has a
215 specified value to use due diligence to locate and
216 notify the apparent owner; requiring, before a
217 specified timeframe, a holder in possession of
218 presumed abandoned property to send a specified
219 written notice to the apparent owner; specifying the
220 method of delivery of such notice; requiring, before a
221 specified timeframe, the holder to send a second
222 written notice under certain circumstances;
223 authorizing that the reasonable costs for the notice
224 be deducted from the property; specifying that a
225 signed return receipt constitutes an affirmative
226 demonstration of continued interest; specifying
227 requirements of the written notice; requiring holders
228 of abandoned property to submit a specified report to
229 the department; prohibiting certain balances,
230 overpayments, deposits, and refunds from being
231 reported as abandoned property; prohibiting certain
232 securities from being included in the report;

20261452er

233 requiring the holder to report and deliver such
234 securities under certain circumstances; requiring that
235 the report be signed and verified and contain a
236 specified statement; deleting certain provisions
237 relating to the due diligence and notices to apparent
238 owners; amending s. 717.118, F.S.; revising the
239 state's obligation to notify apparent owners that
240 their abandoned property has been reported and
241 remitted to the department; requiring the department
242 to use a cost-effective means to make an attempt to
243 notify certain apparent owners; specifying
244 requirements for the notice; requiring the department
245 to maintain a specified website; revising
246 applicability; amending s. 717.119, F.S.; conforming
247 provisions to changes made by the act; revising
248 requirements for firearms or ammunition found in an
249 abandoned safe-deposit box or safekeeping repository;
250 revising required actions the department must take if
251 a will or trust instrument is included among the
252 contents of an abandoned safe-deposit box or
253 safekeeping repository; amending ss. 717.1201,
254 717.122, 717.123, and 717.1235, F.S.; conforming
255 provisions to changes made by the act; amending s.
256 717.124, F.S.; conforming provisions to changes made
257 by the act; deleting provisions related to
258 requirements of claimants' representatives; specifying
259 that a claim is withdrawn under certain circumstances;
260 specifying that the department is authorized to make a
261 distribution of property or money in accordance with a

20261452er

262 specified agreement under certain circumstances;
263 requiring that shares of securities be delivered
264 directly to the claimant under certain circumstances;
265 revising a provision authorizing the department to
266 develop a process by which a claimant representative
267 may electronically submit certain images and
268 documents; deleting provisions relating to a buyer of
269 unclaimed property's filing of a claim; amending s.
270 717.12403, F.S.; conforming provisions to changes made
271 by the act; amending s. 717.12404, F.S.; requiring
272 that claims on behalf of an active corporation include
273 a specified driver license; conforming provisions to
274 changes made by the act; amending ss. 717.12405 and
275 717.12406, F.S.; conforming provisions to changes made
276 by the act; amending s. 717.1241, F.S.; defining the
277 term "conflicting claim"; conforming provisions to
278 changes made by the act; revising requirements for
279 remitting property when conflicting claims have been
280 received by the department; amending ss. 717.1242,
281 717.1243, 717.1244, 717.1245, 717.125, 717.126,
282 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
283 717.132, F.S.; conforming provisions to changes made
284 by the act; amending s. 717.1322, F.S.; revising the
285 list of acts that constitute grounds for
286 administrative enforcement action by the department;
287 conforming provisions to changes made by the act;
288 amending ss. 717.133, 717.1333, and 717.1341, F.S.;
289 conforming provisions to changes made by the act;
290 amending s. 717.135, F.S.; conforming provisions to

20261452er

291 changes made by the act; deleting applicability;
292 creating s. 717.1356, F.S.; specifying that agreements
293 for the purchase of abandoned property reported to the
294 department are valid only under certain circumstances;
295 authorizing the seller to cancel a purchase agreement
296 without penalty or obligation within a specified
297 timeframe; requiring that such agreement contain
298 certain language; requiring that a copy of an executed
299 Florida Abandoned Property Purchase Agreement be filed
300 with the purchaser's claim; prohibiting the department
301 from approving the claim under certain circumstances;
302 specifying that certain purchase agreements are
303 enforceable only by the seller; defining the terms
304 "asset purchaser" and "large business association";
305 requiring that claims filed by asset purchasers
306 include certain information; authorizing the asset
307 purchaser to provide a copy of a specified form in
308 lieu of certain requirements if the seller is a
309 publicly traded entity; providing applicability and
310 construction; authorizing the department to adopt
311 rules; amending s. 717.138, F.S.; conforming
312 provisions to changes made by the act; amending s.
313 717.1382, F.S.; conforming provisions to changes made
314 by the act; conforming a cross-reference; amending s.
315 717.139, F.S.; providing legislative findings;
316 revising a statement of public policy; deleting a
317 legislative declaration; providing legislative intent;
318 prohibiting title to abandoned property from
319 transferring to the state except under certain

20261452er

320 circumstances; amending s. 717.1400, F.S.; requiring
321 an individual to meet certain requirements in order to
322 file claims as a claimant representative; revising
323 application requirements for registering as a claimant
324 representative; requiring claimant representatives to
325 file and obtain payment on a specified number of
326 claims within a specified timeframe to maintain active
327 registration; requiring the department to notify the
328 claimant representative in writing and provide a
329 certain timeframe to demonstrate compliance or good
330 cause for noncompliance under certain circumstances;
331 requiring the department to revoke a registration
332 under certain circumstances; prohibiting a claimant
333 representative from reapplying under certain
334 circumstances; amending ss. 1001.281 and 1001.282,
335 F.S.; conforming provisions to changes made by the
336 act; amending ss. 197.582 and 626.9541, F.S.;

337 conforming cross-references; reenacting s.
338 772.13(6)(a), F.S., relating to postjudgment execution
339 proceedings to enforce a judgment entered against a
340 terrorist party, to incorporate the amendment made to
341 s. 717.101, F.S., in a reference thereto; ratifying
342 specified rules relating to legal tender for the sole
343 and exclusive purpose of satisfying conditions on
344 effectiveness pursuant to chapter 2025-100, Laws of
345 Florida; repealing s. 18 of chapter 2025-100, Laws of
346 Florida, which repeals specified provisions relating
347 to legal tender; providing a directive to the Division
348 of Law Revision; providing an effective date.

20261452er

349

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

351

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

354 17.11 To report disbursements made.—

355 (2) The Chief Financial Officer shall also cause to have
356 reported from the Financial Management ~~Florida Accounting~~
357 ~~Information Resource~~ Subsystem no less than quarterly the
358 disbursements which agencies made to small businesses, as
359 defined in the Florida Small and Minority Business Assistance
360 Act; to certified minority business enterprises in the
361 aggregate; and to certified minority business enterprises broken
362 down into categories of minority persons, as well as gender and
363 nationality subgroups. This information shall be made available
364 to the agencies, the Office of Supplier Diversity, the Governor,
365 the President of the Senate, and the Speaker of the House of
366 Representatives. Each agency shall be responsible for the
367 accuracy of information entered into the Financial Management
368 ~~Florida Accounting Information Resource~~ Subsystem for use in
369 this reporting.

370 Section 2. Section 17.13, Florida Statutes, is amended to
371 read:

372 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

373 (1) The Chief Financial Officer is required to replace
374 ~~duplicate~~ any Chief Financial Officer's warrants that may have
375 been lost or destroyed, or may hereafter be lost or destroyed,
376 upon the owner thereof or the owner's agent or attorney
377 presenting the Chief Financial Officer the statement, under

20261452er

378 oath, reciting the number, date, and amount of any warrant or
379 the best and most definite description in his or her knowledge
380 and the circumstances of its loss; if the Chief Financial
381 Officer deems it necessary, the owner or the owner's agent or
382 attorney shall file in the office of the Chief Financial Officer
383 a surety bond, or a bond with securities, to be approved by one
384 of the judges of the circuit court or one of the justices of the
385 Supreme Court, in a penalty of not less than twice the amount of
386 any warrants so replaced ~~duplicate~~, conditioned to indemnify
387 the state and any innocent holders thereof from any damages that
388 may accrue from such replacement ~~duplication~~.

389 (2) The Chief Financial Officer is required to replace
390 ~~duplicate~~ any Chief Financial Officer's warrant that may have
391 been lost or destroyed, or may hereafter be lost or destroyed,
392 when sent to any payee via any state agency when such warrant is
393 lost or destroyed prior to being received by the payee and
394 provided the director of the state agency to whom the warrant
395 was sent presents to the Chief Financial Officer a statement,
396 under oath, reciting the number, date, and amount of the warrant
397 lost or destroyed, the circumstances surrounding the loss or
398 destruction of such warrant, and any additional information that
399 the Chief Financial Officer shall request in regard to such
400 warrant.

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

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

406 110.113 Pay periods for state officers and employees;

20261452er

407 salary payments by direct deposit.—

408 (1) The normal pay period for salaries of state officers
409 and employees shall be 1 month. The Department of Financial
410 Services shall issue either monthly or biweekly salary payments
411 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
412 ~~make semimonthly salary payments by direct deposit pursuant to~~
413 ~~s. 17.076~~, as requested by the head of each state agency and
414 approved by the Executive Office of the Governor and the
415 Department of Financial Services.

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

418 112.3135 Restriction on employment of relatives.—

419 (2)

420 (c) To aid the recruitment of firefighters within this
421 state, notwithstanding paragraph (a), a public official may
422 appoint, employ, promote, or advance, or advocate for the
423 appointment, employment, promotion, or advancement of, a
424 relative as a firefighter as defined in s. 633.102 if such
425 appointment, employment, promotion, or advancement is part of a
426 competitive process provided for in a collective bargaining
427 agreement.

428 Section 5. Present subsections (4) through (10) of section
429 215.5586, Florida Statutes, are redesignated as subsections (5)
430 through (11), respectively, a new subsection (4) is added to
431 that section, and paragraphs (a) through (e) of subsection (1),
432 subsections (2) and (3), paragraph (a) of present subsection
433 (8), and present subsection (10) of that section are amended, to
434 read:

435 215.5586 My Safe Florida Home Program.—There is established

20261452er

436 within the Department of Financial Services the My Safe Florida
437 Home Program. The department shall provide fiscal
438 accountability, contract management, and strategic leadership
439 for the program, consistent with this section. This section does
440 not create an entitlement for property owners or obligate the
441 state in any way to fund the inspection or retrofitting of
442 residential property in this state. Implementation of this
443 program is subject to annual legislative appropriations. It is
444 the intent of the Legislature that, subject to the availability
445 of funds, the My Safe Florida Home Program provide licensed
446 inspectors to perform hurricane mitigation inspections of
447 eligible homes and grants to fund hurricane mitigation projects
448 on those homes. The department shall implement the program in
449 such a manner that the total amount of funding requested by
450 accepted applications, whether for inspections, grants, or other
451 services or assistance, does not exceed the total amount of
452 available funds. If, after applications are processed and
453 approved, funds remain available, the department may accept
454 applications up to the available amount. The program shall
455 develop and implement a comprehensive and coordinated approach
456 for hurricane damage mitigation pursuant to the requirements
457 provided in this section.

458 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

462 b. "Detached" means a dwelling that does not share a wall
463 with another dwelling unit or building and has greater than zero
464 clearance between it and any other building. This term includes

20261452er

465 a garage located under a contiguous roof with a residence.

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

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

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

474 (I) ~~A~~ detached residential property; or

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

477 b.2. ~~The A~~ home for which the inspection is sought is ~~must~~
478 ~~be~~ site-built and owner-occupied.~~7~~ and

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

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

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

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

493 b. The original hurricane mitigation inspection application

20261452er

494 was denied or withdrawn because the applicant ~~home~~ did not meet
495 the eligibility criteria for an inspection at the time of the
496 previous application, and the applicant ~~homeowner~~ reasonably
497 believes that he or she is ~~the home~~ now ~~is~~ eligible for an
498 inspection; ~~or~~

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

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

507 (c) An applicant meeting the requirements of paragraph (a)
508 may receive an inspection of the ~~a~~ home through ~~under~~ the
509 program without being eligible for a grant under subsection (2)
510 or applying for such grant.

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

520 (e) The department shall contract with wind certification
521 entities to provide hurricane mitigation inspections. The
522 initial inspections provided to applicants ~~homeowners~~, at a

20261452er

523 minimum, must include:

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

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

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

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

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

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

542 2. The home must be a dwelling with an insured value of
543 \$700,000 or less. ~~Homeowners who are low-income persons, as~~
544 ~~defined in s. 420.0004(11), are exempt from this requirement.~~

545 3. The home must undergo an initial ~~acceptable~~ hurricane
546 mitigation inspection through the program as provided in
547 subsection (1) within the 24 months immediately preceding the
548 date of application.

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

20261452er

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

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

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

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

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

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

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

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

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

579 b. The original grant application was denied or withdrawn
580 because the applicant home did not meet the eligibility criteria

20261452er

581 for a grant at the time of the previous application, and the
582 applicant homeowner reasonably believes that he or she is the
583 ~~home~~ now ~~is~~ eligible for a grant; or

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

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

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

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

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

- 606 1. Opening protection improvements, including:
607 a. Exterior doors.7
608 b. Garage doors.7
609 c. Windows.7 ~~and~~

20261452er

610 d. Skylights.

611 2. Roof improvements, including:

612 a. Reinforcing roof-to-wall connections.

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

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

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

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

626 (h) Low-income applicants ~~homeowners~~, as defined in s.
627 420.0004(11), who otherwise meet the applicable requirements of
628 this subsection are eligible for a grant of up to \$10,000 and
629 are not required to provide a matching amount to receive the
630 grant.

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

638 2. The department shall prioritize the review and approval

20261452er

639 of such inspection applications and grant applications in the
640 following order:

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

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

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

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

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

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

654 a. Initially, from applicants prioritized under sub-
655 subparagraph 2.a.;

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

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

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

665 e. From all other applicants for an inspection, beginning
666 60 days after the program initially starts accepting
667 applications.

20261452er

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

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

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

684 (3) REQUESTS FOR INFORMATION.—The department may request
685 that an applicant provide additional information. An application
686 is deemed abandoned ~~withdrawn~~ by the applicant if the department
687 does not receive a response to its request for additional
688 information within 60 days after the notification of any
689 apparent error or omission.

690 (4) ABANDONED APPLICATIONS.—The department shall notify an
691 applicant at least 5 business days before an application is
692 deemed abandoned. If the applicant responds to such notification
693 within 5 business days after receiving the notice and
694 demonstrates good cause for why the application should not be
695 deemed abandoned, the applicant may submit a subsequent grant
696 application or the department may determine the application is

20261452er

697 not abandoned.

698 (9)~~(8)~~ CONTRACT MANAGEMENT.—

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

709 (11)~~(10)~~ REPORTS.—The department shall make an annual
710 report on the activities of the program that shall account for
711 the use of state funds and indicate the number of inspections
712 requested, the number of inspections performed, the number of
713 grant applications received, the number and value of grants
714 approved, and the estimated average annual amount of insurance
715 premium discounts and total estimated annual amount of insurance
716 premium discounts applicants ~~homeowners~~ received from insurers
717 as a result of mitigation funded through the program. The report
718 must be delivered to the President of the Senate and the Speaker
719 of the House of Representatives by February 1 of each year.

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

722 215.89 Charts of account.—

723 ~~(3) REPORTING STRUCTURE.—~~

724 ~~(a) The Chief Financial Officer shall accept comments from~~
725 ~~state agencies, local governments, educational entities,~~

20261452er

726 ~~entities of higher education, and other interested parties~~
727 ~~regarding the proposed charts of account until November 1, 2013.~~

728 ~~(b) By January 15, 2014, the Chief Financial Officer, after~~
729 ~~consultation with affected state agencies, local governments,~~
730 ~~educational entities, entities of higher education, and the~~
731 ~~Auditor General, shall submit to the Governor, the President of~~
732 ~~the Senate, and the Speaker of the House of Representatives a~~
733 ~~report recommending a uniform charts of account which requires~~
734 ~~specific enterprise-wide information related to revenues and~~
735 ~~expenditures of state agencies, local governments, educational~~
736 ~~entities, and entities of higher education. The report must~~
737 ~~include the estimated cost of adopting and implementing a~~
738 ~~uniform enterprise-wide charts of account.~~

739 Section 7. Subsection (1) of section 215.93, Florida
740 Statutes, is amended to read:

741 215.93 Florida Financial Management Information System.—

742 (1) To provide the information necessary to carry out the
743 intent of the Legislature, there shall be a Florida Financial
744 Management Information System. The Florida Financial Management
745 Information System shall be fully implemented and shall be
746 upgraded as necessary to ensure the efficient operation of an
747 integrated financial management information system and to
748 provide necessary information for the effective operation of
749 state government. Upon the recommendation of the coordinating
750 council and approval of the board, the Florida Financial
751 Management Information System may require data from any state
752 agency information system or information subsystem or may
753 request data from any judicial branch information system or
754 information subsystem that the coordinating council and board

20261452er

755 have determined to have statewide financial management
756 significance. Each functional owner information subsystem within
757 the Florida Financial Management Information System shall be
758 developed in such a fashion as to allow for timely, positive,
759 preplanned, and prescribed data transfers between the Florida
760 Financial Management Information System functional owner
761 information subsystems and from other information systems. The
762 principal unit of the system shall be the functional owner
763 information subsystem, and the system shall include, but shall
764 not be limited to, the following:

- 765 (a) Planning and Budgeting Subsystem.
766 ~~(b) Florida Accounting Information Resource Subsystem.~~
767 (b)(e) Financial Management Subsystem.
768 (c)(d) Purchasing Subsystem.
769 (d)(e) Personnel Information System.

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

772 215.94 Designation, duties, and responsibilities of
773 functional owners.—

774 (2) The Department of Financial Services shall be the
775 functional owner of the Financial Management ~~Florida Accounting~~
776 ~~Information Resource~~ Subsystem established pursuant to ss.
777 17.03, 215.86, 216.141, and 216.151 and further developed in
778 accordance with the provisions of ss. 215.90-215.96. The
779 subsystem shall include, but shall not be limited to, the
780 following functions:

- 781 (a) Accounting and reporting so as to provide timely data
782 for producing financial statements for the state in accordance
783 with generally accepted accounting principles.

20261452er

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

785 ~~(3) The Chief Financial Officer shall be the functional~~
786 ~~owner of the Financial Management Subsystem. The Chief Financial~~
787 ~~Officer shall design, implement, and operate the subsystem in~~
788 ~~accordance with the provisions of ss. 215.90-215.96. The~~
789 ~~subsystem shall include, but shall not be limited to, functions~~
790 ~~for:~~

791 (c) ~~(a)~~ Recording and reconciling credits and debits to
792 treasury fund accounts.

793 (d) ~~(b)~~ Monitoring cash levels and activities in state bank
794 accounts.

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

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

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

800 215.96 Coordinating council and design and coordination
801 staff.-

802 (2) The coordinating council shall consist of the Chief
803 Financial Officer; the Commissioner of Agriculture; the Attorney
804 General; the Secretary of Management Services; the state chief
805 information officer; the executive director of the Department of
806 Revenue; and the Director of Planning and Budgeting, Executive
807 Office of the Governor, or their designees. The Chief Financial
808 Officer, or his or her designee, shall be chair of the council,
809 and the design and coordination staff shall provide
810 administrative and clerical support to the council and the
811 board. ~~The design and coordination staff shall maintain the~~
812 Minutes of each meeting must be made ~~and make such minutes~~

20261452er

813 available to any interested person. The Auditor General, the
814 State Courts Administrator, ~~a an executive officer of the~~
815 ~~Florida Association of~~ state agency administrative services
816 director selected by the council ~~Directors~~, and ~~a an executive~~
817 ~~officer of the Florida Association of~~ state budget officer
818 selected by the council ~~Officers~~, or their designees, shall
819 serve without voting rights as ex officio members of the
820 council. The chair may call meetings of the council as often as
821 necessary to transact business; however, the council shall meet
822 at least once a year. Action of the council shall be by motion,
823 duly made, seconded and passed by a majority of the council
824 voting in the affirmative for approval of items that are to be
825 recommended for approval to the Financial Management Information
826 Board.

827 (3) The coordinating council, assisted by the design and
828 coordination staff, shall have the following duties, powers, and
829 responsibilities pertaining to the Florida Financial Management
830 Information System:

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

839 (b) To conduct such studies and to establish committees,
840 workgroups, and teams to develop recommendations for rules,
841 policies, procedures, principles, and standards to the board as

20261452er

842 necessary to assist the board in its efforts to design,
843 implement, and perpetuate a financial management information
844 system, including, but not limited to, the establishment of
845 common data codes, and the development of integrated financial
846 management policies that address the information and management
847 needs of the functional owner subsystems. The coordinating
848 council shall make available a copy of the approved plan in
849 writing or through electronic means to each of the coordinating
850 council members, the fiscal committees of the Legislature, and
851 any interested person.

852 (c)~~(b)~~ To recommend to the board solutions, policy
853 alternatives, and legislative budget request issues that will
854 provide ~~ensure~~ a framework for the timely, positive, preplanned,
855 and prescribed data transfer between information subsystems ~~and~~
856 ~~to recommend to the board solutions, policy alternatives, and~~
857 ~~legislative budget request issues that ensure the availability~~
858 ~~of data and information that support state planning, policy~~
859 ~~development, management, evaluation, and performance monitoring.~~

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

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

870 Section 10. Paragraph (a) of subsection (4) of section

20261452er

871 215.985, Florida Statutes, is amended to read:

872 215.985 Transparency in government spending.—

873 (4) The Executive Office of the Governor, in consultation
874 with the appropriations committees of the Senate and the House
875 of Representatives, shall establish and maintain a website that
876 provides information relating to the approved operating budget
877 for each branch of state government and state agency.

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

879 1. Disbursement data for each appropriation by the account
880 value ~~object code~~ associated with each expenditure established
881 within the Financial Management Florida Accounting Information
882 ~~Resource~~ Subsystem. Expenditure data must include the name of
883 the payee, the date of the expenditure, the amount of the
884 expenditure, and the voucher ~~statewide document~~ number. Such
885 data must be searchable by the name of the payee, the paying
886 agency, and fiscal year, and must be downloadable in a format
887 that allows offline analysis.

888 2. For each appropriation, any adjustments, including
889 vetoes, approved supplemental appropriations included in
890 legislation other than the General Appropriations Act, budget
891 amendments, other actions approved pursuant to chapter 216, and
892 other adjustments authorized by law.

893 3. Status of spending authority for each appropriation in
894 the approved operating budget, including released, unreleased,
895 reserved, and disbursed balances.

896 4. Position and rate information for positions provided in
897 the General Appropriations Act or approved through an amendment
898 to the approved operating budget and position information for
899 positions established in the legislative branch.

20261452er

900 5. Allotments for planned expenditures of state
901 appropriations established by state agencies in the Financial
902 Management ~~Florida Accounting Information Resource~~ Subsystem,
903 and the current balances of such allotments.

904 6. Trust fund balance reports, including cash available,
905 investments, and receipts.

906 7. General revenue fund balance reports, including revenue
907 received and amounts disbursed.

908 8. Fixed capital outlay project data, including original
909 appropriation and disbursements throughout the life of the
910 project.

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

912 10. Links to state audits or reports related to the
913 expenditure and dispersal of state funds.

914 11. Links to program or activity descriptions for which
915 funds may be expended.

916 Section 11. Subsections (1) and (2) and paragraph (f) of
917 subsection (3) of section 216.102, Florida Statutes, are amended
918 to read:

919 216.102 Filing of financial information; handling by Chief
920 Financial Officer; penalty for noncompliance.—

921 (1) By September 30 of each year, each agency supported by
922 any form of taxation, licenses, fees, imposts, or exactions, the
923 judicial branch, and, for financial reporting purposes, each
924 component unit of the state as determined by the Chief Financial
925 Officer shall prepare, using generally accepted accounting
926 principles, and file with the Chief Financial Officer the
927 financial and other information necessary for the preparation of
928 annual financial statements for the State of Florida as of June

20261452er

929 30. In addition, each such agency and the judicial branch shall
930 prepare financial statements showing the financial position and
931 results of agency or branch operations as of June 30 for
932 internal management purposes.

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

938 1. The deposit has been recorded in the Financial
939 Management Florida Accounting Information Resource Subsystem
940 using proper, consistent codes that designate deposits as
941 federal funds.

942 2. The deposit and appropriate recording required by this
943 paragraph have been verified by the office of the Chief
944 Financial Officer.

945 (b) The Chief Financial Officer shall publish a statewide
946 policy detailing the requirements for recording receipt and
947 disbursement of federal funds into the Financial Management
948 Florida Accounting Information Resource Subsystem and provide
949 technical assistance to the agencies and the judicial branch to
950 implement the policy.

951 (2) Financial information must be contained within the
952 Financial Management Florida Accounting Information Resource
953 Subsystem. Other information must be submitted in the form and
954 format prescribed by the Chief Financial Officer.

955 (a) Each component unit shall file financial information
956 and other information necessary for the preparation of annual
957 financial statements with the agency or branch designated by the

20261452er

958 Chief Financial Officer by the date specified by the Chief
959 Financial Officer.

960 (b) The state agency or branch designated by the Chief
961 Financial Officer to receive financial information and other
962 information from component units shall include the financial
963 information in the Financial Management ~~Florida Accounting~~
964 ~~Information Resource~~ Subsystem and shall include the component
965 units' other information in its submission to the Chief
966 Financial Officer.

967 (3) The Chief Financial Officer shall:

968 (f) Consult with and elicit comments from the Executive
969 Office of the Governor on changes to the Financial Management
970 ~~Florida Accounting Information Resource~~ Subsystem which clearly
971 affect the accounting of federal funds, so as to ensure
972 consistency of information entered into the Federal Aid Tracking
973 System by state executive and judicial branch entities. While
974 efforts shall be made to ensure the compatibility of the
975 Financial Management ~~Florida Accounting Information Resource~~
976 Subsystem and the Federal Aid Tracking System, any successive
977 systems serving identical or similar functions shall preserve
978 such compatibility.

979
980 The Chief Financial Officer may furnish and publish in
981 electronic form the financial statements and the annual
982 comprehensive financial report required under paragraphs (a),
983 (b), and (c).

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

986 216.141 Budget system procedures; planning and programming

20261452er

987 by state agencies.—

988 (3) The Chief Financial Officer, as chief fiscal officer,
989 shall use the Financial Management ~~Florida Accounting~~
990 ~~Information Resource~~ Subsystem developed pursuant to s.
991 215.94(2) for account purposes in the performance of and
992 accounting for all of his or her constitutional and statutory
993 duties and responsibilities. However, state agencies and the
994 judicial branch continue to be responsible for maintaining
995 accounting records necessary for effective management of their
996 programs and functions.

997 Section 13. Paragraphs (a) and (b) of subsection (7) and
998 paragraph (j) of subsection (12) of section 440.13, Florida
999 Statutes, are amended to read:

1000 440.13 Medical services and supplies; penalty for
1001 violations; limitations.—

1002 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

1003 (a) Any health care provider who elects to contest the
1004 disallowance or adjustment of payment by a carrier under
1005 subsection (6) must, within 60 ~~45~~ days after receipt of notice
1006 of disallowance or adjustment of payment, petition the
1007 department to resolve the dispute. The petitioner must serve, by
1008 United States Postal Service certified mail or by a common
1009 carrier with verifiable tracking methods, a copy of the petition
1010 on the carrier and on all affected parties listed on the notice
1011 of disallowance or adjustment ~~by certified mail~~. The petition
1012 must be accompanied by all documents and records that support
1013 the allegations contained in the petition. Failure of a
1014 petitioner to submit such documentation to the department
1015 results in dismissal of the petition.

20261452er

1016 (b) The carrier must submit to the department within 45 ~~30~~
1017 days after receipt of the petition all documentation
1018 substantiating the carrier's disallowance or adjustment. Failure
1019 of the carrier to timely submit such documentation to the
1020 department within 45 ~~30~~ days constitutes a waiver of all
1021 objections to the petition.

1022 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
1023 REIMBURSEMENT ALLOWANCES.—

1024 (j) In addition to establishing the uniform schedule of
1025 maximum reimbursement allowances, the panel shall:

1026 1. Take testimony, receive records, and collect data to
1027 evaluate the adequacy of the workers' compensation fee schedule,
1028 nationally recognized fee schedules and alternative methods of
1029 reimbursement to health care providers and health care
1030 facilities for inpatient and outpatient treatment and care.

1031 2. Survey health care providers and health care facilities
1032 to determine the availability and accessibility of workers'
1033 compensation health care delivery systems for injured workers.

1034 3. Survey carriers to determine the estimated impact on
1035 carrier costs and workers' compensation premium rates by
1036 implementing changes to the carrier reimbursement schedule or
1037 implementing alternative reimbursement methods.

1038 4. Submit recommendations on or before January 15, 2031
1039 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President
1040 of the Senate and the Speaker of the House of Representatives on
1041 methods to improve the workers' compensation health care
1042 delivery system.

1043
1044 The department, as requested, shall provide data to the panel,

20261452er

1045 including, but not limited to, utilization trends in the
1046 workers' compensation health care delivery system. The
1047 department shall provide the panel with an annual report
1048 regarding the resolution of medical reimbursement disputes and
1049 any actions pursuant to subsection (8). The department shall
1050 provide administrative support and service to the panel to the
1051 extent requested by the panel. The department may adopt rules
1052 pursuant to ss. 120.536(1) and 120.54 to implement this
1053 subsection. For prescription medication purchased under the
1054 requirements of this subsection, a dispensing practitioner shall
1055 not possess such medication unless payment has been made by the
1056 practitioner, the practitioner's professional practice, or the
1057 practitioner's practice management company or employer to the
1058 supplying manufacturer, wholesaler, distributor, or drug
1059 repackager within 60 days of the dispensing practitioner taking
1060 possession of that medication.

1061 Section 14. Section 497.1411, Florida Statutes, is created
1062 to read:

1063 497.1411 Disqualification of applicants and licenses;
1064 penalties against licensees; rulemaking.—

1065 (1) For purposes of this section, the term "applicant"
1066 means an individual applying for licensure or relicensure under
1067 this chapter, or an officer, a director, a majority owner, a
1068 partner, a manager, or other person who manages or controls an
1069 entity applying for licensure or relicensure under this chapter.

1070 (2) An applicant who has been found guilty of or has
1071 pleaded guilty or nolo contendere to any of the following
1072 offenses, regardless of adjudication, is permanently barred from
1073 licensure under this chapter:

20261452er

- 1074 (a) A felony of the first degree.
- 1075 (b) A felony involving conduct prohibited under chapter
1076 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
1077 825, chapter 827, or chapter 847.
- 1078 (c) A felony involving moral turpitude.
- 1079 (3) An applicant who has been found guilty of, or has
1080 entered a plea of guilty or nolo contendere to an offense not
1081 subject to the permanent bar under subsection (2), regardless of
1082 adjudication, is subject to the following disqualifying periods:
- 1083 (a) A 10-year disqualifying period for any felony to which
1084 the permanent bar in subsection (2) does not apply.
1085 Notwithstanding subsection (4), an applicant who has completed
1086 at least one-half of the disqualifying period may apply for a
1087 probationary license for the remainder of the disqualifying
1088 period if, during that time, the applicant has not been found
1089 guilty of, or has not entered a plea of guilty or nolo
1090 contendere to, any offense.
- 1091 (b) A 5-year disqualifying period for all misdemeanors
1092 directly related to chapter 497.
- 1093 (4) The board shall adopt rules to administer this section.
1094 Such rules must provide additional disqualifying periods for
1095 applicants who have committed multiple criminal offenses and may
1096 provide additional factors for disqualification reasonably
1097 related to the applicant's criminal history. The rules must also
1098 establish mitigating and aggravating factors. However,
1099 mitigation may not reduce any disqualifying period to less than
1100 5 years and may not be applied to reduce the 5-year
1101 disqualifying period provided in paragraph (3) (b).
- 1102 (5) For purposes of this section, a disqualifying period

20261452er

1103 begins upon the applicant's final release from supervision or
1104 upon completion of the applicant's criminal sentence. The board
1105 may not approve issuance of a license to an applicant until the
1106 applicant provides proof that all related fines, court costs,
1107 fees, and court-ordered restitution have been paid.

1108 (6) After the disqualifying period has expired, the burden
1109 is on the applicant to demonstrate to the board that he or she
1110 has been rehabilitated, does not pose a risk to the public, is
1111 fit and trustworthy to engage in business regulated by this
1112 chapter, and is otherwise qualified for licensure.

1113 (7) Notwithstanding subsections (2) and (3), an applicant
1114 who has been found guilty of, or has pleaded guilty or nolo
1115 contendere to, a crime in subsection (2) or subsection (3), and
1116 who has subsequently been granted a pardon or the restoration of
1117 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
1118 State Constitution, or a pardon or the restoration of civil
1119 rights under the laws of another jurisdiction with respect to a
1120 conviction in that jurisdiction, is not barred or disqualified
1121 from licensure under this chapter; however, such a pardon or
1122 restoration of civil rights does not require the board to award
1123 such license.

1124 (8) (a) The board may grant an exemption from
1125 disqualification to any person disqualified from licensure under
1126 subsection (3) if:

1127 1. The applicant has paid in full any fee, fine, fund,
1128 lien, civil judgment, restitution, or cost of prosecution
1129 imposed by the court as part of the judgment and sentence for
1130 any disqualifying offense; and

1131 2. At least 2 years have elapsed since the applicant

20261452er

1132 completed or has been lawfully released from confinement,
1133 supervision, or any nonmonetary condition imposed by the court
1134 for a disqualifying offense.

1135 (b) For the board to grant an exemption under this
1136 subsection, the applicant must clearly and convincingly
1137 demonstrate that he or she would not pose a risk to persons or
1138 property if licensed under this chapter, evidence of which must
1139 include, but need not be limited to, facts and circumstances
1140 surrounding the disqualifying offense, the time that has elapsed
1141 since the offense, the nature of the offense and harm caused to
1142 the victim, the applicant's history before and after the
1143 offense, and any other evidence or circumstances indicating that
1144 the applicant will not present a danger if licensed or
1145 certified.

1146 (c) The board has discretion whether to grant or deny an
1147 exemption under this subsection. The board's decision is subject
1148 to chapter 120.

1149 (9) The disqualification periods provided in this section
1150 do not apply to the renewal of a license or to a new application
1151 for licensure if the applicant has an active license as of July
1152 1, 2026, and the applicable criminal history was considered by
1153 the board on the prior approval of any active license held by
1154 the applicant. This section does not affect any criminal history
1155 disclosure requirements of this chapter.

1156 Section 15. Subsection (9) and paragraph (c) of subsection
1157 (10) of section 497.142, Florida Statutes, are amended to read:
1158 497.142 Licensing; fingerprinting and criminal background
1159 checks.—

1160 (9) If any applicant under this chapter has been, ~~within~~

20261452er

1161 ~~the 10 years preceding the application under this chapter,~~
1162 convicted or found guilty of, or entered a plea of nolo
1163 contendere to, regardless of adjudication, any crime in any
1164 jurisdiction, the application may ~~shall~~ not be deemed complete
1165 until such time as the applicant provides such certified true
1166 copies of the court records evidencing the conviction, finding,
1167 or plea, as required in this section or as the licensing
1168 authority may by rule require.

1169 (10)

1170 (c) Crimes to be disclosed are:

1171 1. Any felony ~~or misdemeanor,~~ no matter when committed,
1172 ~~that was directly or indirectly related to or involving any~~
1173 ~~aspect of the practice or business of funeral directing,~~
1174 ~~embalming, direct disposition, cremation, funeral or cemetery~~
1175 ~~preneed sales, funeral establishment operations, cemetery~~
1176 ~~operations, or cemetery monument or marker sales or~~
1177 ~~installation.~~

1178 2. Any misdemeanor, no matter when committed, that was
1179 directly related to the practice or activities regulated ~~Any~~
1180 ~~other felony not already disclosed under subparagraph 1. that~~
1181 ~~was committed within the 20 years immediately preceding the~~
1182 ~~application under this chapter.~~

1183 3. Any other misdemeanor not already disclosed under
1184 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
1185 the 5 years immediately preceding the application under this
1186 chapter.

1187 Section 16. Subsection (11) is added to section 553.80,
1188 Florida Statutes, to read:

1189 553.80 Enforcement.—

20261452er

1190 (11) For purposes of the design, construction, erection,
1191 alteration, fire protection, fire suppression, modification,
1192 repair, and demolition of a single-family or two-family
1193 dwelling, such dwelling does not have a change of occupancy as
1194 defined in the Florida Building Code solely due to its being
1195 used as or converted into a dwelling used:

1196 (a) By a tax-exempt charitable organization under s.
1197 501(c)(3) of the Internal Revenue Code whose stated corporate
1198 purpose relates to the support of people who are living with a
1199 mental health disorder, provided the dwelling has no fewer than
1200 two and no more than four bedrooms, is occupied by a group of or
1201 family of no more than six ambulatory adults living with a
1202 mental disorder, and has no more than two adults assigned to any
1203 bedroom; or

1204 (b) For residential migrant housing as defined in s.
1205 381.008(8) which has a permit from the Department of Health
1206 pursuant to s. 381.0081.

1207 Section 17. Subsection (10) of section 560.309, Florida
1208 Statutes, is amended to read:

1209 560.309 Conduct of business.—

1210 (10) If a check is returned to a licensee from a payor
1211 financial institution due to lack of funds, a closed account, or
1212 a stop-payment order, the licensee may seek collection pursuant
1213 to s. 68.065. In seeking collection, the licensee must comply
1214 with the prohibitions against harassment or abuse, false or
1215 misleading representations, and unfair practices in the Florida
1216 Consumer Collection Practices Act under part VI of chapter 559,
1217 including s. 559.77. The licensee must also comply with the Fair
1218 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and

20261452er

1219 1692f if the licensee uses a third-party debt collector or any
1220 name other than its own to collect such debts. A violation of
1221 this subsection is a deceptive and unfair trade practice and
1222 constitutes a violation of the Deceptive and Unfair Trade
1223 Practices Act under part II of chapter 501. ~~In addition, a~~
1224 ~~licensee must comply with the applicable provisions of the~~
1225 ~~Consumer Collection Practices Act under part VI of chapter 559,~~
1226 ~~including s. 559.77.~~

1227 Section 18. Subsection (3) of section 560.405, Florida
1228 Statutes, is amended to read:

1229 560.405 Deposit; redemption.—

1230 (3) Notwithstanding subsection (1), in lieu of presentment,
1231 a deferred presentment provider may allow the check to be
1232 redeemed at any time upon payment of the outstanding transaction
1233 balance and earned fees. Redemption in cash or through a debit
1234 card transaction must be treated the same. However, payment may
1235 not be made in the form of a personal check or through a credit
1236 card transaction. Upon redemption, the deferred presentment
1237 provider must return the drawer's check and provide a signed,
1238 dated receipt showing that the drawer's check has been redeemed.

1239 Section 19. Subsection (2) of section 560.406, Florida
1240 Statutes, is amended to read:

1241 560.406 Worthless checks.—

1242 (2) If a check is returned to a deferred presentment
1243 provider from a payor financial institution due to insufficient
1244 funds, a closed account, or a stop-payment order, the deferred
1245 presentment provider may pursue all legally available civil
1246 remedies to collect the check, including, but not limited to,
1247 the imposition of all charges imposed on the deferred

20261452er

1248 presentment provider by the financial institution. In its
1249 collection practices, a deferred presentment provider must
1250 comply with the prohibitions against harassment or abuse, false
1251 or misleading representations, and unfair practices that are
1252 contained in the Florida Consumer Collection Practices Act under
1253 part VI of chapter 559, including s. 559.77. A deferred
1254 presentment provider must also comply with the Fair Debt
1255 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f
1256 if the deferred presentment provider uses a third-party debt
1257 collector or any name other than its own to collect such debts.

1258 A violation of this act is a deceptive and unfair trade practice
1259 and constitutes a violation of the Deceptive and Unfair Trade
1260 Practices Act under part II of chapter 501. ~~In addition, a~~
1261 ~~deferred presentment provider must comply with the applicable~~
1262 ~~provisions of the Consumer Collection Practices Act under part~~
1263 ~~VI of chapter 559, including s. 559.77.~~

1264 Section 20. Subsection (3) of section 626.0428, Florida
1265 Statutes, is amended to read:

1266 626.0428 Agency personnel powers, duties, and limitations.—

1267 (3) An employee or an authorized representative located at
1268 a designated branch of an agent or agency may not initiate
1269 contact with any person for the purpose of soliciting insurance
1270 unless licensed and appointed as an agent or customer
1271 representative. As to title insurance, an employee of an agent
1272 or agency may not initiate contact with any individual proposed
1273 insured for the purpose of soliciting title insurance unless
1274 licensed as a title insurance agent or exempt from such
1275 licensure pursuant to s. 626.8417(4) ~~and (5).~~

1276 Section 21. Section 626.171, Florida Statutes, is amended

20261452er

1277 to read:

1278 626.171 Application for license as an agent, customer
1279 representative, adjuster, or service representative, ~~or~~
1280 ~~reinsurance intermediary.~~

1281 (1) The department may not issue a license as agent,
1282 customer representative, adjuster, or service representative, ~~or~~
1283 ~~reinsurance intermediary~~ to any person except upon written
1284 application filed with the department, meeting the
1285 qualifications for the license applied for as determined by the
1286 department, and payment in advance of all applicable fees. The
1287 application must be made under the oath of the applicant and be
1288 signed by the applicant. An applicant may permit a third party
1289 to complete, submit, and sign an application on the applicant's
1290 behalf, but is responsible for ensuring that the information on
1291 the application is true and correct and is accountable for any
1292 misstatements or misrepresentations. The department shall accept
1293 the uniform application for resident and nonresident agent and
1294 adjuster licensing. The department may adopt revised versions of
1295 the uniform application by rule.

1296 (2) In the application, the applicant must include all of
1297 the following shall set forth:

1298 (a) The applicant's ~~His or her~~ full name, age, social
1299 security number, residence address, business address, mailing
1300 address, contact telephone numbers, including a business
1301 telephone number, and e-mail address.

1302 (b) A statement indicating the method the applicant used or
1303 is using to meet any required prelicensing education, knowledge,
1304 experience, or instructional requirements for the type of
1305 license applied for.

20261452er

1306 (c) Whether the applicant ~~he or she~~ has been refused or has
1307 voluntarily surrendered or has had suspended or revoked a
1308 license to solicit insurance by the department or by the
1309 supervising officials of any state.

1310 (d) Whether any insurer or any managing general agent
1311 claims the applicant is indebted under any agency contract or
1312 otherwise and, if so, the name of the claimant, the nature of
1313 the claim, and the applicant's defense thereto, if any.

1314 (e) Proof that the applicant meets the requirements for the
1315 type of license for which he or she is applying.

1316 (f) The applicant's gender (male or female).

1317 (g) The applicant's native language.

1318 (h) The highest level of education achieved by the
1319 applicant.

1320 (i) The applicant's race or ethnicity (African American,
1321 white, American Indian, Asian, Hispanic, or other).

1322 (j) Such other or additional information as the department
1323 may deem proper to enable it to determine the character,
1324 experience, ability, and other qualifications of the applicant
1325 to hold himself or herself out to the public as an insurance
1326 representative.

1327
1328 However, the application must contain a statement that an
1329 applicant is not required to disclose his or her race or
1330 ethnicity, gender, or native language, that he or she will not
1331 be penalized for not doing so, and that the department will use
1332 this information exclusively for research and statistical
1333 purposes and to improve the quality and fairness of the
1334 examinations. The department may ~~shall~~ make provisions for

20261452er

1335 applicants to voluntarily submit their cellular telephone
1336 numbers as part of the application process solely ~~on a voluntary~~
1337 ~~basis only~~ for the purpose of two-factor authentication of
1338 secure login credentials ~~only~~.

1339 (3) Each application must be accompanied by payment of any
1340 applicable fee.

1341 (4) An applicant for a license issued by the department
1342 under this chapter must submit a set of the individual
1343 applicant's fingerprints, or, if the applicant is not an
1344 individual, a set of the fingerprints of the sole proprietor,
1345 majority owner, partners, officers, and directors, to the
1346 department and must pay the fingerprint processing fee set forth
1347 in s. 624.501. Fingerprints must be processed in accordance with
1348 s. 624.34 and used to investigate the applicant's qualifications
1349 pursuant to s. 626.201. The fingerprints must be taken by a law
1350 enforcement agency or other department-approved entity. The
1351 department may not approve an application for licensure as an
1352 agent, customer ~~service~~ representative, adjuster, or service
1353 representative, ~~or reinsurance intermediary~~ if fingerprints have
1354 not been submitted.

1355 (5) The application for license filing fee prescribed in s.
1356 624.501 is not subject to refund.

1357 (6) Members of the United States Armed Forces and their
1358 spouses, and veterans of the United States Armed Forces who have
1359 separated from service ~~within 24 months~~ before application for
1360 licensure, are exempt from the application filing fee prescribed
1361 in s. 624.501. Qualified individuals must provide a copy of a
1362 military identification card, military dependent identification
1363 card, military service record, military personnel file, veteran

20261452er

1364 record, discharge paper or separation document that indicates
1365 such members are currently in good standing or such veterans
1366 were honorably discharged.

1367 (7) Pursuant to the federal Personal Responsibility and
1368 Work Opportunity Reconciliation Act of 1996, each party is
1369 required to provide his or her social security number in
1370 accordance with this section. Disclosure of social security
1371 numbers obtained through this requirement must be limited to the
1372 purpose of administration of the Title IV-D program for child
1373 support enforcement.

1374 Section 22. Paragraph (c) of subsection (2) of section
1375 626.292, Florida Statutes, is amended to read:

1376 626.292 Transfer of license from another state.—

1377 (2) To qualify for a license transfer, an individual
1378 applicant must meet the following requirements:

1379 (c) The individual must submit a completed application for
1380 this state which is received by the department within 90 days
1381 after the date the individual became a resident of this state,
1382 along with payment of the applicable fees set forth in s.
1383 624.501 and submission of the following documents:

1384 1. A certification issued by the appropriate official of
1385 the applicant's home state identifying the type of license and
1386 lines of authority under the license and stating that, ~~at the~~
1387 ~~time the license from the home state was canceled,~~ the applicant
1388 was in good standing in that state or that the state's Producer
1389 Database records, maintained by the National Association of
1390 Insurance Commissioners, its affiliates, or subsidiaries,
1391 indicate that the agent or all-lines adjuster is or was licensed
1392 in good standing for the line of authority requested. An

20261452er

1393 applicant may hold a resident license in another state for 30
1394 days after the Florida resident license has been issued to
1395 facilitate the transfer of licensure between states.

1396 2. A set of the applicant's fingerprints in accordance with
1397 s. 626.171(4).

1398 Section 23. Subsection (1) of section 626.611, Florida
1399 Statutes, is amended to read:

1400 626.611 Grounds for compulsory refusal, suspension, or
1401 revocation of agent's, title agency's, adjuster's, customer
1402 representative's, service representative's, or managing general
1403 agent's license or appointment.-

1404 (1) The department shall require license reexamination,
1405 deny an application for, suspend, revoke, or refuse to renew or
1406 continue the license or appointment of any applicant, agent,
1407 title agency, adjuster, customer representative, service
1408 representative, or managing general agent, and it shall suspend
1409 or revoke the eligibility to hold a license or appointment of
1410 any such person, if it finds that as to the applicant, licensee,
1411 or appointee any one or more of the following applicable grounds
1412 exist:

1413 (a) Lack of one or more of the qualifications for the
1414 license or appointment as specified in this code.

1415 (b) Material misstatement, misrepresentation, or fraud in
1416 obtaining the license or appointment or in attempting to obtain
1417 the license or appointment.

1418 (c) Failure to pass to the satisfaction of the department
1419 any examination required under this code, including cheating on
1420 an examination required for licensure or violating test center
1421 or examination procedures delivered orally, in writing, or

20261452er

1422 electronically at the test site by authorized representatives of
1423 the examination program administrator.

1424 (d) If the license or appointment is willfully used, or to
1425 be used, to circumvent any of the requirements or prohibitions
1426 of this code.

1427 (e) Willful misrepresentation of any insurance policy or
1428 annuity contract or willful deception with regard to any such
1429 policy or contract, done either in person or by any form of
1430 dissemination of information or advertising.

1431 (f) If, as an adjuster, or agent licensed and appointed to
1432 adjust claims under this code, he or she has materially
1433 misrepresented to an insured or other interested party the terms
1434 and coverage of an insurance contract with intent and for the
1435 purpose of effecting settlement of claim for loss or damage or
1436 benefit under such contract on less favorable terms than those
1437 provided in and contemplated by the contract.

1438 (g) Demonstrated lack of fitness or trustworthiness to
1439 engage in the business of insurance.

1440 (h) Demonstrated lack of reasonably adequate knowledge and
1441 technical competence to engage in the transactions authorized by
1442 the license or appointment.

1443 (i) Fraudulent or dishonest practices in the conduct of
1444 business under the license or appointment.

1445 (j) Misappropriation, conversion, or unlawful withholding
1446 of moneys belonging to insurers or insureds or beneficiaries or
1447 to others and received in conduct of business under the license
1448 or appointment.

1449 (k) Unlawfully rebating, attempting to unlawfully rebate,
1450 or unlawfully dividing or offering to divide his or her

20261452er

1451 commission with another.

1452 (l) Having obtained or attempted to obtain, or having used
1453 or using, a license or appointment as agent or customer
1454 representative for the purpose of soliciting or handling
1455 "controlled business" as defined in s. 626.730 with respect to
1456 general lines agents, s. 626.784 with respect to life agents,
1457 and s. 626.830 with respect to health agents.

1458 (m) Willful failure to comply with, or willful violation
1459 of, any proper order or rule of the department or willful
1460 violation of any provision of this code.

1461 (n) Having been found guilty of or having pleaded guilty or
1462 nolo contendere to a misdemeanor directly related to the
1463 financial services business, any felony, or any crime punishable
1464 by imprisonment of 1 year or more under the law of the United
1465 States of America or of any state thereof or under the law of
1466 any other country, without regard to whether a judgment of
1467 conviction has been entered by the court having jurisdiction of
1468 such cases.

1469 (o) Fraudulent or dishonest practice in submitting or
1470 aiding or abetting any person in the submission of an
1471 application for workers' compensation coverage under chapter 440
1472 containing false or misleading information as to employee
1473 payroll or classification for the purpose of avoiding or
1474 reducing the amount of premium due for such coverage.

1475 (p) Sale of an unregistered security that was required to
1476 be registered, pursuant to chapter 517.

1477 (q) In transactions related to viatical settlement
1478 contracts as defined in s. 626.9911:

1479 1. Commission of a fraudulent or dishonest act.

20261452er

1480 2. No longer meeting the requirements for initial
1481 licensure.

1482 3. Having received a fee, commission, or other valuable
1483 consideration for his or her services with respect to viatical
1484 settlements that involved unlicensed viatical settlement
1485 providers or persons who offered or attempted to negotiate on
1486 behalf of another person a viatical settlement contract as
1487 defined in s. 626.9911 and who were not licensed life agents.

1488 4. Dealing in bad faith with viators.

1489 Section 24. Section 626.621, Florida Statutes, is amended
1490 to read:

1491 626.621 Grounds for discretionary refusal, suspension, or
1492 revocation of agent's, adjuster's, customer representative's,
1493 service representative's, or managing general agent's license or
1494 appointment.—The department may, in its discretion, require a
1495 license reexamination, deny an application for, suspend, revoke,
1496 or refuse to renew or continue the license or appointment of any
1497 applicant, agent, adjuster, customer representative, service
1498 representative, or managing general agent, and it may suspend or
1499 revoke the eligibility to hold a license or appointment of any
1500 such person, if it finds that as to the applicant, licensee, or
1501 appointee any one or more of the following applicable grounds
1502 exist under circumstances for which such denial, suspension,
1503 revocation, or refusal is not mandatory under s. 626.611:

1504 (1) Any cause for which issuance of the license or
1505 appointment could have been refused had it then existed and been
1506 known to the department.

1507 (2) Violation of any provision of this code or of any other
1508 law applicable to the business of insurance in the course of

20261452er

1509 dealing under the license or appointment.

1510 (3) Violation of any lawful order or rule of the
1511 department, commission, or office.

1512 (4) Failure or refusal, upon demand, to pay over to any
1513 insurer he or she represents or has represented any money coming
1514 into his or her hands belonging to the insurer.

1515 (5) Violation of the provision against twisting, as defined
1516 in s. 626.9541(1)(1).

1517 (6) In the conduct of business under the license or
1518 appointment, engaging in unfair methods of competition or in
1519 unfair or deceptive acts or practices, as prohibited under part
1520 IX of this chapter, or having otherwise shown himself or herself
1521 to be a source of injury or loss to the public.

1522 (7) Willful overinsurance of any property or health
1523 insurance risk.

1524 (8) If a life agent, violation of the code of ethics.

1525 (9) Cheating on an examination required for licensure or
1526 violating test center or examination procedures published
1527 orally, in writing, or electronically at the test site by
1528 authorized representatives of the examination program
1529 administrator. Communication of test center and examination
1530 procedures must be clearly established and documented.

1531 (10) Failure to inform the department in writing within 30
1532 days after pleading guilty or nolo contendere to, or being
1533 convicted or found guilty of, any felony or a crime punishable
1534 by imprisonment of 1 year or more under the law of the United
1535 States or of any state thereof, or under the law of any other
1536 country without regard to whether a judgment of conviction has
1537 been entered by the court having jurisdiction of the case.

20261452er

1538 (11) Knowingly aiding, assisting, procuring, advising, or
1539 abetting any person in the violation of or to violate a
1540 provision of the insurance code or any order or rule of the
1541 department, commission, or office.

1542 (12) Has been the subject of or has had a license, permit,
1543 appointment, registration, or other authority to conduct
1544 business subject to any decision, finding, injunction,
1545 suspension, prohibition, revocation, denial, judgment, final
1546 agency action, or administrative order by any court of competent
1547 jurisdiction, administrative law proceeding, state agency,
1548 federal agency, national securities, commodities, or option
1549 exchange, or national securities, commodities, or option
1550 association involving a violation of any federal or state
1551 securities or commodities law or any rule or regulation adopted
1552 thereunder, or a violation of any rule or regulation of any
1553 national securities, commodities, or options exchange or
1554 national securities, commodities, or options association.

1555 (13) Failure to comply with any civil, criminal, or
1556 administrative action taken by the child support enforcement
1557 program under Title IV-D of the Social Security Act, 42 U.S.C.
1558 ss. 651 et seq., to determine paternity or to establish, modify,
1559 enforce, or collect support.

1560 (14) Directly or indirectly accepting any compensation,
1561 inducement, or reward from an inspector for the referral of the
1562 owner of the inspected property to the inspector or inspection
1563 company. This prohibition applies to an inspection intended for
1564 submission to an insurer in order to obtain property insurance
1565 coverage or establish the applicable property insurance premium.

1566 (15) Denial, suspension, or revocation of, or any other

20261452er

1567 adverse administrative action against, a license to practice or
1568 conduct any regulated profession, business, or vocation by this
1569 state, any other state, any nation, any possession or district
1570 of the United States, any court, or any lawful agency thereof.

1571 (16) Taking an action that allows the personal financial or
1572 medical information of a consumer or customer to be made
1573 available or accessible to the general public, regardless of the
1574 format in which the record is stored.

1575 (17) Initiating in-person or telephone solicitation after 9
1576 p.m. or before 8 a.m. local time of the prospective customer
1577 unless requested by the prospective customer.

1578 (18) Cancellation of the applicant's, licensee's, or
1579 appointee's resident license in a state other than Florida.

1580 Section 25. Subsection (1) of section 626.731, Florida
1581 Statutes, is amended to read:

1582 626.731 Qualifications for general lines agent's license.—

1583 (1) The department may ~~shall~~ not grant or issue a license
1584 as general lines agent to any individual found by it to be
1585 untrustworthy or incompetent or who does not meet ~~each~~ all of
1586 the following qualifications:

1587 (a) The applicant is a natural person at least 18 years of
1588 age.

1589 (b) The applicant is a United States citizen or legal alien
1590 who possesses work authorization from the United States Bureau
1591 of Citizenship and Immigration Services and is a bona fide
1592 resident of this state. ~~An individual who is a bona fide
1593 resident of this state shall be deemed to meet the residence
1594 requirement of this paragraph, notwithstanding the existence at
1595 the time of application for license of a license in his or her~~

20261452er

1596 ~~name on the records of another state as a resident licensee of~~
1597 ~~such other state, if the applicant furnishes a letter of~~
1598 ~~clearance satisfactory to the department that the resident~~
1599 ~~licenses have been canceled or changed to a nonresident basis~~
1600 ~~and that he or she is in good standing.~~

1601 (c) The applicant's place of business will be located in
1602 this state and he or she will be actively engaged in the
1603 business of insurance and will maintain a place of business, the
1604 location of which is identifiable by and accessible to the
1605 public.

1606 (d) The license is not being sought for the purpose of
1607 writing or handling controlled business, in violation of s.
1608 626.730.

1609 (e) The applicant is qualified as to knowledge, experience,
1610 or instruction in the business of insurance and meets the
1611 requirements provided in s. 626.732.

1612 (f) The applicant has passed any required examination for
1613 license required under s. 626.221.

1614 Section 26. Subsection (2) of section 626.785, Florida
1615 Statutes, is amended to read:

1616 626.785 Qualifications for license.—

1617 ~~(2) An individual who is a bona fide resident of this state~~
1618 ~~shall be deemed to meet the residence requirement of paragraph~~
1619 ~~(1)(b), notwithstanding the existence at the time of application~~
1620 ~~for license of a license in his or her name on the records of~~
1621 ~~another state as a resident licensee of such other state, if the~~
1622 ~~applicant furnishes a letter of clearance satisfactory to the~~
1623 ~~department that the resident licenses have been canceled or~~
1624 ~~changed to a nonresident basis and that he or she is in good~~

20261452er

1625 ~~standing.~~

1626 Section 27. Section 626.831, Florida Statutes, is amended
1627 to read:

1628 626.831 Qualifications for license.—

1629 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
1630 as health agent as to any individual found by it to be
1631 untrustworthy or incompetent, or who does not meet all of the
1632 following qualifications:

1633 (1)(a) Is ~~Must be~~ a natural person of at least 18 years of
1634 age.

1635 (2)(b) Is ~~Must be~~ a United States citizen or legal alien
1636 who possesses work authorization from the United States Bureau
1637 of Citizenship and Immigration Services and is a bona fide
1638 resident of this state.

1639 (3)(e) Is ~~Must not be~~ an employee of the United States
1640 Department of Veterans Affairs or state service office, as
1641 referred to in s. 626.833.

1642 (4)(d) Has taken ~~Must take~~ and passed ~~pass~~ any examination
1643 for license required under s. 626.221.

1644 (5)(e) Is ~~Must be~~ qualified as to knowledge, experience, or
1645 instruction in the business of insurance and meets ~~meet~~ the
1646 requirements relative thereto provided in s. 626.8311.

1647 ~~(2) An individual who is a bona fide resident of this state~~
1648 ~~shall be deemed to meet the residence requirement of paragraph~~
1649 ~~(1)(b), notwithstanding the existence at the time of application~~
1650 ~~for license of a license in his or her name on the records of~~
1651 ~~another state as a resident licensee of such other state, if the~~
1652 ~~applicant furnishes a letter of clearance satisfactory to the~~
1653 ~~department that the resident licenses have been canceled or~~

20261452er

1654 ~~changed to a nonresident basis and that he or she is in good~~
1655 ~~standing.~~

1656 Section 28. Subsections (4) and (5) of section 626.8417,
1657 Florida Statutes, are amended to read:

1658 626.8417 Title insurance agent licensure; exemptions.—

1659 (4) Title insurers, acting through designated corporate
1660 officers, or attorneys duly admitted to practice law in this
1661 state and in good standing with The Florida Bar are exempt from
1662 the provisions of this chapter relating to title insurance
1663 licensing and appointment requirements.

1664 ~~(5) An insurer may designate a corporate officer of the~~
1665 ~~insurer to occasionally issue and countersign binders,~~
1666 ~~commitments, and policies of title insurance. The designated~~
1667 ~~officer is exempt from the provisions of this chapter relating~~
1668 ~~to title insurance licensing and appointment requirements while~~
1669 ~~the officer is acting within the scope of the designation.~~

1670 Section 29. Subsection (24) is added to section 626.854,
1671 Florida Statutes, to read:

1672 626.854 "Public adjuster" defined; prohibitions.—The
1673 Legislature finds that it is necessary for the protection of the
1674 public to regulate public insurance adjusters and to prevent the
1675 unauthorized practice of law.

1676 (24) A public adjuster, public adjuster apprentice, or
1677 public adjusting firm must respond with specific information to
1678 a written or electronic request for claims status from a
1679 claimant or insured or their designated representative within 14
1680 days after the date of the request and shall document in the
1681 file the response or information provided.

1682 Section 30. Section 627.797, Florida Statutes, is repealed.

20261452er

1683 Section 31. Subsection (11) of section 633.208, Florida
1684 Statutes, is amended to read:

1685 633.208 Minimum firesafety standards.—

1686 (11) Notwithstanding subsection (8), a single-family or
1687 two-family dwelling may not be reclassified for purposes of
1688 enforcing the Florida Fire Prevention Code solely due to such
1689 dwelling being used as or converted into:

1690 (a) ~~That is~~ A certified recovery residence, as defined in
1691 s. 397.311, or ~~that is~~ a recovery residence, as defined in s.
1692 397.311, that has a charter from an entity recognized or
1693 sanctioned by Congress;

1694 (b) A residence owned by a tax-exempt charitable
1695 organization under s. 501(c)(3) of the Internal Revenue Code
1696 whose stated corporate purpose relates to the support of people
1697 who are living with a mental health disorder and which has no
1698 fewer than two and no more than four bedrooms, is occupied by a
1699 group or family of no more than six ambulatory adults living
1700 with a mental health disorder, and has no more than two adults
1701 assigned to any bedroom; or

1702 (c) Residential migrant housing as defined in s. 381.008(8)
1703 which has a permit from the Department of Health pursuant to s.
1704 381.0081 may not be reclassified for purposes of enforcing the
1705 Florida Fire Prevention Code solely due to such use.

1706 Section 32. Subsection (4) of section 648.34, Florida
1707 Statutes, is amended to read:

1708 648.34 Bail bond agents; qualifications.—

1709 (4) The applicant must ~~shall~~ furnish, with his or her
1710 application, a complete set of his or her fingerprints in
1711 accordance with s. 626.171(4) ~~and a recent credential-sized,~~

20261452er

1712 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1713 not authorize an applicant to take the required examination
1714 until the department has received a report from the Department
1715 of Law Enforcement and the Federal Bureau of Investigation
1716 relative to the existence or nonexistence of a criminal history
1717 report based on the applicant's fingerprints.

1718 Section 33. Subsection (2) of section 648.382, Florida
1719 Statutes, is amended to read:

1720 648.382 Appointment of bail bond agents and bail bond
1721 agencies; effective date of appointment.—

1722 (2) Before any appointment, an appropriate officer or
1723 official of the appointing insurer must obtain all of the
1724 following information ~~submit~~:

1725 (a) A certified statement or affidavit to the department
1726 stating what investigation has been made concerning the proposed
1727 appointee and the proposed appointee's background and the
1728 appointing person's opinion to the best of his or her knowledge
1729 and belief as to the moral character and reputation of the
1730 proposed appointee. In lieu of such certified statement or
1731 affidavit, by authorizing the effectuation of an appointment for
1732 a licensee, the appointing entity certifies to the department
1733 that such investigation has been made and that the results of
1734 the investigation and the appointing person's opinion is that
1735 the proposed appointee is a person of good moral character and
1736 reputation and is fit to engage in the bail bond business. ~~+~~

1737 (b) An affidavit under oath on a form prescribed by the
1738 department, signed by the proposed appointee, stating that
1739 premiums are not owed to any insurer and that the appointee will
1740 discharge all outstanding forfeitures and judgments on bonds

20261452er

1741 previously written. If the appointee does not satisfy or
1742 discharge such forfeitures or judgments, the former insurer
1743 shall file a notice, with supporting documents, with the
1744 appointing insurer, the former agent or agency, and the
1745 department, stating under oath that the licensee has failed to
1746 timely satisfy forfeitures and judgments on bonds written and
1747 that the insurer has satisfied the forfeiture or judgment from
1748 its own funds. Upon receipt of such notification and supporting
1749 documents, the appointing insurer shall immediately cancel the
1750 licensee's appointment. The licensee may be reappointed only
1751 upon certification by the former insurer that all forfeitures
1752 and judgments on bonds written by the licensee have been
1753 discharged. The appointing insurer or former agent or agency
1754 may, within 10 days, file a petition with the department seeking
1755 relief from this paragraph. Filing of the petition stays the
1756 duty of the appointing insurer to cancel the appointment until
1757 the department grants or denies the petition.†

1758 (c) Any other information that the department reasonably
1759 requires concerning the proposed appointee.† ~~and~~

1760 (d) Effective January 1, 2025, a certification that the
1761 appointing entity obtained from each appointee the following
1762 sworn statement:

1763
1764 Pursuant to section 648.382(2)(b), Florida Statutes, I
1765 do solemnly swear that I owe no premium to any insurer
1766 or agency and that I will discharge all outstanding
1767 forfeitures and judgments on bonds that have been
1768 previously written. I acknowledge that failure to do
1769 this will result in my active appointments being

20261452er

1770 canceled.

1771

1772 An appointed bail bond agency must have the attestation under
1773 this paragraph signed by its owner.

1774 Section 34. Section 717.001, Florida Statutes, is amended
1775 to read:

1776 717.001 Short title.—This chapter may be cited as the
1777 “Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
1778 Act.”

1779 Section 35. Present subsections (1) through (4), (5)
1780 through (8), (10) through (13), (15) through (20), (21), (22)
1781 through (28), (31), (32), and (33) of section 717.101, Florida
1782 Statutes, are redesignated as subsections (4) through (7), (9)
1783 through (12), (13) through (16), (17) through (22), (24), (26)
1784 through (32), and (33), (34), and (35), respectively, new
1785 subsections (1), (2), (3), (8), (23), and (25) are added to that
1786 section, and present subsections (1), (2), (5), (6), (8), (9),
1787 (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30)
1788 of that section are amended, to read:

1789 717.101 Definitions.—As used in this chapter, unless the
1790 context otherwise requires:

1791 (1) “Abandoned property” means property held by a holder
1792 for which all of the following are true:

1793 (a) The apparent owner has shown no activity or indication
1794 of interest for the duration of the applicable dormancy period
1795 established under this chapter.

1796 (b) The holder has complied with the due diligence
1797 requirements set forth in this chapter, including the issuance
1798 of notice to the apparent owner, and has received no response or

20261452er

1799 contact sufficient to demonstrate continued interest in the
1800 property.

1801
1802 For purposes of this chapter, property is presumed abandoned
1803 upon expiration of the applicable dormancy period established
1804 under this chapter. Once the dormancy period has expired, the
1805 holder must comply with the due diligence requirements set forth
1806 in s. 717.117. If the holder does not receive response or
1807 contact sufficient to demonstrate continued interest in the
1808 property after completion of its due diligence efforts, the
1809 property is deemed abandoned and subject to reporting and
1810 remittance to the department for custodial holding on behalf of
1811 the owner.

1812 (2) "Abandoned Property Purchase Agreement" means the form
1813 adopted by the department pursuant to s. 717.135 which must be
1814 used, without modification or amendment, by a claimant
1815 representative to purchase abandoned property from an owner.

1816 (3) "Abandoned Property Recovery Agreement" means the form
1817 adopted by the department pursuant to s. 717.135 which must be
1818 used, without modification or amendment, by a claimant
1819 representative to obtain consent and authority to recover
1820 abandoned property on behalf of a person.

1821 (4)~~(1)~~ "Aggregate" means the amounts reported for owners of
1822 abandoned ~~unclaimed~~ property of less than \$10 or where there is
1823 no name for the individual or entity listed on the holder's
1824 records, regardless of the amount to be reported.

1825 (5)~~(2)~~ "Apparent owner" means the person whose name appears
1826 on the records of the holder as the owner of the abandoned
1827 property, but whose status as the true owner entitled to receive

20261452er

1828 the property may be subject to change due to the passage of time
1829 or changes in circumstances ~~person entitled to property held,~~
1830 ~~issued, or owing by the holder.~~

1831 (8) "Authorized representative" means a person or an entity
1832 legally empowered to act on behalf of the apparent owner or his
1833 or her estate, including, but not limited to, an agent, a
1834 fiduciary, a personal representative, a trustee, a legal heir, a
1835 guardian, or any other individual or entity authorized by law or
1836 agreement.

1837 (9)~~(5)~~ "Banking or financial organization" means any and
1838 all banks, trust companies, private bankers, savings banks,
1839 industrial banks, safe-deposit companies, savings and loan
1840 associations, credit unions, savings associations, banking
1841 organizations, international bank agencies, cooperative banks,
1842 building and loan associations, and investment companies in this
1843 state, organized under or subject to the laws of this state or
1844 of the United States, including entities organized under 12
1845 U.S.C. s. 611, but does not include federal reserve banks. The
1846 term also includes any corporation, business association, or
1847 other organization that:

1848 (a) Is a wholly or partially owned subsidiary of any
1849 banking, banking corporation, or bank holding company that
1850 performs any or all of the functions of a banking organization;
1851 or

1852 (b) Performs functions pursuant to the terms of a contract
1853 with any banking organization.

1854 (10)~~(6)~~ "Business association" means any for-profit or
1855 nonprofit corporation other than a public corporation; joint
1856 stock company; investment company; unincorporated association or

20261452er

1857 association of two or more individuals for business purposes,
1858 whether or not for profit; partnership; joint venture; limited
1859 liability company; sole proprietorship; business trust; trust
1860 company; land bank; safe-deposit company; safekeeping
1861 depository; banking or financial organization; insurance
1862 company; federally chartered entity; utility company; transfer
1863 agent; or other business entity, whether or not for profit.

1864 ~~(12)~~~~(8)~~ "Claimant ~~Claimant's~~ representative" means an
1865 attorney who is a member in good standing with ~~of~~ The Florida
1866 Bar, a certified public accountant licensed in this state, or a
1867 private investigator ~~who is duly licensed to do business in this~~
1868 ~~the state,~~ who is registered with the department, and authorized
1869 to file claims on behalf of persons with the department by the
1870 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1871 The term does not include a person acting in a representative or
1872 fiduciary capacity, such as a personal representative, guardian,
1873 trustee, or attorney, whose representation is not contingent
1874 upon the discovery or location of abandoned unclaimed property,
1875 and it expressly excludes locators who engage in locating owners
1876 of abandoned property for a fee but are not registered with the
1877 department; provided, however, that any agreement entered into
1878 for the purpose of evading s. 717.135 is invalid and
1879 unenforceable.

1880 ~~(9)~~ "~~Credit balance~~" means ~~an account balance in the~~
1881 ~~customer's favor.~~

1882 ~~(15)~~~~(12)~~ "Due diligence" means the use of reasonable and
1883 prudent methods under particular circumstances to locate
1884 apparent owners of presumed abandoned property ~~inactive accounts~~
1885 using the taxpayer identification number or social security

20261452er

1886 number, if known, which may include, but are not limited to,
1887 using a nationwide database, cross-indexing with other records
1888 of the holder, mailing to the last known address unless the last
1889 known address is known to be inaccurate, providing written
1890 notice as described in this chapter by e-mail ~~electronic mail~~ if
1891 an apparent owner has elected such delivery, or engaging a
1892 licensed agency or company capable of conducting such search and
1893 providing updated addresses.

1894 ~~(14) "Financial organization" means a savings association,~~
1895 ~~savings and loan association, savings bank, industrial bank,~~
1896 ~~bank, banking organization, trust company, international bank~~
1897 ~~agency, cooperative bank, building and loan association, or~~
1898 ~~credit union.~~

1899 ~~(18)(16)~~ "Holder" means a person who is in possession of
1900 property belonging to another or who owes a debt or an
1901 obligation to another person, including, but not limited to,
1902 financial institutions, insurance companies, corporations,
1903 partnerships, fiduciaries, and government agencies.

1904 ~~(a) A person who is in possession or control or has custody~~
1905 ~~of property or the rights to property belonging to another; is~~
1906 ~~indebted to another on an obligation; or is obligated to hold~~
1907 ~~for the account of, or to deliver or pay to, the owner, property~~
1908 ~~subject to this chapter; or~~

1909 ~~(b) A trustee in case of a trust.~~

1910 ~~(20)(18)~~ "Intangible property" includes, by way of
1911 illustration and not limitation:

1912 (a) Moneys, checks, virtual currency, drafts, deposits,
1913 interest, dividends, and income.

1914 (b) Credit balances, customer overpayments, security

20261452er

1915 deposits and other instruments as defined by chapter 679,
1916 refunds, unpaid wages, unused airline tickets, and unidentified
1917 remittances.

1918 (c) Stocks, and other intangible ownership interests in
1919 business associations except for:

1920 1. A non-freely transferable security; or

1921 2. A security that is subject to a lien, legal hold, or
1922 restriction evidenced on the records of the holder or imposed by
1923 operation of law, if the lien, legal hold, or restriction
1924 restricts the holder's or owner's ability to receive, transfer,
1925 sell, or otherwise negotiate the security.

1926 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1927 original issue discount bonds, coupons, and other securities, or
1928 to make distributions.

1929 (e) Amounts due and payable under the terms of insurance
1930 policies.

1931 (f) Amounts distributable from a trust or custodial fund
1932 established under a plan to provide any health, welfare,
1933 pension, vacation, severance, retirement, death, stock purchase,
1934 profit sharing, employee savings, supplemental unemployment
1935 insurance, or similar benefit.

1936 (21)-(19) "Last known address" means a description of the
1937 location of the apparent owner sufficient for the purpose of the
1938 delivery of mail. For the purposes of identifying, reporting,
1939 and remitting property to the department ~~which is presumed to be~~
1940 unclaimed, the term "last known address" includes any partial
1941 description of the location of the apparent owner sufficient to
1942 establish the apparent owner was a resident of this state at the
1943 time of last contact with the apparent owner or at the time the

20261452er

1944 property became due and payable.

1945 (22)~~(20)~~ "Lawful charges" means charges against the
1946 property or the account in which the property is held which
1947 ~~dormant accounts that~~ are authorized by statute for the purpose
1948 of offsetting the costs of maintaining the property or the
1949 account in which the property is held ~~dormant account~~.

1950 (23) "Locator" means a private individual or business that
1951 locates owners of abandoned property in exchange for a fee,
1952 typically a percentage of the recovered property. Locators are
1953 not employees or agents of the state and are not registered with
1954 the department.

1955 (25) "Non-freely transferable security" means a security
1956 that cannot be delivered to the administrator by the Depository
1957 Trust and Clearing Corporation or similar custodian of
1958 securities providing post-trade clearing and settlement services
1959 to financial markets or cannot be delivered because there is no
1960 agent to effect transfer. The term includes a worthless
1961 security.

1962 (26)~~(22)~~ "Owner" means the a person, or the person's legal
1963 ~~representative,~~ entitled to receive or having a legal or
1964 equitable interest in the abandoned property. An owner
1965 establishes his or her entitlement by filing a valid claim with
1966 the department pursuant ~~or claim against property subject to~~
1967 ~~this chapter; a depositor in the case of a deposit; a~~
1968 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
1969 ~~payee in the case of a negotiable instrument or other intangible~~
1970 ~~property.~~

1971 (29)~~(25)~~ "Record" means information that is captured or
1972 maintained in any format, including written, printed,

20261452er

1973 electronic, audio, visual, or other forms, and that can be made
1974 perceptible or understandable to a person, either directly or
1975 through technological means, including assistive technologies
1976 ~~inscribed on a tangible medium or that is stored in an~~
1977 ~~electronic or other medium and is retrievable in perceivable~~
1978 ~~form.~~

1979 ~~(29) "Unclaimed Property Purchase Agreement" means the form~~
1980 ~~adopted by the department pursuant to s. 717.135 which must be~~
1981 ~~used, without modification or amendment, by a claimant's~~
1982 ~~representative to purchase unclaimed property from an owner.~~

1983 ~~(30) "Unclaimed Property Recovery Agreement" means the form~~
1984 ~~adopted by the department pursuant to s. 717.135 which must be~~
1985 ~~used, without modification or amendment, by a claimant's~~
1986 ~~representative to obtain an owner's consent and authority to~~
1987 ~~recover unclaimed property on the owner's behalf.~~

1988 Section 36. Section 717.102, Florida Statutes, is amended
1989 to read:

1990 717.102 Property presumed abandoned ~~unclaimed~~; general
1991 rule.—

1992 (1) Except as otherwise provided by this chapter, all
1993 intangible property, including any income or increment thereon
1994 less any lawful charges, that is held, issued, or owing in the
1995 ordinary course of the holder's business and for which the
1996 apparent owner or authorized representative fails to demonstrate
1997 continued interest for more than the applicable dormancy period
1998 prescribed by this chapter shall be presumed abandoned ~~claim~~
1999 ~~such property for more than 5 years after the property becomes~~
2000 ~~payable or distributable is presumed unclaimed, except as~~
2001 ~~otherwise provided by this chapter. Unless otherwise specified~~

20261452er

2002 by law, the dormancy period is 5 years from the date the
2003 property becomes payable or distributable. For the purposes of
2004 this chapter, property is considered payable or distributable
2005 once the holder's obligation to pay or deliver the property
2006 arises, regardless of whether the apparent owner or authorized
2007 representative has failed to demand or to present documents
2008 required to receive payment.

2009 ~~(2) Property is payable or distributable for the purpose of~~
2010 ~~this chapter notwithstanding the owner's failure to make demand~~
2011 ~~or to present any instrument or document required to receive~~
2012 ~~payment.~~

2013 ~~(3)~~ A presumption that property is abandoned may be
2014 ~~unclaimed is~~ rebutted by the affirmative demonstration of
2015 continued interest by the apparent owner or authorized
2016 representative ~~an apparent owner's expression of interest in the~~
2017 property. Such demonstration ~~An owner's expression of~~ continued
2018 interest in property includes, but is not limited to, any of the
2019 following:

2020 (a) A record communicated by the apparent owner or
2021 authorized representative to the holder or its agent ~~of the~~
2022 ~~holder~~ concerning the property or the account in which the
2023 property is held.†

2024 (b) An oral communication by the apparent owner or
2025 authorized representative to the holder or its agent ~~of the~~
2026 ~~holder~~ concerning the property or the account in which the
2027 property is held, if the holder or its agent contemporaneously
2028 records ~~makes~~ and preserves evidence ~~a record of the fact of the~~
2029 ~~apparent owner's~~ communication.†

2030 (c) Presentment of a check or other instrument for ~~of~~

20261452er

2031 payment of ~~a dividends~~ dividend, interest ~~payment~~, or other
2032 distributions related to the property. ~~distribution, with~~
2033 ~~respect to an account, underlying security, or interest in a~~
2034 ~~business association;~~

2035 (d) Any account activity initiated ~~directed~~ by an apparent
2036 owner or authorized representative in the account in which the
2037 ~~property is held~~, including accessing the account or directing
2038 changes to information concerning the account, or to the amount
2039 or type of property held, excluding routine automatic
2040 transactions previously authorized, ~~a direction by the apparent~~
2041 ~~owner~~ to increase, decrease, or otherwise change the amount or
2042 type of property held in the account.~~.~~

2043 (e) Any ~~A~~ deposit into or withdrawal from the property or
2044 the an account in which the property is held ~~at a financial~~
2045 ~~organization,~~ excluding ~~an~~ automatic deposits, withdrawals, or
2046 reinvestments ~~deposit or withdrawal~~ previously authorized by the
2047 apparent owner or authorized representative. ~~an automatic~~
2048 ~~reinvestment of dividends or interest, which does not constitute~~
2049 ~~an expression of interest; or~~

2050 (f) Any other action by the apparent owner or authorized
2051 representative which reasonably demonstrates to the holder that
2052 the apparent owner or authorized representative is aware of and
2053 maintains an interest in ~~knows that~~ the property ~~exists.~~

2054 ~~(3)-(4)~~ If a holder learns or receives confirmation of an
2055 apparent owner's death, the property shall be presumed abandoned
2056 ~~unclaimed~~ 2 years after the date of death, unless an authorized
2057 representative makes an affirmative demonstration ~~a fiduciary~~
2058 ~~appointed to represent the estate of the apparent owner has made~~
2059 ~~an expression~~ of interest in the property before the expiration

20261452er

2060 of the 2-year period. This subsection may not be construed to
2061 extend the otherwise applicable dormancy period prescribed by
2062 this chapter.

2063 Section 37. Section 717.103, Florida Statutes, is amended
2064 to read:

2065 717.103 General rules for taking custody of intangible
2066 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
2067 chapter or by other statute of this state, intangible property
2068 is subject to the custody of the department as abandoned
2069 ~~unclaimed~~ property when ~~if~~ the conditions leading to a
2070 presumption that the property is abandoned ~~unclaimed~~ as
2071 described in ss. 717.102 and 717.105–717.116 are satisfied and
2072 the holder has fulfilled all required due diligence obligations
2073 without receiving any response or claim from the apparent owner,
2074 and one or more of the following criteria apply:

2075 (1) The last known address, as shown on the records of the
2076 holder, of the apparent owner is in this state.~~†~~

2077 (2) The records of the holder do not identify the name of
2078 the apparent owner, but do reflect ~~the identity of the person~~
2079 ~~entitled to the property, and it is established that the last~~
2080 ~~known address of the~~ apparent owner ~~person entitled to the~~
2081 ~~property~~ is in this state.~~†~~

2082 (3) The records of the holder do not reflect the last known
2083 address of the apparent owner, but ~~and~~ it is established that
2084 either of the following conditions apply:

2085 (a) The last known address of the apparent owner ~~person~~
2086 ~~entitled to the property~~ is in this state.~~†~~ ~~or~~

2087 (b) The holder is domiciled in this state, ~~a domiciliary~~ or
2088 is a government entity or ~~governmental~~ subdivision ~~or agency~~ of

20261452er

2089 this state, and has not previously paid the property to the
2090 state of the last known address of the apparent owner. ~~or other~~
2091 ~~person entitled to the property;~~

2092 (4) The last known address, as shown on the records of the
2093 holder, of the apparent owner ~~or other person entitled to the~~
2094 ~~property~~ is in a jurisdiction state that does not have
2095 applicable provide by law for the escheat, abandoned, or
2096 unclaimed property laws custodial taking of the property, or its
2097 ~~escheat or unclaimed property law is not applicable to the~~
2098 ~~property,~~ and the holder is domiciled in this state a
2099 ~~domiciliary~~ or is a government entity or governmental
2100 subdivision or agency of this state. ~~;~~

2101 (5) The last known address, as shown on the records of the
2102 holder, of the apparent owner is in a foreign nation and the
2103 holder is domiciled in this state a ~~domiciliary~~ or is a
2104 government entity or governmental subdivision ~~or agency~~ of this
2105 state. ~~;~~ ~~or~~

2106 (6) The transaction out of which the property arose
2107 occurred in this state, ~~and~~ both of the following are true:

2108 (a) ~~1.~~ The last known address of the apparent owner ~~or other~~
2109 ~~person entitled to the property~~ is unknown. ~~;~~ ~~or~~

2110 ~~2.~~ ~~The last known address of the apparent owner or other~~
2111 ~~person entitled to the property is in a state that does not~~
2112 ~~provide by law for the escheat or custodial taking of the~~
2113 ~~property, or its escheat or unclaimed property law is not~~
2114 ~~applicable to the property; and~~

2115 (b) The holder is domiciled in a jurisdiction a ~~domiciliary~~
2116 ~~of a state that does not have applicable provide by law for the~~
2117 ~~escheat, abandoned, or custodial taking of the property, or its~~

20261452er

2118 ~~escheat or unclaimed property laws law is not applicable to the~~
2119 ~~property.~~

2120 Section 38. Section 717.1035, Florida Statutes, is
2121 repealed.

2122 Section 39. Section 717.104, Florida Statutes, is amended
2123 to read:

2124 717.104 Traveler's checks and money orders.—

2125 (1) Subject to subsection (4), any sum payable on a
2126 traveler's check that has been outstanding for more than 15
2127 years after its issuance is presumed abandoned ~~unclaimed~~ unless
2128 the apparent owner or authorized representative, within 15
2129 years, has demonstrated a continued interest in the property in
2130 accordance with s. 717.102 ~~communicated in writing with the~~
2131 ~~issuer concerning it or otherwise indicated an interest as~~
2132 ~~evidenced by a memorandum or other record on file with the~~
2133 ~~issuer.~~

2134 (2) Subject to subsection (4), any sum payable on a money
2135 order or similar written instrument, other than a third party
2136 bank check, that has been outstanding for more than 7 years
2137 after its issuance is presumed abandoned ~~unclaimed~~ unless the
2138 apparent owner or authorized representative, within 7 years, has
2139 demonstrated a continued interest in the property in accordance
2140 with s. 717.102 ~~communicated in writing with the issuer~~
2141 ~~concerning it or otherwise indicated an interest as evidenced by~~
2142 ~~a memorandum or other record on file with the issuer.~~

2143 (3) A ~~No~~ holder may not deduct from the amount of any
2144 traveler's check or money order any charges imposed by reason of
2145 the failure to present those instruments for payment unless
2146 there is a valid and enforceable written contract between the

20261452er

2147 holder ~~issuer~~ and the apparent owner of the property pursuant to
2148 which the holder ~~issuer~~ may impose those charges and the holder
2149 ~~issuer~~ regularly imposes those charges and does not regularly
2150 reverse or otherwise cancel those charges with respect to the
2151 property.

2152 (4) No sum payable on a traveler's check, money order, or
2153 similar written instrument, other than a third party bank check,
2154 described in subsections (1) and (2) may be subjected to the
2155 custody of this state as abandoned ~~unclaimed~~ property unless any
2156 of the following conditions are met:

2157 (a) The records of the holder ~~issuer~~ show that the
2158 traveler's check, money order, or similar written instrument was
2159 purchased in this state.~~;~~

2160 (b) The holder ~~issuer~~ has its principal place of business
2161 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
2162 state in which the traveler's check, money order, or similar
2163 written instrument was purchased.~~;~~ ~~or~~

2164 (c) The holder ~~issuer~~ has its principal place of business
2165 in this state; the holder's records ~~of the issuer~~ show the state
2166 in which the traveler's check, money order, or similar written
2167 instrument was purchased; and the ~~laws of the state of purchase~~
2168 does not provide applicable ~~do not provide for the escheat,~~
2169 abandoned, or unclaimed property laws ~~or custodial taking of the~~
2170 ~~property, or its escheat or unclaimed property law is not~~
2171 ~~applicable to the property.~~

2172 (5) Notwithstanding any other provision of this chapter,
2173 subsection (4) applies to sums payable on traveler's checks,
2174 money orders, and similar written instruments presumed abandoned
2175 ~~unclaimed~~ on or after February 1, 1965, except to the extent

20261452er

2176 that those sums have been paid over to a state prior to January
2177 1, 1974.

2178 Section 40. Section 717.1045, Florida Statutes, is amended
2179 to read:

2180 717.1045 Gift certificates and similar credit items.—
2181 Notwithstanding s. 717.117, an unredeemed gift certificate or
2182 credit memo as defined in s. 501.95 is not required to be
2183 reported as abandoned ~~unclaimed~~ property.

2184 (1) The consideration paid for an unredeemed gift
2185 certificate or credit memo is the property of the issuer of the
2186 unredeemed gift certificate or credit memo.

2187 (2) An unredeemed gift certificate or credit memo is
2188 subject only to any rights of a purchaser or owner thereof and
2189 is not subject to a claim made by any state acting on behalf of
2190 a purchaser or owner.

2191 (3) It is the intent of the Legislature that this section
2192 apply to the custodial holding of unredeemed gift certificates
2193 and credit memos.

2194 (4) However, a gift certificate or credit memo described in
2195 s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
2196 property. The consideration paid for such a gift certificate or
2197 credit memo is the property of the owner of the gift certificate
2198 or credit memo.

2199 Section 41. Section 717.105, Florida Statutes, is amended
2200 to read:

2201 717.105 Checks, drafts, and similar instruments issued or
2202 certified by banking and financial organizations.—

2203 (1) Any sum payable on a check, draft, or similar
2204 instrument, except those subject to ss. 717.104 and 717.115, on

20261452er

2205 which a banking or financial organization is directly liable,
2206 including, but not limited to, a cashier's check or a certified
2207 check, which has been outstanding for more than 5 years after it
2208 was payable or after its issuance if payable on demand, is
2209 presumed abandoned ~~unclaimed~~ unless the apparent owner or
2210 authorized representative, within 5 years, has communicated in
2211 writing with the banking or financial organization concerning it
2212 or otherwise demonstrated a continued interest in the property
2213 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
2214 ~~by a memorandum or other record on file with the banking or~~
2215 ~~financial organization.~~

2216 (2) A ~~No~~ holder may not deduct from the amount of any
2217 instrument subject to this section any charges imposed by reason
2218 of the failure to present the instrument for encashment unless
2219 there is a valid and enforceable written contract between the
2220 holder and the apparent owner of the instrument pursuant to
2221 which the holder may impose those charges and does not regularly
2222 reverse or otherwise cancel those charges with respect to the
2223 instrument.

2224 Section 42. Subsection (1), paragraphs (a) and (b) of
2225 subsection (3), and subsections (4) and (5) of section 717.106,
2226 Florida Statutes, are amended to read:

2227 717.106 Bank deposits and funds in financial
2228 organizations.—

2229 (1) Any demand, savings, or matured time deposit with a
2230 banking or financial organization, including deposits that are
2231 automatically renewable, and any funds paid toward the purchase
2232 of shares, a mutual investment certificate, or any other
2233 interest in a banking or financial organization is presumed

20261452er

2234 abandoned ~~unclaimed~~ unless the apparent owner or authorized
2235 representative has, within 5 years, engaged in any of the
2236 following activities:

2237 (a) Increased or decreased the amount of the deposit or
2238 presented the passbook or other similar evidence of the deposit
2239 for the crediting of interest.~~†~~

2240 (b) Communicated in writing or by documented telephone
2241 contact with the banking or financial organization concerning
2242 the property.~~†~~

2243 (c) Otherwise demonstrated a continued ~~indicated an~~
2244 interest in the property as evidenced by a memorandum or other
2245 record on file with the banking or financial organization.~~†~~

2246 (d) Owned other property to which paragraph (a), paragraph
2247 (b), or paragraph (c) is applicable and if the banking or
2248 financial organization communicates in writing with the owner
2249 with regard to the property that would otherwise be presumed
2250 abandoned ~~unclaimed~~ under this subsection at the address to
2251 which communications regarding the other property regularly are
2252 sent.~~† or~~

2253 (e) Had another relationship with the banking or financial
2254 organization concerning which the apparent owner has:

2255 1. Communicated in writing with the banking or financial
2256 organization; or

2257 2. Otherwise demonstrated a continued ~~indicated an~~ interest
2258 as evidenced by a memorandum or other record on file with the
2259 banking or financial organization and if the banking or
2260 financial organization communicates in writing with the apparent
2261 owner or authorized representative with regard to the property
2262 that would otherwise be presumed abandoned ~~unclaimed~~ under this

20261452er

2263 subsection at the address to which communications regarding the
2264 other relationship regularly are sent.

2265 (3) ~~A~~ ~~Ne~~ holder may not impose with respect to property
2266 described in subsection (1) any charges due to dormancy or
2267 inactivity or cease payment of interest unless:

2268 (a) There is an enforceable written contract between the
2269 holder and the apparent owner of the property pursuant to which
2270 the holder may impose those charges or cease payment of
2271 interest.

2272 (b) For property in excess of \$2, the holder, no more than
2273 3 months prior to the initial imposition of those charges or
2274 cessation of interest, has given written notice to the apparent
2275 owner of the amount of those charges at the last known address
2276 of the apparent owner stating that those charges shall be
2277 imposed or that interest shall cease, but the notice provided in
2278 this section need not be given with respect to charges imposed
2279 or interest ceased before July 1, 1987.

2280 (4) Any property described in subsection (1) that is
2281 automatically renewable is matured for purposes of subsection
2282 (1) upon the expiration of its initial time period except that,
2283 in the case of any renewal to which the apparent owner consents
2284 at or about the time of renewal by communicating in writing with
2285 the banking or financial organization or otherwise indicating
2286 consent as evidenced by a memorandum or other record on file
2287 prepared by an employee of the organization, the property is
2288 matured upon the expiration of the last time period for which
2289 consent was given. If, at the time provided for delivery in s.
2290 717.119, a penalty or forfeiture in the payment of interest
2291 would result from the delivery of the property, the time for

20261452er

2292 delivery is extended until the time when no penalty or
2293 forfeiture would result.

2294 (5) If the documents establishing a deposit described in
2295 subsection (1) state the address of a beneficiary of the
2296 deposit, and the account has a value of at least \$50, notice
2297 shall be given to the beneficiary as provided for notice to the
2298 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
2299 shall apply to accounts opened on or after October 1, 1990.

2300 Section 43. Subsection (1) of section 717.1065, Florida
2301 Statutes, is amended to read:

2302 717.1065 Virtual currency.—

2303 (1) Any virtual currency held or owing by a banking
2304 organization, corporation, custodian, exchange, or other entity
2305 engaged in virtual currency business activity is presumed
2306 unclaimed unless the owner, within 7 ~~5~~ years, has communicated
2307 in writing with the banking organization, corporation,
2308 custodian, exchange, or other entity engaged in virtual currency
2309 business activity concerning the virtual currency or otherwise
2310 indicated an interest as evidenced by a memorandum or other
2311 record on file with the banking organization, corporation,
2312 custodian, exchange, or other entity engaged in virtual currency
2313 business activity.

2314 Section 44. Subsection (1) of section 717.107, Florida
2315 Statutes, is amended to read:

2316 717.107 Funds owing under life insurance policies, annuity
2317 contracts, and retained asset accounts; fines, penalties, and
2318 interest; United States Social Security Administration Death
2319 Master File.—

2320 (1) Funds held or owing under any life or endowment

20261452er

2321 insurance policy or annuity contract which has matured or
2322 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
2323 more than 5 years after the date of death of the insured, the
2324 annuitant, or the retained asset account holder, but property
2325 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
2326 such property is not claimed for more than 2 years. The amount
2327 presumed abandoned ~~unclaimed~~ shall include any amount due and
2328 payable under s. 627.4615.

2329 Section 45. Section 717.1071, Florida Statutes, is amended
2330 to read:

2331 717.1071 Lost owners of abandoned ~~unclaimed~~
2332 demutualization, rehabilitation, or related reorganization
2333 proceeds.—

2334 (1) Property distributable in the course of a
2335 demutualization, rehabilitation, or related reorganization of an
2336 insurance company is deemed abandoned 2 years after the date the
2337 property is first distributable if, at the time of the first
2338 distribution, the last known address of the apparent owner on
2339 the books and records of the holder is known to be incorrect or
2340 the distribution or statements are returned by the post office
2341 as undeliverable; and the apparent owner or authorized
2342 representative ~~owner~~ has not communicated in writing with the
2343 holder or its agent regarding the interest or otherwise
2344 communicated with the holder regarding the interest as evidenced
2345 by a memorandum or other record on file with the holder or its
2346 agent.

2347 (2) Property distributable in the course of
2348 demutualization, rehabilitation, or related reorganization of a
2349 mutual insurance company that is not subject to subsection (1)

20261452er

2350 shall be reportable as otherwise provided by this chapter.

2351 (3) Property subject to this section shall be reported and
2352 delivered no later than May 1 as of the preceding December 31;
2353 however, the initial report under this section shall be filed no
2354 later than November 1, 2003, as of December 31, 2002.

2355 Section 46. Section 717.108, Florida Statutes, is amended
2356 to read:

2357 717.108 Deposits held by utilities.—Any deposit, including
2358 any interest thereon, made by a subscriber with a utility to
2359 secure payment or any sum paid in advance for utility services
2360 to be furnished, less any lawful charges, that remains unclaimed
2361 by the apparent owner for more than 1 year after termination of
2362 the services for which the deposit or advance payment was made
2363 is presumed abandoned ~~unclaimed~~.

2364 Section 47. Section 717.109, Florida Statutes, is amended
2365 to read:

2366 717.109 Refunds held by business associations.—Except as
2367 otherwise provided by law, any sum that a business association
2368 has been ordered to refund by a court or administrative agency
2369 which has been unclaimed by the apparent owner for more than 1
2370 year after it became payable in accordance with the final
2371 determination or order providing for the refund, regardless of
2372 whether the final determination or order requires any person
2373 entitled to a refund to make a claim for it, is presumed
2374 abandoned ~~unclaimed~~.

2375 Section 48. Section 717.1101, Florida Statutes, is amended
2376 to read:

2377 717.1101 Abandoned ~~Unclaimed~~ equity and debt of business
2378 associations.—

20261452er

2379 (1) (a) Stock, ~~or~~ other equity interests, or debt of
2380 ~~interest in~~ a business association is presumed abandoned
2381 unclaimed on the date of the earliest of any of the following:

2382 1. Three years after the date a communication, other than
2383 communications required by s. 717.117, sent by the holder by
2384 first-class United States mail to the apparent owner is returned
2385 to the holder undelivered by the United States Postal Service.
2386 If such returned communication is resent within 1 month to the
2387 apparent owner, the 3-year dormancy period does not begin until
2388 the day the resent item is returned as undelivered.

2389 2. Five ~~Three~~ years after the most recent of any account
2390 ~~owner-generated~~ activity or communication initiated by the
2391 apparent owner or authorized representative which demonstrates
2392 continued interest in the ~~related to the~~ account, as recorded
2393 and maintained by ~~in~~ the holder. Routine automatic reinvestments
2394 or other routine transactions previously authorized by the
2395 apparent owner or authorized representative do not prevent,
2396 interrupt, or reset the dormancy period and do not constitute an
2397 affirmative demonstration of continued interest. ~~holder's~~
2398 ~~database and records systems sufficient enough to demonstrate~~
2399 ~~the owner's continued awareness or interest in the property;~~

2400 ~~3.2.~~ Two ~~Three~~ years after the date of the death of the
2401 apparent owner, as evidenced by:

2402 a. Notice to the holder of the apparent owner's death by an
2403 authorized representative ~~administrator, beneficiary, relative,~~
2404 ~~or trustee, or by a personal representative or other legal~~
2405 ~~representative of the owner's estate;~~

2406 b. Receipt by the holder of a copy of the death certificate
2407 of the apparent owner;

20261452er

2408 c. Confirmation by the holder of the apparent owner's death
2409 through ~~though~~ other means; or

2410 d. Other evidence from which the holder may reasonably
2411 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

2412 ~~3. One year after the date on which the holder receives~~
2413 ~~notice under subparagraph 2. if the notice is received 2 years~~
2414 ~~or less after the owner's death and the holder lacked knowledge~~
2415 ~~of the owner's death during that period of 2 years or less.~~

2416 (b) If the holder does not send communication to the
2417 apparent owner of a security by first-class United States mail
2418 on an annual basis, the holder must attempt to confirm the
2419 apparent owner's interest in the equity interest by sending the
2420 apparent owner an e-mail communication not later than 3 years
2421 after the apparent owner's or authorized representative's last
2422 demonstration of continued interest in the equity interest.

2423 However, the holder must promptly attempt to contact the
2424 apparent owner by first-class United States mail if:

2425 1. The holder does not have information needed to send the
2426 apparent owner an e-mail communication or the holder believes
2427 that the apparent owner's e-mail address in the holder's records
2428 is not valid;

2429 2. The holder received notification that the e-mail
2430 communication was not received; or

2431 3. The apparent owner does not respond to the e-mail
2432 communication within 30 days after the communication was sent.

2433 (c) If first-class United States mail sent under paragraph
2434 (b) is returned to the holder undelivered by the United States
2435 Postal Service, the equity interest is presumed abandoned in
2436 accordance with paragraph (a).

20261452er

2437 (d) Unmatured or unredeemed debt, other than a bearer bond
2438 or an original issue discount bond, is presumed abandoned 5
2439 ~~unclaimed 3~~ years after the date of the most recent interest
2440 payment unclaimed by the owner.

2441 (e)~~(e)~~ Matured or redeemed debt is presumed abandoned 5
2442 ~~unclaimed 3~~ years after the date of maturity or redemption.

2443 (f)~~(d)~~ At the time property is presumed abandoned unclaimed
2444 under paragraph (a) or paragraph (b), any other property right
2445 accrued or accruing to the owner as a result of the property
2446 interest and not previously presumed abandoned unclaimed is also
2447 presumed abandoned unclaimed.

2448 (2) The running of the applicable dormancy period under
2449 this section such 3-year period ceases if the apparent owner or
2450 authorized representative demonstrates continued interest under
2451 s. 717.102, including by any of the following actions person:

2452 (a)1. Communicating Communicates in writing or by other
2453 means with the association or its agent regarding the interest,
2454 ~~or a~~ dividend, distribution, or other sum payable as a result of
2455 the interest, as recorded by the association or its agent; ~~or~~

2456 2. ~~Otherwise communicates with the association regarding~~
2457 ~~the interest or a dividend, distribution, or other sum payable~~
2458 ~~as a result of the interest, as evidenced by a memorandum or~~
2459 ~~other record on file with the association or its agent.~~

2460 (b) Presenting Presents an instrument issued to pay
2461 interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any
2462 future dividend, distribution, or other sum payable ~~to the owner~~
2463 as a result of the interest is subsequently unclaimed not
2464 ~~claimed by the owner~~, a new period in which the property is
2465 presumed abandoned unclaimed commences and relates back only to

20261452er

2466 the time a subsequent dividend, distribution, or other sum
2467 became due and payable.

2468 (3) At the same time any interest is presumed abandoned
2469 ~~unclaimed~~ under this section, any dividend, distribution, or
2470 other sum then held for or owing to the owner as a result of the
2471 interest, is presumed abandoned ~~unclaimed~~.

2472 (4) Any dividend, profit, distribution, interest
2473 redemption, payment on principal, or other sum held or owing by
2474 a business association for or to a shareholder,
2475 certificateholder, member, bondholder, or other security holder,
2476 who has not claimed such amount or corresponded in writing with
2477 the business association concerning such amount, within 5 ~~3~~
2478 years after the date prescribed for payment or delivery, is
2479 presumed abandoned ~~unclaimed~~.

2480 (5) Notwithstanding any other provision of this section,
2481 equity interests in business associations and securities
2482 accounts are not presumed abandoned solely due to inactivity if
2483 the holder knows the location of the apparent owner.

2484 (a) For purposes of this subsection, a holder must perform
2485 data matching of owner records maintained in its database
2486 against commercially available third-party data comparison
2487 sources to identify updated owner address information and
2488 indicators of deceased status. Utilizing any updated
2489 information, together with existing information of record, the
2490 holder is deemed to know the location of the apparent owner if:

2491 1. The holder communicates with the apparent owner at least
2492 annually by first-class United States mail or electronic means,
2493 including, but not limited to, e-mail, text message, mobile
2494 application, or similar mechanism;

20261452er

2495 2. Such communication is successfully delivered, meaning
2496 not returned as undeliverable; and

2497 3. One or more additional account-level indicators
2498 demonstrating an owner indication of interest occur at least
2499 once every 10 years, including:

2500 a. Owner-initiated activity, such as authenticated access
2501 to a website, mobile engagement via mobile messaging, or other
2502 authenticated third-party account servicing software;

2503 b. Updated contact information received through an
2504 authorized financial adviser;

2505 c. Responses to account notifications or alerts;

2506 d. Negotiation of distributions, including dividends; or

2507 e. Any other action by the apparent owner or authorized
2508 representative which reasonably demonstrates to the holder that
2509 the apparent owner or authorized representative is aware of and
2510 maintains an interest in the property.

2511 (b) Automatic deposits, reinvestments, or other recurring
2512 transactions initiated by the holder may not independently
2513 constitute an indication of apparent owner interest for purposes
2514 of this section.

2515 (c) If the conditions in paragraph (a) are not satisfied
2516 and the owner's location is deemed unknown, the equity interest
2517 or securities account may be presumed abandoned:

2518 1. Ten years after the owner's most recent indication of
2519 interest in the property; or

2520 2. Ten years after the date a communication is returned as
2521 undeliverable, unless the owner responds to a due diligence
2522 notice before the reporting deadline.

2523 (d) Property described in paragraph (c) is presumed

20261452er

2524 abandoned only after reasonable efforts to locate the owner have
2525 been unsuccessful and the holder has complied with the due
2526 diligence requirement of this chapter.

2527 (e) This subsection applies to equity interests and
2528 securities accounts held directly by the owner or indirectly
2529 through a brokerage account or similar account.

2530 Section 49. Section 717.111, Florida Statutes, is amended
2531 to read:

2532 717.111 Property of business associations held in course of
2533 dissolution.—All intangible property distributable in the course
2534 of a voluntary or involuntary dissolution of a business
2535 association which is not claimed by the apparent owner for more
2536 than 6 months after the date specified for final distribution is
2537 presumed abandoned ~~unclaimed~~.

2538 Section 50. Subsections (1) and (5) of section 717.112,
2539 Florida Statutes, are amended to read:

2540 717.112 Property held by agents and fiduciaries.—

2541 (1) All intangible property and any income or increment
2542 thereon held in a fiduciary capacity for the benefit of another
2543 person, including property held by an attorney in fact or an
2544 agent, except as provided in ss. 717.1125 and 733.816, is
2545 presumed abandoned ~~unclaimed~~ unless the apparent owner has
2546 within 5 years after it has become payable or distributable
2547 increased or decreased the principal, accepted payment of
2548 principal or income, communicated in writing concerning the
2549 property, or otherwise indicated an interest as evidenced by a
2550 memorandum or other record on file with the fiduciary.

2551 (5) All intangible property, and any income or increment
2552 thereon, issued by a government or governmental subdivision or

20261452er

2553 agency, public corporation, or public authority and held in an
2554 agency capacity for the governmental subdivision, agency, public
2555 corporation, or public authority for the benefit of the owner of
2556 record, ~~is presumed abandoned unclaimed~~ unless the apparent
2557 owner has, within 1 year after such property has become payable
2558 or distributable, increased or decreased the principal, accepted
2559 payment of the principal or income, communicated concerning the
2560 property, or otherwise indicated an interest in the property as
2561 evidenced by a memorandum or other record on file with the
2562 fiduciary.

2563 Section 51. Section 717.1125, Florida Statutes, is amended
2564 to read:

2565 717.1125 Property held by fiduciaries under trust
2566 instruments.—All intangible property and any income or increment
2567 thereon held in a fiduciary capacity for the benefit of another
2568 person under a trust instrument is presumed abandoned ~~unclaimed~~
2569 unless the apparent owner has, within 2 years after it has
2570 become payable or distributable, increased or decreased the
2571 principal, accepted payment of principal or income, communicated
2572 concerning the property, or otherwise indicated an interest as
2573 evidenced by a memorandum or other record on file with the
2574 fiduciary. This section does not relieve a fiduciary of his or
2575 her duties under the Florida Trust Code.

2576 Section 52. Section 717.113, Florida Statutes, is amended
2577 to read:

2578 717.113 Property held by courts and public agencies.—All
2579 intangible property held for the apparent owner by any court,
2580 government or governmental subdivision or agency, public
2581 corporation, or public authority that has not been claimed by

20261452er

2582 the apparent owner for more than 1 year after it became payable
2583 or distributable is presumed abandoned ~~unclaimed~~. Except as
2584 provided in s. 45.032(3)(c), money held in the court registry
2585 and for which no court order has been issued to determine an
2586 owner does not become payable or distributable and is not
2587 subject to reporting under this chapter. Notwithstanding the
2588 provisions of this section, funds deposited in the Minerals
2589 Trust Fund pursuant to s. 377.247 are presumed abandoned
2590 ~~unclaimed~~ only if the funds have not been claimed by the
2591 apparent owner for more than 5 years after the date of first
2592 production from the well.

2593 Section 53. Section 717.115, Florida Statutes, is amended
2594 to read:

2595 717.115 Wages.—Unpaid wages, including wages represented by
2596 unrepresented payroll checks, owing in the ordinary course of the
2597 holder's business that have not been claimed by the apparent
2598 owner for more than 1 year after becoming payable are presumed
2599 abandoned ~~unclaimed~~.

2600 Section 54. Section 717.116, Florida Statutes, is amended
2601 to read:

2602 717.116 Contents of safe-deposit box or other safekeeping
2603 repository.—All tangible and intangible property held by a
2604 banking or financial organization in a safe-deposit box or any
2605 other safekeeping repository in this state in the ordinary
2606 course of the holder's business, and proceeds resulting from the
2607 sale of the property permitted by law, that has not been claimed
2608 by the apparent owner or authorized representative for more than
2609 3 years after the lease or rental period on the box or other
2610 repository has expired are presumed abandoned ~~unclaimed~~.

20261452er

2611 Section 55. Section 717.117, Florida Statutes, is amended
2612 to read:

2613 717.117 Holder due diligence and report of abandoned
2614 unclaimed property.—

2615 (1) Property is presumed abandoned upon expiration of the
2616 applicable dormancy period under this chapter. However, such
2617 property is not deemed abandoned for purposes of reporting or
2618 remittance to the department until the holder has conducted
2619 reasonable due diligence as required by this section, resulting
2620 in no indication of interest from the apparent owner or
2621 authorized representative.

2622 (2) Holders of property presumed abandoned which has a
2623 value of \$50 or more shall use due diligence to locate and
2624 notify the apparent owner that the holder is in possession of
2625 property subject to this chapter. At least 90 days, but not more
2626 than 180 days, before filing the report required by this
2627 section, a holder in possession of presumed abandoned property
2628 shall send written notice by first-class United States mail to
2629 the apparent owner's last known address as shown in the holder's
2630 records or from other available sources, or by e-mail if the
2631 apparent owner has elected for e-mail delivery, informing the
2632 apparent owner that the holder is in possession of property
2633 subject to this chapter, provided that the holder's records
2634 contain a mailing or e-mail address for the apparent owner which
2635 is not known by the holder to be inaccurate. The holder may
2636 provide notice by mail, by e-mail, or by both methods. If the
2637 holder's records indicate that the mailing address is
2638 inaccurate, notice may be provided by e-mail if the apparent
2639 owner has elected e-mail delivery.

20261452er

2640 (3) If the value of the property is greater than \$1,000,
2641 the holder must send a second written notice by certified United
2642 States mail, return receipt requested, to the apparent owner's
2643 last known address at least 60 days before filing the report
2644 required by this section, if the holder's records contain a
2645 mailing address for the apparent owner which is not known by the
2646 holder to be inaccurate. Reasonable costs paid to the United
2647 States Postal Service for certified mail, return receipt
2648 requested, may be deducted from the property as a service
2649 charge. A signed return receipt received in response to the
2650 certified mail notice constitutes an affirmative demonstration
2651 of continued interest as described in s. 717.102.

2652 (4) The written notice required under this section must
2653 include:

2654 (a) A heading that reads substantially as follows: "Notice:
2655 The State of Florida requires us to notify you that your
2656 property may be transferred to the custody of the Florida
2657 Department of Financial Services if you do not contact us before
2658 ...(insert date that is at least 30 days after the date of
2659 notice)...."

2660 (b) A description of the type, nature, and, unless the
2661 property does not have a fixed value, value of the property that
2662 is the subject of the notice.

2663 (c) A statement that the property will be turned over to
2664 the custody of the department as abandoned property if no
2665 response is received.

2666 (d) A statement that noncash property will be sold or
2667 liquidated by the department.

2668 (e) A statement that, after the property is remitted to the

20261452er

2669 department, a claim must be filed with the department to recover
2670 the property.

2671 (f) A statement that the property is currently in the
2672 custody of the holder and that the apparent owner may prevent
2673 transfer of the property by contacting the holder before the
2674 deadline stated in the notice.

2675 (g) If the property is virtual currency, a statement that
2676 the virtual currency will be liquidated by the holder before it
2677 is remitted to the department and that only the proceeds of the
2678 liquidation will be transferred.

2679 (5) Every holder of abandoned ~~person holding funds or other~~
2680 property, tangible or intangible, ~~presumed unclaimed and~~ subject
2681 to custody ~~as unclaimed property~~ under this chapter shall submit
2682 a report to the department via electronic medium as the
2683 department may prescribe by rule. The report must include:

2684 (a) Except for traveler's checks and money orders, the
2685 name, social security number or taxpayer identification number,
2686 date of birth, if known, and last known address, if any, of each
2687 apparent ~~person appearing from the records of the holder to be~~
2688 the owner of any property which is abandoned ~~presumed unclaimed~~
2689 and which has a value of \$10 or more.

2690 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
2691 or more held or owing under any life or endowment insurance
2692 policy or annuity contract, the identifying information provided
2693 in paragraph (a) for both the insured or annuitant and the
2694 beneficiary according to records of the insurance company
2695 holding or owing the funds.

2696 (c) For all tangible property held in a safe-deposit box or
2697 other safekeeping repository, a description of the property and

20261452er

2698 the place where the property is held and may be inspected by the
2699 department, and any amounts owing to the holder. Contents of a
2700 safe-deposit box or other safekeeping repository which consist
2701 of documents or writings ~~of a private nature and~~ which have
2702 little or no commercial value ~~may apparent value shall~~ not be
2703 reported as abandoned property ~~presumed unclaimed~~.

2704 (d) The nature or type of property, any accounting or
2705 identifying number associated with the property, a description
2706 of the property, and the amount appearing from the records to be
2707 due. Items of value of less than \$10 each may be reported in the
2708 aggregate.

2709 (e) The date the property became payable, demandable, or
2710 returnable, and the date of the last transaction with the
2711 apparent owner with respect to the property.

2712 (f) Any other information the department may prescribe by
2713 rule as necessary for the administration of this chapter.

2714 ~~(6)(2)~~ If the total value of all abandoned ~~presumed~~
2715 ~~unclaimed~~ property, whether tangible or intangible, held by a
2716 person is less than \$10, a zero balance report may be filed for
2717 that reporting period.

2718 ~~(7)(3)~~ Credit balances, customer overpayments, security
2719 deposits, and refunds having a value of less than \$10 may not be
2720 reported as abandoned property ~~shall not be presumed unclaimed~~.

2721 (8) A security identified by the holder as non-freely
2722 transferable or worthless may not be included in a report filed
2723 under this section. If the holder determines that a security is
2724 no longer non-freely transferable or worthless, the holder must
2725 report and deliver the security on the next regular report date
2726 prescribed for delivery of securities by the holder under this

20261452er

2727 chapter.

2728 (9)~~(4)~~ If the holder of abandoned property ~~presumed~~
2729 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2730 ~~property~~ is a successor holder or if the holder has changed the
2731 holder's name while in possession of the property, the holder
2732 must ~~shall~~ file with the holder's report all known names and
2733 addresses of each prior holder of the property. Compliance with
2734 this subsection means the holder exercises reasonable and
2735 prudent efforts to determine the names of all prior holders.

2736 (10) The report must be signed by or on behalf of the
2737 holder and verified as to its completeness and accuracy, and the
2738 holder must state that it has complied with the due diligence
2739 requirements of this section.

2740 (11)~~(5)~~ The report must be filed before May 1 of each year.
2741 The report applies to the preceding calendar year. Upon written
2742 request by any person required to file a report, and upon a
2743 showing of good cause, the department may extend the reporting
2744 date. The department may impose and collect a penalty of \$10 per
2745 day up to a maximum of \$500 for the failure to timely report, if
2746 an extension was not provided or if the holder of the property
2747 failed to include in a report information required by this
2748 chapter which was in the holder's possession at the time of
2749 reporting. The penalty shall be remitted to the department
2750 within 30 days after the date of the notification to the holder
2751 that the penalty is due and owing. As necessary for proper
2752 administration of this chapter, the department may waive any
2753 penalty due with appropriate justification. The department must
2754 provide information contained in a report filed with the
2755 department to any person requesting a copy of the report or

20261452er

2756 information contained in a report, to the extent the information
2757 requested is not confidential, within 45 days after the
2758 department determines that the report is accurate and acceptable
2759 and that the reported property is the same as the remitted
2760 property.

2761 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2762 ~~more shall use due diligence to locate and notify apparent~~
2763 ~~owners that the entity is holding unclaimed property available~~
2764 ~~for them to recover. Not more than 120 days and not less than 60~~
2765 ~~days prior to filing the report required by this section, the~~
2766 ~~holder in possession of property presumed unclaimed and subject~~
2767 ~~to custody as unclaimed property under this chapter shall send~~
2768 ~~written notice by first class United States mail to the apparent~~
2769 ~~owner at the apparent owner's last known address from the~~
2770 ~~holder's records or from other available sources, or via~~
2771 ~~electronic mail if the apparent owner has elected this method of~~
2772 ~~delivery, informing the apparent owner that the holder is in~~
2773 ~~possession of property subject to this chapter, if the holder~~
2774 ~~has in its records a mailing or electronic address for the~~
2775 ~~apparent owner which the holder's records do not disclose to be~~
2776 ~~inaccurate. These two means of contact are not mutually~~
2777 ~~exclusive; if the mailing address is determined to be~~
2778 ~~inaccurate, electronic mail may be used if so elected by the~~
2779 ~~apparent owner.~~

2780 ~~(7) The written notice to the apparent owner required under~~
2781 ~~this section must:~~

2782 ~~(a) Contain a heading that reads substantially as follows:~~
2783 ~~"Notice. The State of Florida requires us to notify you that~~
2784 ~~your property may be transferred to the custody of the Florida~~

20261452er

2785 Department of Financial Services if you do not contact us before
2786 ... (insert date that is at least 30 days after the date of
2787 notice)...."

2788 (b) Identify the type, nature, and, except for property
2789 that does not have a fixed value, value of the property that is
2790 the subject of the notice.

2791 (c) State that the property will be turned over to the
2792 custody of the department as unclaimed property if no response
2793 to this letter is received.

2794 (d) State that any property that is not legal tender of the
2795 United States may be sold or liquidated by the department.

2796 (e) State that after the property is turned over to the
2797 department, an apparent owner seeking return of the property may
2798 file a claim with the department.

2799 (f) State that the property is currently with a holder and
2800 provide instructions that the apparent owner must follow to
2801 prevent the holder from reporting and paying for the property or
2802 from delivering the property to the department.

2803 (12) ~~(8)~~ Any holder of intangible property may file with the
2804 department a petition for determination that the property is
2805 abandoned and unclaimed requesting the department to accept
2806 custody of the property. The petition shall state any special
2807 circumstances that exist, contain the information required by
2808 subsection (9) ~~subsection (4)~~, and show that a diligent search
2809 has been made to locate the apparent owner. If the department
2810 finds that the proof of diligent search is satisfactory, it
2811 shall give notice as provided in s. 717.118 and accept custody
2812 of the property.

2813 (13) ~~(9)~~ Upon written request by any entity or person

20261452er

2814 required to file a report, stating such entity's or person's
2815 justification for such action, the department may place that
2816 entity or person in an inactive status as an abandoned ~~unclaimed~~
2817 property "holder."

2818 (14) ~~(10)~~ (a) This section does not apply to the abandoned
2819 ~~unclaimed~~ patronage refunds as provided for by contract or
2820 through bylaw provisions of entities organized under chapter 425
2821 or that are exempt from ad valorem taxation pursuant to s.
2822 196.2002.

2823 (b) This section does not apply to intangible property
2824 held, issued, or owing by a business association subject to the
2825 jurisdiction of the United States Surface Transportation Board
2826 or its successor federal agency if the apparent owner of such
2827 intangible property is a business association. The holder of
2828 such property does not have any obligation to report, to pay, or
2829 to deliver such property to the department.

2830 (c) This section does not apply to credit balances,
2831 overpayments, refunds, or outstanding checks owed by a health
2832 care provider to a managed care payor with whom the health care
2833 provider has a managed care contract, provided that the credit
2834 balances, overpayments, refunds, or outstanding checks become
2835 due and owing pursuant to the managed care contract.

2836 (15) ~~(11)~~ (a) As used in this subsection, the term "property
2837 identifier" means the descriptor used by the holder to identify
2838 the abandoned ~~unclaimed~~ property.

2839 (b) Social security numbers and property identifiers
2840 contained in reports required under this section, held by the
2841 department, are confidential and exempt from s. 119.07(1) and s.
2842 24(a), Art. I of the State Constitution.

20261452er

2843 (c) This exemption applies to social security numbers and
2844 property identifiers held by the department before, on, or after
2845 the effective date of this exemption.

2846 Section 56. Section 717.118, Florida Statutes, is amended
2847 to read:

2848 717.118 Notification of apparent owners of abandoned
2849 ~~unclaimed~~ property.—

2850 (1) It is specifically recognized that the state has an
2851 obligation to make an effort to notify apparent owners in a
2852 cost-effective manner that their abandoned property has been
2853 reported and remitted to the department ~~of unclaimed property in~~
2854 ~~a cost-effective manner~~. In order to provide all the citizens of
2855 this state an effective and efficient program for the recovery
2856 of abandoned personal ~~unclaimed~~ property, the department shall
2857 use cost-effective means to make at least one active attempt to
2858 notify apparent owners of abandoned ~~unclaimed~~ property accounts
2859 valued at \$50 or more, abandoned tangible property, and
2860 abandoned shares of stock for which more than \$250 with a
2861 reported address or taxpayer identification number is available.
2862 Such active attempt to notify apparent owners shall include any
2863 attempt by the department to directly contact the apparent
2864 owner. Other means of notification, such as publication of the
2865 names of apparent owners in the newspaper, on television, on the
2866 Internet, or through other promotional efforts and items in
2867 which the department does not directly attempt to contact the
2868 apparent owner are expressly declared to be passive attempts.
2869 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2870 agencies or entities of state government from notifying owners
2871 of the existence of abandoned ~~unclaimed~~ property or attempting

20261452er

2872 to notify apparent owners of abandoned ~~unclaimed~~ property.

2873 (2) Notification provided directly to individual apparent
2874 owners shall contain ~~consist of~~ a description of the abandoned
2875 property and information regarding recovery of the unclaimed
2876 property from the department. The form and content of the
2877 department's notice must be tailored to the type of property
2878 reported and must include any information necessary to
2879 reasonably inform the apparent owner of the consequences of
2880 failure to claim the property, including potential sale or
2881 disposition under s. 717.122.

2882 (3) The department shall maintain a publicly accessible,
2883 electronically searchable website that includes the names of
2884 apparent owners of abandoned property reported to the department
2885 and instructions for filing a claim. The website must list
2886 property valued at \$10 or more and provide instructions for
2887 filing a claim. Abandoned property valued at less than \$10
2888 remains recoverable from the department in accordance with this
2889 chapter.

2890 (4) This section is not applicable to abandoned sums
2891 payable on traveler's checks, money orders, and other written
2892 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2893 abandoned property reported without the necessary identifying
2894 information to establish ownership.

2895 Section 57. Section 717.119, Florida Statutes, is amended
2896 to read:

2897 717.119 Payment or delivery of abandoned ~~unclaimed~~
2898 property.—

2899 (1) Every person who is required to file a report under s.
2900 717.117 shall simultaneously pay or deliver to the department

20261452er

2901 all abandoned ~~unclaimed~~ property required to be reported. Such
2902 payment or delivery shall accompany the report as required in
2903 this chapter for the preceding calendar year.

2904 (2) Payment of abandoned ~~unclaimed~~ funds may be made to the
2905 department by electronic funds transfer.

2906 (3) If the apparent owner establishes the right to receive
2907 the abandoned ~~unclaimed~~ property to the satisfaction of the
2908 holder before the property has been delivered to the department
2909 or it appears that for some other reason ~~the presumption~~ that
2910 the property was erroneously classified as abandoned ~~is~~
2911 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2912 property to the department. In lieu of delivery, the holder
2913 shall file a verified written explanation of the proof of claim
2914 or of the error in classification of ~~the presumption that~~ the
2915 property as abandoned ~~was unclaimed~~.

2916 (4) All virtual currency reported under this chapter on the
2917 annual report filing required in s. 717.117 shall be remitted to
2918 the department with the report. The holder shall liquidate the
2919 virtual currency and remit the proceeds to the department. The
2920 liquidation must occur within 30 days before the filing of the
2921 report. Upon delivery of the virtual currency proceeds to the
2922 department, the holder is relieved of all liability of every
2923 kind in accordance with the provisions of s. 717.1201 to every
2924 person for any losses or damages resulting to the person by the
2925 delivery to the department of the virtual currency proceeds.

2926 (5) All stock or other intangible ownership interest
2927 reported under this chapter on the annual report filing required
2928 in s. 717.117 shall be remitted to the department with the
2929 report. Upon delivery of the stock or other intangible ownership

20261452er

2930 interest to the department, the holder and any transfer agent,
2931 registrar, or other person acting for or on behalf of a holder
2932 is relieved of all liability of every kind in accordance with
2933 the provisions of s. 717.1201 to every person for any losses or
2934 damages resulting to the person by the delivery to the
2935 department of the stock or other intangible ownership interest.

2936 (6) All intangible and tangible property held in a safe-
2937 deposit box or any other safekeeping repository reported under
2938 s. 717.117 shall not be delivered to the department until 120
2939 days after the report due date. The delivery of the property,
2940 through the United States mail or any other carrier, shall be
2941 insured by the holder at an amount equal to the estimated value
2942 of the property. Each package shall be clearly marked on the
2943 outside "Deliver Unopened." A holder's safe-deposit box contents
2944 shall be delivered to the department in a single shipment. In
2945 lieu of a single shipment, holders may provide the department
2946 with a single detailed shipping schedule that includes package
2947 tracking information for all packages being sent pursuant to
2948 this section.

2949 (a) Holders may remit the value of cash and coins found in
2950 abandoned ~~unclaimed~~ safe-deposit boxes to the department by
2951 cashier's check or by electronic funds transfer, unless the cash
2952 or coins have a value above face value. The department shall
2953 identify by rule those cash and coin items having a numismatic
2954 value. Cash and coin items identified as having a numismatic
2955 value shall be remitted to the department in their original
2956 form.

2957 (b) Any firearm or ammunition found in an abandoned
2958 ~~unclaimed~~ safe-deposit box or any other safekeeping repository

20261452er

2959 shall be delivered by the holder to a law enforcement agency for
2960 property handling or disposal pursuant to s. 705.103(2)(b). If
2961 the firearm is sold by the law enforcement agency, ~~with~~ the
2962 balance of the proceeds must be deposited into the State School
2963 Fund ~~if the firearm is sold.~~ ~~However,~~ The department is
2964 authorized to make a reasonable attempt to ascertain the
2965 historical value to collectors of any firearm that has been
2966 delivered to the department. Any firearm appearing to have
2967 historical value to collectors may be sold by the department
2968 pursuant to s. 717.122 to a person having a federal firearms
2969 license. Any firearm which is not sold pursuant to s. 717.122
2970 shall be delivered by the department to a law enforcement agency
2971 in this state for proper handling or disposal. In accordance
2972 with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the
2973 law enforcement agency, ~~with~~ the balance of the proceeds must be
2974 deposited into the State School Fund ~~if the firearm is sold.~~ The
2975 department ~~is shall~~ not ~~be~~ administratively, civilly, or
2976 criminally liable for any firearm delivered by the department to
2977 a law enforcement agency in this state for disposal.

2978 (c) If such property is not paid or delivered to the
2979 department on or before the applicable payment or delivery date,
2980 the holder shall pay to the department a penalty for each safe-
2981 deposit box shipment received late. The penalty shall be \$100
2982 for a safe-deposit box shipment container that is late 30 days
2983 or less. Thereafter, the penalty shall be \$500 for a safe-
2984 deposit box shipment container that is late for each additional
2985 successive 30-day period. The penalty assessed against a holder
2986 for a late safe-deposit box shipment container may ~~shall~~ not
2987 exceed \$4,000 annually. The penalty shall be remitted to the

20261452er

2988 department within 30 days after the date of the notification to
2989 the holder that the penalty is due and owing.

2990 (d) The department may waive any penalty due with
2991 appropriate justification, as provided by rule.

2992 (e) If a will or trust instrument is included among the
2993 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
2994 repository delivered to the department, the department must
2995 provide a copy of the will, trust, and any codicils or
2996 amendments to such will or trust instrument, upon request, to
2997 anyone who provides the department with a certified copy of the
2998 death certificate or another government-certified record
2999 evidencing ~~evidence~~ of the death of the testator or settlor.

3000 (7) Any holder may request an extension in writing of up to
3001 60 days for the delivery of property if extenuating
3002 circumstances exist for the late delivery of the property. Any
3003 such extension the department may grant shall be in writing.

3004 (8) A holder may not assign or otherwise transfer its
3005 obligation to report, pay, or deliver property or to comply with
3006 the provisions of this chapter, other than to a parent,
3007 subsidiary, or affiliate of the holder.

3008 (a) Unless otherwise agreed to by the parties to a
3009 transaction, the holder's successor by merger or consolidation,
3010 or any person or entity that acquires all or substantially all
3011 of the holder's capital stock or assets, is responsible for
3012 fulfilling the holder's obligation to report, pay, or deliver
3013 property or to comply with the duties of this chapter regarding
3014 the transfer of property owed to the holder's successor and
3015 being held for an owner resulting from the merger,
3016 consolidation, or acquisition.

20261452er

3017 (b) This subsection does not prohibit a holder from
3018 contracting with a third party for the reporting of abandoned
3019 ~~unclaimed~~ property, but the holder remains responsible to the
3020 department for the complete, accurate, and timely reporting of
3021 the property.

3022 Section 58. Subsections (1), (2), and (4) of section
3023 717.1201, Florida Statutes, are amended to read:

3024 717.1201 Custody by state; holder liability; reimbursement
3025 of holder paying claim; reclaiming for owner; payment of safe-
3026 deposit box or repository charges.—

3027 (1) Upon the good faith payment or delivery of abandoned
3028 ~~unclaimed~~ property to the department, the state assumes custody
3029 and responsibility for the safekeeping of the property. Any
3030 person who pays or delivers abandoned ~~unclaimed~~ property to the
3031 department in good faith is relieved of all liability to the
3032 extent of the value of the property paid or delivered for any
3033 claim then existing or which thereafter may arise or be made
3034 with ~~in~~ respect to the property.

3035 (a) A holder's substantial compliance with the due
3036 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
3037 payment or delivery of abandoned ~~unclaimed~~ property to the
3038 department releases the holder from liability that may arise
3039 from such payment or delivery, and such delivery and payment may
3040 be pleaded as a defense in any suit or action brought by reason
3041 of such delivery or payment. This section does not relieve a
3042 fiduciary of his or her duties under the Florida Trust Code or
3043 Florida Probate Code.

3044 (b) If the holder pays or delivers property to the
3045 department in good faith and thereafter any other person claims

20261452er

3046 the property from the holder paying or delivering, or another
3047 state claims the money or property under that state's laws
3048 relating to escheat or abandoned or unclaimed property, the
3049 department, upon written notice of the claim, shall defend the
3050 holder against the claim and indemnify the holder against any
3051 liability on the claim, except that a holder may not be
3052 indemnified against penalties imposed by another state.

3053 (2) For the purposes of this section, a payment or delivery
3054 of abandoned ~~unclaimed~~ property is made in good faith if:

3055 (a) The payment or delivery was made in conjunction with an
3056 accurate and acceptable report.

3057 (b) The payment or delivery was made in a reasonable
3058 attempt to comply with this chapter and other applicable general
3059 law.

3060 (c) The holder had a reasonable basis for believing, based
3061 on the facts then known, that the property was abandoned
3062 ~~unclaimed~~ and subject to this chapter.

3063 (d) There is no showing that the records pursuant to which
3064 the delivery was made did not meet reasonable commercial
3065 standards of practice in the industry.

3066 (4) Any holder who has delivered property, including a
3067 certificate of any interest in a business association, other
3068 than money to the department pursuant to this chapter may
3069 reclaim the property if still in the possession of the
3070 department, without payment of any fee or other charges, upon
3071 filing proof that the person entitled to the property ~~owner~~ has
3072 claimed it ~~the property~~ from the holder.

3073 Section 59. Section 717.122, Florida Statutes, is amended
3074 to read:

20261452er

3075 717.122 Public sale of abandoned ~~unclaimed~~ property.-

3076 (1) Except as provided in paragraph (2)(a), the department
3077 after the receipt of abandoned ~~unclaimed~~ property shall sell it
3078 to the highest bidder at public sale on the Internet or at a
3079 specified physical location wherever in the judgment of the
3080 department the most favorable market for the property involved
3081 exists. The department may decline the highest bid and reoffer
3082 the property for sale if in the judgment of the department the
3083 bid is insufficient. The department shall have the discretion to
3084 withhold from sale any abandoned ~~unclaimed~~ property that the
3085 department deems to be of benefit to the people of the state. If
3086 in the judgment of the department the probable cost of sale
3087 exceeds the value of the property, it need not be offered for
3088 sale and may be disposed of as the department determines
3089 appropriate. Any sale at a specified physical location held
3090 under this section must be preceded by a single publication of
3091 notice, at least 3 weeks in advance of sale, in a newspaper of
3092 general circulation in the county in which the property is to be
3093 sold. The department shall proportionately deduct auction fees,
3094 preparation costs, and expenses from the amount posted to an ~~the~~
3095 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
3096 contents are sold. No action or proceeding may be maintained
3097 against the department for or on account of any decision to
3098 decline the highest bid or withhold any abandoned ~~unclaimed~~
3099 property from sale.

3100 (2)(a) Securities listed on an established stock exchange
3101 must be sold at prices prevailing at the time of sale on the
3102 exchange. Other securities may be sold over the counter at
3103 prices prevailing at the time of sale or by any other method the

20261452er

3104 department deems advisable. The department may authorize the
3105 agent or broker acting on behalf of the department to deduct
3106 fees from the proceeds of these sales at a rate agreed upon in
3107 advance by the agent or broker and the department. The
3108 department shall reimburse owners' accounts for these brokerage
3109 fees from the State School Fund unless the securities are sold
3110 at the owner's request.

3111 (b) Unless the department deems it to be in the public
3112 interest to do otherwise, all abandoned securities ~~presumed~~
3113 ~~unclaimed~~ and delivered to the department may be sold upon
3114 receipt. Any person making a claim pursuant to this chapter is
3115 entitled to receive either the securities delivered to the
3116 department by the holder, if they still remain in the hands of
3117 the department, or the proceeds received from sale, but no
3118 person has any claim under this chapter against the state, the
3119 holder, any transfer agent, any registrar, or any other person
3120 acting for or on behalf of a holder for any appreciation in the
3121 value of the property occurring after delivery by the holder to
3122 the state.

3123 (c) Certificates for abandoned ~~unclaimed~~ stock or other
3124 equity interest of business associations that cannot be canceled
3125 and registered in the department's name or that cannot be
3126 readily liquidated and converted into the currency of the United
3127 States may be sold for the value of the certificate, if any, in
3128 accordance with subsection (1) or may be destroyed in accordance
3129 with s. 717.128.

3130 (3) The purchaser of property at any sale conducted by the
3131 department pursuant to this chapter is entitled to ownership of
3132 the property purchased free from all claims of the owner or

20261452er

3133 previous holder thereof and of all persons claiming through or
3134 under them. The department shall execute all documents necessary
3135 to complete the transfer of ownership.

3136 (4) The sale of abandoned ~~unclaimed~~ tangible personal
3137 property is not subject to tax under chapter 212 when such
3138 property is sold by or on behalf of the department pursuant to
3139 this section.

3140 Section 60. Section 717.123, Florida Statutes, is amended
3141 to read:

3142 717.123 Deposit of funds.—

3143 (1) All funds received under this chapter, including the
3144 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
3145 717.122, shall immediately ~~forthwith~~ be deposited by the
3146 department in the Unclaimed Property Trust Fund. The department
3147 shall retain, from funds received under this chapter, an amount
3148 not exceeding \$15 million from which the department shall make
3149 prompt payment of claims allowed by the department and shall pay
3150 the costs incurred by the department in administering and
3151 enforcing this chapter. All remaining funds received by the
3152 department under this chapter shall be deposited by the
3153 department into the State School Fund.

3154 (2) The department shall record the name and last known
3155 address of each person appearing from the holder's reports to be
3156 entitled to the abandoned ~~unclaimed~~ property in the total
3157 amounts of \$5 or greater; the name and the last known address of
3158 each insured person or annuitant; and with respect to each
3159 policy or contract listed in the report of an insurance
3160 corporation, its number, the name of the corporation, and the
3161 amount due.

20261452er

3162 Section 61. Section 717.1235, Florida Statutes, is amended
3163 to read:

3164 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
3165 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
3166 campaign for public office, for any campaign that must dispose
3167 of surplus funds in its campaign account pursuant to s. 106.141,
3168 after being reported to the department, shall be deposited with
3169 the Chief Financial Officer to the credit of the State School
3170 Fund.

3171 Section 62. Section 717.124, Florida Statutes, is amended
3172 to read:

3173 717.124 Abandoned Unclaimed property claims.—

3174 (1) Any person, excluding another state, claiming an
3175 interest in any property paid or delivered to the department
3176 under this chapter may file with the department a claim on a
3177 form prescribed by the department and verified by the claimant
3178 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
3179 ~~representative must be an attorney licensed to practice law in~~
3180 ~~this state, a licensed Florida-certified public accountant, or a~~
3181 ~~private investigator licensed under chapter 493.~~ The claimant
3182 ~~claimant's~~ representative must be registered with the department
3183 under this chapter. The claimant, or the claimant ~~claimant's~~
3184 representative, shall provide the department with a legible copy
3185 of a valid driver license of the claimant at the time the
3186 original claim form is filed. If the claimant has not been
3187 issued a valid driver license at the time the original claim
3188 form is filed, the department must ~~shall~~ be provided with a
3189 legible copy of a photographic identification of the claimant
3190 issued by the United States, a state or territory of the United

20261452er

3191 States, a foreign nation, or a political subdivision or agency
3192 thereof or other evidence deemed acceptable by the department by
3193 rule. In lieu of photographic identification, a notarized sworn
3194 statement by the claimant may be provided which affirms the
3195 claimant's identity and states the claimant's full name and
3196 address. The claimant must produce to the notary photographic
3197 identification of the claimant issued by the United States, a
3198 state or territory of the United States, a foreign nation, or a
3199 political subdivision or agency thereof or other evidence deemed
3200 acceptable by the department by rule. The notary shall indicate
3201 the notary's full address on the notarized sworn statement. Any
3202 claim filed without the required identification or the sworn
3203 statement with the original claim form and the original
3204 Abandoned Unclaimed Property Recovery Agreement or Abandoned
3205 Unclaimed Property Purchase Agreement, if applicable, is void.

3206 (a) Within 90 days after receipt of a claim, the department
3207 may return any claim that provides for the receipt of fees and
3208 costs greater than that permitted under this chapter or that
3209 contains any apparent errors or omissions. The department may
3210 also request that the claimant or the claimant ~~claimant's~~
3211 representative provide additional information. The department
3212 shall retain a copy or electronic image of the claim.

3213 (b) A claim is ~~considered to have been~~ withdrawn by a
3214 ~~claimant or the claimant's representative~~ if any of the
3215 following applies: the department does not receive a response to
3216 its request for additional information within 60 days after the
3217 notification of any apparent errors or omissions.

3218 1. The department receives a written acknowledgment from
3219 the claimant confirming withdrawal of the claim.

20261452er

3220 2. The department receives a written notice to withdraw the
3221 claim from a claimant representative which is accompanied by
3222 written authorization from the claimant expressly approving
3223 withdrawal of the claim.

3224 a. The authorization must state the reason for the
3225 withdrawal, contain an acknowledgment that the claimant
3226 understands that withdrawal will affect the processing of that
3227 claim and may affect the processing of other pending claims, and
3228 must be signed by the claimant.

3229 b. The claimant's authorization must be submitted
3230 concurrently with, or as part of, the withdrawal notice.

3231 3. The claimant or the claimant's representative fails to
3232 respond to the department's written request for additional
3233 information within 60 days after the department provides notice
3234 of any apparent errors or omissions.

3235 (c) Within 90 days after receipt of the claim, or the
3236 response of the claimant or the claimant ~~claimant's~~
3237 representative to the department's request for additional
3238 information, whichever is later, the department shall determine
3239 each claim. Such determination shall contain a notice of rights
3240 provided by ss. 120.569 and 120.57. The 90-day period shall be
3241 extended by 60 days if the department has good cause to need
3242 additional time or if the abandoned ~~unclaimed~~ property:

3243 1. Is owned by a person who has been a debtor in
3244 bankruptcy;

3245 2. Was reported with an address outside of the United
3246 States;

3247 3. Is being claimed by a person outside of the United
3248 States; or

20261452er

3249 4. Contains documents filed in support of the claim that
3250 are not in the English language and have not been accompanied by
3251 an English language translation.

3252 (2) A claim for a cashier's check or a stock certificate
3253 without the original instrument may require an indemnity bond
3254 equal to the value of the claim to be provided prior to issue of
3255 the stock or payment of the claim by the department.

3256 (3) The department may require an affidavit swearing to the
3257 authenticity of the claim, lack of documentation, and an
3258 agreement to allow the department to provide the name and
3259 address of the claimant to subsequent claimants coming forward
3260 with substantiated proof to claim the account. This shall apply
3261 to claims equal to or less than \$250. The exclusive remedy of a
3262 subsequent claimant to the property shall be against the person
3263 who received the property from the department.

3264 (4) (a) Except as otherwise provided in this chapter, if a
3265 claim is determined in favor of the claimant, the department
3266 shall deliver or pay over to the claimant the property or the
3267 amount the department actually received or the proceeds if it
3268 has been sold by the department, together with any additional
3269 amount required by s. 717.121.

3270 (b) If a claimant ~~an owner~~ authorizes a claimant
3271 representative ~~an attorney licensed to practice law in this~~
3272 ~~state, a Florida-certified public accountant, or a private~~
3273 ~~investigator licensed under chapter 493, and registered with the~~
3274 department under this chapter, to claim the abandoned ~~unclaimed~~
3275 property on the claimant's ~~owner's~~ behalf, the department is
3276 authorized to make distribution of the property or money in
3277 accordance with the Abandoned ~~Unclaimed~~ Property Recovery

20261452er

3278 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3279 under s. 717.135. The original Abandoned ~~Unclaimed~~ Property
3280 Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase
3281 Agreement must be executed by the claimant or seller and must be
3282 filed with the department.

3283 (c)1. Payments of approved claims for unclaimed cash
3284 accounts must be made to the owner after deducting any fees and
3285 costs authorized by the claimant under an Abandoned ~~Unclaimed~~
3286 Property Recovery Agreement. The contents of a safe-deposit box
3287 or shares of securities must be delivered directly to the
3288 claimant.

3289 2. Payments of fees and costs authorized under an Abandoned
3290 ~~Unclaimed~~ Property Recovery Agreement for approved claims must
3291 be made or issued to the law firm of the designated attorney
3292 licensed to practice law in this state, the public accountancy
3293 firm of the licensed Florida-certified public accountant, or the
3294 designated employing private investigative agency licensed by
3295 this state. Such payments shall be made by electronic funds
3296 transfer and may be made on such periodic schedule as the
3297 department may define by rule, provided the payment intervals do
3298 not exceed 31 days. Payment made to an attorney licensed in this
3299 state, a Florida-certified public accountant, or a private
3300 investigator licensed under chapter 493, operating individually
3301 or as a sole practitioner, must be to the attorney, certified
3302 public accountant, or private investigator.

3303 (5) The department is ~~shall~~ not be administratively,
3304 civilly, or criminally liable for any property or funds
3305 distributed pursuant to this section, provided such distribution
3306 is made in good faith.

20261452er

3307 (6) This section does not supersede the licensing
3308 requirements of chapter 493.

3309 (7) The department may allow an apparent owner to
3310 electronically submit a claim for abandoned ~~unclaimed~~ property
3311 to the department. If a claim is submitted electronically for
3312 \$2,000 or less, the department may use a method of identity
3313 verification other than a copy of a valid driver license, other
3314 government-issued photographic identification, or a sworn
3315 notarized statement. The department may adopt rules to implement
3316 this subsection.

3317 (8) Notwithstanding any other provision of this chapter,
3318 the department may develop and implement an identification
3319 verification and disbursement process by which an account valued
3320 at \$2,000 or less, after being received by the department and
3321 added to the abandoned ~~unclaimed~~ property database, may be
3322 disbursed to an apparent owner after the department has verified
3323 that the apparent owner is living and that the apparent owner's
3324 current address is correct. The department shall include with
3325 the payment a notification and explanation of the dollar amount,
3326 the source, and the property type of each account included in
3327 the disbursement. The department shall adopt rules to implement
3328 this subsection.

3329 (9) (a) Notwithstanding any other provision of this chapter,
3330 the department may develop and implement a verification and
3331 disbursement process by which an account, after being received
3332 by the department and added to the abandoned ~~unclaimed~~ property
3333 database, for which the apparent owner entity is:

3334 1. A state agency in this state or a subdivision or
3335 successor agency thereof;

20261452er

3336 2. A county government in this state or a subdivision
3337 thereof;

3338 3. A public school district in this state or a subdivision
3339 thereof;

3340 4. A municipality in this state or a subdivision thereof;
3341 or

3342 5. A special taxing district or authority in this state,
3343
3344 may be disbursed to the apparent owner entity or successor
3345 entity. The department shall include with the payment a
3346 notification and explanation of the dollar amount, the source,
3347 and the property type of each account included in the
3348 disbursement.

3349 (b) The department may adopt rules to implement this
3350 subsection.

3351 (10) Notwithstanding any other provision of this chapter,
3352 the department may develop a process by which a claimant
3353 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
3354 electronically submit to the department an electronic image of a
3355 completed claim and claims-related documents under this chapter,
3356 including an Abandoned Unclaimed Property Recovery Agreement or
3357 Abandoned Unclaimed Property Purchase Agreement that has been
3358 signed and dated by a claimant or seller under s. 717.135, after
3359 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3360 ~~property~~ receives the original documents provided by the
3361 claimant or the seller for any claim. Each claim filed by a
3362 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
3363 ~~property~~ must include a statement by the claimant ~~claimant's~~
3364 representative ~~or the buyer of unclaimed property~~ attesting that

20261452er

3365 all documents are true copies of the original documents and that
3366 all original documents are physically in the possession of the
3367 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3368 ~~property~~. All original documents must be kept in the original
3369 form, by claim number, under the secure control of the claimant
3370 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
3371 must be available for inspection by the department in accordance
3372 with s. 717.1315. The department may adopt rules to implement
3373 this subsection.

3374 (11) This section applies to all abandoned ~~unclaimed~~
3375 property reported and remitted to the Chief Financial Officer,
3376 including, but not limited to, property reported pursuant to ss.
3377 45.032, 732.107, 733.816, and 744.534.

3378 Section 63. Section 717.12403, Florida Statutes, is amended
3379 to read:

3380 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
3381 account in a financial institution held in the name of more than
3382 one person.—

3383 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
3384 checking account in a financial institution is reported as an
3385 "and" account in the name of two or more persons who are not
3386 beneficiaries, it is presumed that each person must claim the
3387 account in order for the claim to be approved by the department.
3388 This presumption may be rebutted by showing that entitlement to
3389 the account has been transferred to another person or by clear
3390 and convincing evidence demonstrating that the account should
3391 have been reported by the financial institution as an "or"
3392 account.

3393 (b) If an abandoned ~~unclaimed~~ demand, savings, or checking

20261452er

3394 account in a financial institution is reported as an "and"
3395 account and one of the persons on the account is deceased, it is
3396 presumed that the account is a survivorship account. This
3397 presumption may be rebutted by showing that entitlement to the
3398 account has been transferred to another person or by clear and
3399 convincing evidence demonstrating that the account is not a
3400 survivorship account.

3401 (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
3402 account in a financial institution is reported as an "or"
3403 account in the name of two or more persons who are not
3404 beneficiaries, it is presumed that either person listed on the
3405 account may claim the entire amount held in the account. This
3406 presumption may be rebutted by showing that entitlement to the
3407 account has been transferred to another person or by clear and
3408 convincing evidence demonstrating that the account should have
3409 been reported by the financial institution as an "and" account.

3410 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
3411 account in a financial institution is reported in the name of
3412 two or more persons who are not beneficiaries without
3413 identifying whether the account is an "and" account or an "or"
3414 account, it is presumed that the account is an "or" account.
3415 This presumption may be rebutted by showing that entitlement to
3416 the account has been transferred to another person or by clear
3417 and convincing evidence demonstrating that the account should
3418 have been reported by the financial institution as an "and"
3419 account.

3420 (4) The department shall be deemed to have made a
3421 distribution in good faith if the department remits funds
3422 consistent with this section.

20261452er

3423 Section 64. Subsection (2) of section 717.12404, Florida
3424 Statutes, is amended to read:

3425 717.12404 Claims on behalf of a business entity or trust.—

3426 (2) Claims on behalf of an active or a dissolved
3427 corporation, a business entity ~~other than an active corporation~~,
3428 or a trust must include a legible copy of a valid driver license
3429 of the person acting on behalf of the ~~dissolved~~ corporation,
3430 business entity ~~other than an active corporation~~, or trust. If
3431 the person has not been issued a valid driver license, the
3432 department shall be provided with a legible copy of a
3433 photographic identification of the person issued by the United
3434 States, a foreign nation, or a political subdivision or agency
3435 thereof. In lieu of photographic identification, a notarized
3436 sworn statement by the person may be provided which affirms the
3437 person's identity and states the person's full name and address.
3438 The person must produce his or her photographic identification
3439 issued by the United States, a state or territory of the United
3440 States, a foreign nation, or a political subdivision or agency
3441 thereof or other evidence deemed acceptable by the department by
3442 rule. The notary shall indicate the notary's full address on the
3443 notarized sworn statement. Any claim filed without the required
3444 identification or the sworn statement with the original claim
3445 form and the original Abandoned Unclaimed Property Recovery
3446 Agreement or Abandoned Unclaimed Property Purchase Agreement, if
3447 applicable, is void.

3448 Section 65. Section 717.12405, Florida Statutes, is amended
3449 to read:

3450 717.12405 Claims by estates.—An estate or any person
3451 representing an estate or acting on behalf of an estate may

20261452er

3452 claim abandoned ~~unclaimed~~ property only after the heir or
3453 legatee of the decedent entitled to the property has been
3454 located. Any estate, or any person representing an estate or
3455 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
3456 property before the heir or legatee of the decedent entitled to
3457 the property has been located, is personally liable for the
3458 abandoned ~~unclaimed~~ property and must immediately return the
3459 full amount of the abandoned ~~unclaimed~~ property or the value
3460 thereof to the department in accordance with s. 717.1341.

3461 Section 66. Section 717.12406, Florida Statutes, is amended
3462 to read:

3463 717.12406 Joint ownership of abandoned ~~unclaimed~~ securities
3464 or dividends.—For the purpose of determining joint ownership of
3465 abandoned ~~unclaimed~~ securities or dividends, the term:

3466 (1) "TEN COM" means tenants in common.

3467 (2) "TEN ENT" means tenants by the entireties.

3468 (3) "JT TEN" or "JT" means joint tenants with the right of
3469 survivorship and not as tenants in common.

3470 (4) "And" means tenants in common with each person entitled
3471 to an equal pro rata share.

3472 (5) "Or" means that each person listed on the account is
3473 entitled to all of the funds.

3474 Section 67. Section 717.1241, Florida Statutes, is amended
3475 to read:

3476 717.1241 Conflicting claims.—

3477 (1) For purposes of this section, the term "conflicting
3478 claim" means two or more claims received by the department for
3479 the same abandoned property account or accounts in which two or
3480 more claimants appear to be equally entitled to the property.

20261452er

3481 The term also includes circumstances in which the same claimant
3482 has more than one claim pending for the same property, including
3483 when the claimant is represented by more than one claimant
3484 representative or submits both a personal claim and a claim
3485 through a representative.

3486 (2) When conflicting claims have been received by the
3487 department for the same abandoned ~~unclaimed~~ property account or
3488 accounts, the property shall be remitted in accordance with the
3489 claim filed by the person as follows, notwithstanding the
3490 withdrawal of a claim:

3491 (a) To the person submitting the first claim received by
3492 the ~~Division of Unclaimed Property of the~~ department that is
3493 complete or made complete.

3494 (b) If a claimant's claim and a claimant ~~claimant's~~
3495 representative's claim for the recovery of property are received
3496 by the ~~Division of Unclaimed Property of the~~ department on the
3497 same day and both claims are complete, to the claimant.

3498 (c) If a buyer's claim or a purchasing claimant
3499 representative's claim and a claimant's claim or a claimant
3500 ~~claimant's~~ representative's claim for the recovery of property
3501 are received by the ~~Division of Unclaimed Property of the~~
3502 department on the same day and the claims are complete, to the
3503 buyer.

3504 (d) As between two or more claimant representatives'
3505 ~~claimant's representative's~~ claims received by the ~~Division of~~
3506 ~~Unclaimed Property of the~~ department that are complete or made
3507 complete on the same day, to the claimant ~~claimant's~~
3508 representative who has agreed to receive the lowest fee. If the
3509 two or more claimant ~~claimant's~~ representatives whose claims

20261452er

3510 received by ~~the Division of Unclaimed Property of~~ the department
3511 were complete or made complete on the same day are charging the
3512 same ~~lowest~~ fee, the fee shall be divided equally between the
3513 claimant ~~claimant's~~ representatives.

3514 (e) If more than one buyer's claim received by the ~~Division~~
3515 ~~of Unclaimed Property of~~ the department is complete or made
3516 complete on the same day, the department shall remit the
3517 abandoned ~~unclaimed~~ property to the buyer who paid the highest
3518 amount to the seller. If the buyers paid the same amount to the
3519 seller, the department shall remit the abandoned ~~unclaimed~~
3520 property to the buyers divided in equal amounts.

3521 (3) ~~(2)~~ The purpose of this section is solely to provide
3522 guidance to the department regarding to whom it should remit the
3523 abandoned ~~unclaimed~~ property and is not intended to extinguish
3524 or affect any private cause of action that any person may have
3525 against another person for breach of contract or other statutory
3526 or common-law remedy. A buyer's sole remedy, if any, shall be
3527 against the claimant ~~claimant's~~ representative or the seller, or
3528 both. A claimant ~~claimant's~~ representative's sole remedy, if
3529 any, shall be against the buyer or the seller, or both. A
3530 claimant's or seller's sole remedy, if any, shall be against the
3531 buyer or the claimant ~~claimant's~~ representative, or both.
3532 Nothing in this section forecloses the right of a person to
3533 challenge the department's determination of completeness in a
3534 proceeding under ss. 120.569 and 120.57.

3535 (4) ~~(3)~~ A claim is complete when entitlement to the
3536 abandoned ~~unclaimed~~ property has been established.

3537 Section 68. Subsection (1) of section 717.1242, Florida
3538 Statutes, is amended to read:

20261452er

3539 717.1242 Restatement of jurisdiction of the circuit court
3540 sitting in probate and the department.—

3541 (1) It is and has been the intent of the Legislature that,
3542 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3543 proceedings relating to the settlement of the estates of
3544 decedents and other jurisdiction usually pertaining to courts of
3545 probate. It is and has been the intent of the Legislature that,
3546 pursuant to this chapter, the department determines the merits
3547 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3548 or delivered to the department under this chapter. Consistent
3549 with this legislative intent, any beneficiary, devisee, heir,
3550 personal representative, or other interested person, as those
3551 terms are defined in the Florida Probate Code and the Florida
3552 Trust Code, of an estate seeking to obtain property paid or
3553 delivered to the department under this chapter must file a claim
3554 with the department as provided in s. 717.124.

3555 Section 69. Subsections (1) and (4) of section 717.1243,
3556 Florida Statutes, are amended to read:

3557 717.1243 Small estate accounts.—

3558 (1) A claim for abandoned ~~unclaimed~~ property made by a
3559 beneficiary, as defined in s. 731.201, of a deceased owner need
3560 not be accompanied by an order of a probate court if the
3561 claimant files with the department an affidavit, signed by all
3562 beneficiaries, stating that all the beneficiaries have amicably
3563 agreed among themselves upon a division of the estate and that
3564 all funeral expenses, expenses of the last illness, and any
3565 other lawful claims have been paid, and any additional
3566 information reasonably necessary to make a determination of
3567 entitlement. If the owner died testate, the claim shall be

20261452er

3568 accompanied by a copy of the will.

3569 (4) This section applies only if all of the abandoned
3570 ~~unclaimed~~ property held by the department on behalf of the owner
3571 has an aggregate value of \$20,000 or less and no probate
3572 proceeding is pending.

3573 Section 70. Section 717.1244, Florida Statutes, is amended
3574 to read:

3575 717.1244 Determinations of abandoned ~~unclaimed~~ property
3576 claims.—In rendering a determination regarding the merits of an
3577 abandoned ~~unclaimed~~ property claim, the department shall rely on
3578 the applicable statutory, regulatory, common, and case law.
3579 Agency statements applying the statutory, regulatory, common,
3580 and case law to abandoned ~~unclaimed~~ property claims are not
3581 agency statements subject to s. 120.56(4).

3582 Section 71. Section 717.1245, Florida Statutes, is amended
3583 to read:

3584 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3585 any person files a petition for writ of garnishment seeking to
3586 obtain property paid or delivered to the department under this
3587 chapter, the petitioner shall be ordered to pay the department
3588 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3589 brought by the department to oppose, appeal, or collaterally
3590 attack the petition or writ if the department is the prevailing
3591 party in any such proceeding.

3592 Section 72. Subsection (1) of section 717.125, Florida
3593 Statutes, is amended to read:

3594 717.125 Claim of another state to recover property;
3595 procedure.—

3596 (1) At any time after property has been paid or delivered

20261452er

3597 to the department under this chapter, another state may recover
3598 the property if:

3599 (a) The property was subjected to custody by this state
3600 because the records of the holder did not reflect the last known
3601 address of the apparent owner when the property was presumed
3602 abandoned ~~unclaimed~~ under this chapter, and the other state
3603 establishes that the last known address of the apparent owner or
3604 other person entitled to the property was in that state and
3605 under the laws of that state the property escheated to or was
3606 subject to a claim of abandonment or being unclaimed by that
3607 state;

3608 (b) The last known address of the apparent owner or other
3609 person entitled to the property, as reflected by the records of
3610 the holder, is in the other state and under the laws of that
3611 state the property has escheated to or become subject to a claim
3612 of abandonment by that state;

3613 (c) The records of the holder were erroneous in that they
3614 did not accurately reflect the actual owner of the property and
3615 the last known address of the actual owner is in the other state
3616 and under laws of that state the property escheated to or was
3617 subject to a claim of abandonment by that state;

3618 (d) The property was subject to custody by this state under
3619 s. 717.103(6) and under the laws of the state of domicile of the
3620 holder the property has escheated to or become subject to a
3621 claim of abandonment by that state; or

3622 (e) The property is the sum payable on a traveler's check,
3623 money order, or other similar instrument that was subjected to
3624 custody by this state under s. 717.104, and the instrument was
3625 purchased in the other state, and under the laws of that state

20261452er

3626 the property escheated to or became subject to a claim of
3627 abandonment by that state.

3628 Section 73. Subsection (1) of section 717.126, Florida
3629 Statutes, is amended to read:

3630 717.126 Administrative hearing; burden of proof; proof of
3631 entitlement; venue.—

3632 (1) Any person aggrieved by a decision of the department
3633 may petition for a hearing as provided in ss. 120.569 and
3634 120.57. In any proceeding for determination of a claim to
3635 property paid or delivered to the department under this chapter,
3636 the burden shall be upon the claimant to establish entitlement
3637 to the property by a preponderance of evidence. Having the same
3638 name as that reported to the department is not sufficient, in
3639 the absence of other evidence, to prove entitlement to abandoned
3640 unclaimed property.

3641 Section 74. Section 717.1261, Florida Statutes, is amended
3642 to read:

3643 717.1261 Death certificates.—Any person who claims
3644 entitlement to abandoned ~~unclaimed~~ property by means of the
3645 death of one or more persons shall file a copy of the death
3646 certificate of the decedent or decedents that has been certified
3647 as being authentic by the issuing governmental agency.

3648 Section 75. Section 717.1262, Florida Statutes, is amended
3649 to read:

3650 717.1262 Court documents.—Any person who claims entitlement
3651 to abandoned ~~unclaimed~~ property by reason of a court document
3652 shall file a certified copy of the court document with the
3653 department. A certified copy of each pleading filed with the
3654 court to obtain a court document establishing entitlement, filed

20261452er

3655 within 180 days before the date the claim form was signed by the
3656 claimant or claimant ~~claimant's~~ representative, must also be
3657 filed with the department.

3658 Section 76. Section 717.129, Florida Statutes, is amended
3659 to read:

3660 717.129 Periods of limitation.—

3661 (1) The expiration before or after July 1, 1987, of any
3662 period of time specified by contract, statute, or court order,
3663 during which a claim for money or property may be made or during
3664 which an action or proceeding may be commenced or enforced to
3665 obtain payment of a claim for money or to recover property, does
3666 not prevent the money or property from being presumed abandoned
3667 ~~unclaimed~~ or affect any duty to file a report or to pay or
3668 deliver abandoned ~~unclaimed~~ property to the department as
3669 required by this chapter.

3670 (2) The department may not commence an action or proceeding
3671 to enforce this chapter with respect to the reporting, payment,
3672 or delivery of property or any other duty of a holder under this
3673 chapter more than 10 years after the duty arose. The period of
3674 limitation established under this subsection is tolled by the
3675 earlier of the department's or audit agent's delivery of a
3676 notice that a holder is subject to an audit or examination under
3677 s. 717.1301 or the holder's written election to enter into an
3678 abandoned ~~unclaimed~~ property voluntary disclosure agreement.

3679 Section 77. Subsections (3) and (4) of section 717.1301,
3680 Florida Statutes, are amended to read:

3681 717.1301 Investigations; examinations; subpoenas.—

3682 (3) The department may authorize a compliance review of a
3683 report for a specified reporting year. The review must be

20261452er

3684 limited to the contents of the report filed, as required by s.
3685 717.117 and subsection (2), and all supporting documents related
3686 to the reports. If the review results in a finding of a
3687 deficiency in abandoned ~~unclaimed~~ property due and payable to
3688 the department, the department shall notify the holder in
3689 writing of the amount of deficiency within 1 year after the
3690 authorization of the compliance review. If the holder fails to
3691 pay the deficiency within 90 days, the department may seek to
3692 enforce the assessment under subsection (1). The department is
3693 not required to conduct a review under this section before
3694 initiating an audit.

3695 (4) Notwithstanding any other provision of law, in a
3696 contract providing for the location or collection of abandoned
3697 ~~unclaimed~~ property, the department may authorize the contractor
3698 to deduct its fees and expenses for services provided under the
3699 contract from the abandoned ~~unclaimed~~ property that the
3700 contractor has recovered or collected under the contract. The
3701 department shall annually report to the Chief Financial Officer
3702 the total amount collected or recovered by each contractor
3703 during the previous fiscal year and the total fees and expenses
3704 deducted by each contractor.

3705 Section 78. Section 717.1315, Florida Statutes, is amended
3706 to read:

3707 717.1315 Retention of records by claimant ~~claimant's~~
3708 representatives and buyers of abandoned ~~unclaimed~~ property.—

3709 (1) Every claimant ~~claimant's~~ representative and buyer of
3710 abandoned ~~unclaimed~~ property shall keep and use in his or her
3711 business such books, accounts, and records of the business
3712 conducted under this chapter to enable the department to

20261452er

3713 determine whether such person is complying with this chapter and
3714 the rules adopted by the department under this chapter. Every
3715 claimant ~~claimant's~~ representative and buyer of abandoned
3716 ~~unclaimed~~ property shall preserve such books, accounts, and
3717 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3718 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3719 between the owner and such claimant ~~claimant's~~ representative or
3720 buyer, for at least 3 years after the date of the initial
3721 agreement.

3722 (2) A claimant ~~claimant's~~ representative or buyer of
3723 abandoned ~~unclaimed~~ property, operating at two or more places of
3724 business in this state, may maintain the books, accounts, and
3725 records of all such offices at any one of such offices, or at
3726 any other office maintained by such claimant ~~claimant's~~
3727 representative or buyer of abandoned ~~unclaimed~~ property, upon
3728 the filing of a written notice with the department designating
3729 in the written notice the office at which such records are
3730 maintained.

3731 (3) A claimant ~~claimant's~~ representative or buyer of
3732 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3733 records available at a convenient location in this state upon
3734 request of the department.

3735 Section 79. Subsection (2) of section 717.132, Florida
3736 Statutes, is amended to read:

3737 717.132 Enforcement; cease and desist orders; fines.—

3738 (2) In addition to any other powers conferred upon it to
3739 enforce and administer the provisions of this chapter, the
3740 department may issue and serve upon a person an order to cease
3741 and desist and to take corrective action whenever the department

20261452er

3742 finds that such person is violating, has violated, or is about
3743 to violate any provision of this chapter, any rule or order
3744 promulgated under this chapter, or any written agreement entered
3745 into with the department. For purposes of this subsection, the
3746 term "corrective action" includes refunding excessive charges,
3747 requiring a person to return abandoned ~~unclaimed~~ property,
3748 requiring a holder to remit abandoned ~~unclaimed~~ property, and
3749 requiring a holder to correct a report that contains errors or
3750 omissions. Any such order shall contain a notice of rights
3751 provided by ss. 120.569 and 120.57.

3752 Section 80. Paragraphs (c), (d), and (j) of subsection (1),
3753 subsections (2) and (3), paragraph (b) of subsection (4), and
3754 subsection (5) of section 717.1322, Florida Statutes, are
3755 amended to read:

3756 717.1322 Administrative and civil enforcement.—

3757 (1) The following acts are violations of this chapter and
3758 constitute grounds for an administrative enforcement action by
3759 the department in accordance with the requirements of chapter
3760 120 and for civil enforcement by the department in a court of
3761 competent jurisdiction:

3762 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
3763 concealment of any matter required to be stated or furnished to
3764 the department or to an owner or apparent owner under this
3765 chapter, ~~regardless of reliance by or damage to the owner or~~
3766 ~~apparent owner.~~

3767 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3768 any abandoned ~~unclaimed~~ property transaction.

3769 (j) Requesting or receiving compensation for notifying a
3770 person of his or her abandoned ~~unclaimed~~ property or assisting

20261452er

3771 another person in filing a claim for abandoned ~~unclaimed~~
3772 property, unless the person is an attorney licensed to practice
3773 law in this state, a Florida-certified public accountant, or a
3774 private investigator licensed under chapter 493, or entering
3775 into, or making a solicitation to enter into, an agreement to
3776 file a claim for abandoned ~~unclaimed~~ property owned by another,
3777 unless such person is a registered claimant representative
3778 ~~registered with the department under this chapter and an~~
3779 ~~attorney licensed to practice law in this state in the regular~~
3780 ~~practice of her or his profession, a Florida-certified public~~
3781 ~~accountant who is acting within the scope of the practice of~~
3782 ~~public accounting as defined in chapter 473, or a private~~
3783 ~~investigator licensed under chapter 493.~~ This paragraph does not
3784 apply to a person who has been granted a durable power of
3785 attorney to convey and receive all of the real and personal
3786 property of the owner, is the court-appointed guardian of the
3787 owner, has been employed as an attorney or qualified
3788 representative to contest the department's denial of a claim, or
3789 has been employed as an attorney to probate the estate of the
3790 owner or an heir or legatee of the owner.

3791 (2) Upon a finding by the department that any person has
3792 committed any of the acts set forth in subsection (1), the
3793 department may enter an order doing any of the following:

3794 (a) Revoking for a minimum of 5 years or suspending for a
3795 maximum of 5 years a registration previously granted under this
3796 chapter during which time the registrant may not reapply for a
3797 registration under this chapter.~~†~~

3798 (b) Placing a claimant representative ~~registrant~~ or an
3799 applicant for a registration on probation for a period of time

20261452er

3800 and subject to such conditions as the department may specify.~~†~~

3801 (c) Placing permanent restrictions or conditions upon
3802 issuance or maintenance of a registration under this chapter.~~†~~

3803 (d) Issuing a reprimand.~~†~~

3804 (e) Imposing an administrative fine not to exceed \$2,000
3805 for each such act.~~†~~ ~~or~~

3806 (f) Prohibiting any person from being a director, officer,
3807 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
3808 ~~percent~~ or greater interest in an employer of a claimant
3809 representative registrant.

3810 (3) A claimant ~~claimant's~~ representative is subject to
3811 civil enforcement and the disciplinary actions specified in
3812 subsection (2) for violations of subsection (1) by an agent or
3813 employee of the claimant representative's ~~registrant's~~ employer
3814 if the claimant ~~claimant's~~ representative knew or should have
3815 known that such agent or employee was violating any provision of
3816 this chapter.

3817 (4)

3818 (b) The disciplinary guidelines shall specify a meaningful
3819 range of designated penalties based upon the severity or
3820 repetition of specific offenses, or both. It is the legislative
3821 intent that minor violations be distinguished from more serious
3822 violations; that such guidelines consider the amount of the
3823 claim involved, the complexity of locating the owner, the steps
3824 taken to ensure the accuracy of the claim by the person filing
3825 the claim, the acts of commission and omission of the claimant
3826 ~~ultimate owners~~ in establishing themselves as rightful owners of
3827 the funds, the acts of commission or omission of the agent or
3828 employee of a claimant representative or its ~~an~~ employer in the

20261452er

3829 filing of the claim, the actual knowledge of the agent,
3830 employee, employer, or owner in the filing of the claim, the
3831 departure, if any, by the agent or employee from the internal
3832 controls and procedures established by the claimant
3833 representative or its employer with regard to the filing of a
3834 claim, the number of defective claims previously filed by the
3835 agent, employee, employer, or owner; that such guidelines
3836 provide reasonable and meaningful notice of likely penalties
3837 that may be imposed for proscribed conduct; and that such
3838 penalties be consistently applied by the department.

3839 (5) The department may seek any appropriate civil legal
3840 remedy available to it by filing a civil action in a court of
3841 competent jurisdiction against any person who has, directly or
3842 through a claimant ~~claimant's~~ representative, wrongfully
3843 submitted a claim as the ~~ultimate~~ owner of property and
3844 improperly received funds from the department in violation of
3845 this chapter.

3846 Section 81. Subsections (1) and (3) of section 717.133,
3847 Florida Statutes, are amended to read:

3848 717.133 Interstate agreements and cooperation; joint and
3849 reciprocal actions with other states.—

3850 (1) The department may enter into agreements with other
3851 states to exchange information needed to enable this or another
3852 state to audit or otherwise determine abandoned ~~unclaimed~~
3853 property that it or another state may be entitled to subject to
3854 a claim of custody. The department may require the reporting of
3855 information needed to enable compliance with agreements made
3856 pursuant to this section and prescribe the form.

3857 (3) At the request of another state, the department may

20261452er

3858 bring an action in the name of the other state in any court of
3859 competent jurisdiction to enforce the abandoned ~~unclaimed~~
3860 property laws of the other state against a holder in this state
3861 of property subject to escheat or a claim of abandonment by the
3862 other state, if the other state has agreed to pay expenses
3863 incurred in bringing the action.

3864 Section 82. Subsection (2) of section 717.1333, Florida
3865 Statutes, is amended to read:

3866 717.1333 Evidence; estimations; audit reports and
3867 worksheets, investigator reports and worksheets, other related
3868 documents.—

3869 (2) If the records of the holder that are available for the
3870 periods subject to this chapter are insufficient to permit the
3871 preparation of a report of the abandoned ~~unclaimed~~ property due
3872 and owing by a holder, or if the holder fails to provide records
3873 after being requested to do so, the amount due to the department
3874 may be reasonably estimated.

3875 Section 83. Paragraph (a) of subsection (1) and subsections
3876 (2) and (4) of section 717.1341, Florida Statutes, are amended
3877 to read:

3878 717.1341 Invalid claims, recovery of property, interest and
3879 penalties.—

3880 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
3881 ~~unclaimed~~ property that the person is not entitled to receive.
3882 Any person who receives, or assists another person to receive,
3883 abandoned ~~unclaimed~~ property that the person is not entitled to
3884 receive is strictly, jointly, personally, and severally liable
3885 for the abandoned ~~unclaimed~~ property and shall immediately
3886 return the property, or the reasonable value of the property if

20261452er

3887 the property has been damaged or disposed of, to the department
3888 plus interest at the rate set in accordance with s. 55.03(1).
3889 Assisting another person to receive abandoned ~~unclaimed~~ property
3890 includes executing a claim form on the person's behalf.

3891 (2) The department may maintain a civil or administrative
3892 action:

3893 (a) To recover abandoned ~~unclaimed~~ property that was paid
3894 or remitted to a person who was not entitled to the abandoned
3895 ~~unclaimed~~ property or to offset amounts owed to the department
3896 against amounts owed to an owner representative;

3897 (b) Against a person who assists another person in
3898 receiving, or attempting to receive, abandoned ~~unclaimed~~
3899 property that the person is not entitled to receive; or

3900 (c) Against a person who attempts to receive abandoned
3901 ~~unclaimed~~ property that the person is not entitled to receive.

3902 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly
3903 conspire to file, or knowingly assist in filing, a claim for
3904 abandoned ~~unclaimed~~ property the person is not entitled to
3905 receive. Any person who violates this subsection regarding
3906 abandoned ~~unclaimed~~ property of an aggregate value:

3907 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
3908 the first degree, punishable as provided in s. 775.082, s.
3909 775.083, or s. 775.084;

3910 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
3911 ~~of~~ a felony of the second degree, punishable as provided in s.
3912 775.082, s. 775.083, or s. 775.084;

3913 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~ a
3914 felony of the third degree, punishable as provided in s.
3915 775.082, s. 775.083, or s. 775.084;

20261452er

3916 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
3917 misdemeanor of the first degree, punishable as provided in s.
3918 775.082 or s. 775.083; or

3919 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
3920 second degree, punishable as provided in s. 775.082 or s.
3921 775.083.

3922 Section 84. Section 717.135, Florida Statutes, is amended
3923 to read:

3924 717.135 Recovery agreements and purchase agreements for
3925 claims filed by a claimant ~~claimant's~~ representative; fees and
3926 costs or total net gain.—

3927 (1) In order to protect the interests of owners of
3928 abandoned ~~unclaimed~~ property, the department shall adopt by rule
3929 a form entitled "Abandoned Unclaimed Property Recovery
3930 Agreement" and a form entitled "Abandoned Unclaimed Property
3931 Purchase Agreement."

3932 (2) The Abandoned Unclaimed Property Recovery Agreement and
3933 the Abandoned Unclaimed Property Purchase Agreement must include
3934 and disclose all of the following:

3935 (a) The total dollar amount of abandoned ~~unclaimed~~ property
3936 accounts claimed or sold.

3937 (b) The total percentage of all authorized fees and costs
3938 to be paid to the claimant ~~claimant's~~ representative or the
3939 percentage of the value of the property to be paid as net gain
3940 to the purchasing claimant ~~claimant's~~ representative.

3941 (c) The total dollar amount to be deducted and received
3942 from the claimant as fees and costs by the claimant ~~claimant's~~
3943 representative or the total net dollar amount to be received by
3944 the purchasing claimant ~~claimant's~~ representative.

20261452er

3945 (d) The net dollar amount to be received by the claimant or
3946 the seller.

3947 (e) For each account claimed, the abandoned ~~unclaimed~~
3948 property account number.

3949 (f) For the Abandoned ~~Unclaimed~~ Property Purchase
3950 Agreement, a statement that the amount of the purchase price
3951 will be remitted to the seller by the purchaser within 30 days
3952 after the execution of the agreement by the seller.

3953 (g) The name, address, e-mail address, phone number, and
3954 license number of the claimant ~~claimant's~~ representative.

3955 (h)1. The manual signature of the claimant or seller and
3956 the date signed, affixed on the agreement by the claimant or
3957 seller.

3958 2. Notwithstanding any other provision of this chapter to
3959 the contrary, the department may allow ~~an apparent owner, who is~~
3960 ~~also~~ the claimant or seller, to sign the agreement
3961 electronically. All electronic signatures on the Abandoned
3962 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3963 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3964 agreement by the claimant or seller using the specific,
3965 exclusive eSignature product and protocol authorized by the
3966 department.

3967 (i) The social security number or taxpayer identification
3968 number of the claimant or seller, if a number has been issued to
3969 the claimant or seller.

3970 (j) The total fees and costs, or the total discount in the
3971 case of a purchase agreement, which may not exceed 30 percent of
3972 the claimed amount. In the case of a recovery agreement, if the
3973 total fees and costs exceed 30 percent, the fees and costs shall

20261452er

3974 be reduced to 30 percent and the net balance shall be remitted
3975 directly by the department to the claimant. In the case of a
3976 purchase agreement, if the total net gain of the claimant
3977 ~~claimant's~~ representative exceeds 30 percent, the claim will be
3978 denied.

3979 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
3980 form, proof that the purchaser has made payment must be filed
3981 with the department along with the claim. If proof of payment is
3982 not provided, the claim is void.

3983 (4) A claimant ~~claimant's~~ representative must use the
3984 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
3985 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
3986 entering into an agreement or a contract with a claimant or
3987 seller to file a claim with the department.

3988 (5) Fees and costs may be owed or paid to, or received by,
3989 a claimant ~~claimant's~~ representative only after a filed claim
3990 has been approved and if the claimant's representative used an
3991 agreement authorized by this section.

3992 (6) A claimant ~~claimant's~~ representative may not use or
3993 distribute any other agreement of any type, conveyed by any
3994 method, with respect to the claimant or seller which relates,
3995 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
3996 held by the department or the Chief Financial Officer other than
3997 the agreements authorized by this section. Any engagement,
3998 authorization, recovery, or fee agreement that is not authorized
3999 by this section is void. A claimant ~~claimant's~~ representative is
4000 subject to administrative and civil enforcement under s.

4001 717.1322 if he or she uses an agreement that is not authorized
4002 by this section and if the agreement is used to apply, directly

20261452er

4003 or indirectly, to abandoned ~~unclaimed~~ property held by this
4004 state. This subsection does not prohibit lawful nonagreement,
4005 noncontractual, or advertising communications between or among
4006 the parties.

4007 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may
4008 not contain language that makes the agreement irrevocable or
4009 that creates an assignment of any portion of abandoned ~~unclaimed~~
4010 property held by the department.

4011 (8) When a claim is approved, the department may pay any
4012 additional account that is owned by the claimant but has not
4013 been claimed at the time of approval, provided that a subsequent
4014 claim has not been filed or is not pending for the claimant at
4015 the time of approval.

4016 (9) This section does not supersede s. 717.1241.

4017 ~~(10) This section does not apply to the sale and purchase~~
4018 ~~of Florida held unclaimed property accounts through a bankruptcy~~
4019 ~~estate representative or other person or entity authorized~~
4020 ~~pursuant to Title XI of the United States Code or an order of a~~
4021 ~~bankruptcy court to act on behalf or for the benefit of the~~
4022 ~~debtor, its creditors, and its bankruptcy estate.~~

4023 Section 85. Section 717.1356, Florida Statutes, is created
4024 to read:

4025 717.1356 Purchase of abandoned property.—

4026 (1) Agreements for the purchase of abandoned property
4027 reported to the department shall be valid only if all of the
4028 following conditions are met:

4029 (a) The agreement is entitled "Florida Abandoned Property
4030 Purchase Agreement" and is in writing, in minimum 12-point type.

4031 (b) The agreement includes the social security number or

20261452er

4032 taxpayer identification number of the seller, if a number has
4033 been issued to the seller; a valid e-mail address, mailing
4034 address, and telephone number for the seller; and is manually
4035 signed and dated by the seller with the signature notarized.

4036 (c) The agreement discloses with specificity the nature and
4037 value of the abandoned property, including the name of the
4038 apparent owner as shown by the records of the department, the
4039 name of the holder who remitted the property, the date of last
4040 contact, and the property category. With respect to the value of
4041 the abandoned property, the agreement must contain the
4042 following:

4043 1. The total dollar amount of all abandoned property to be
4044 sold.

4045 2. The total percentage of the value of the abandoned
4046 property to be paid as net gain to the purchaser.

4047 3. The total net dollar amount to be received by the
4048 purchaser.

4049 4. The net dollar amount to be received by the seller.

4050 (d) The agreement states the abandoned property account
4051 number for each abandoned property account sold.

4052 (e) The purchase price does not discount the total value of
4053 all abandoned property subject to the sale by more than 30
4054 percent.

4055 (f) The agreement states that the amount of the purchase
4056 price will be remitted to the seller by the purchaser within 30
4057 days after the execution of the agreement by the seller.

4058 (g) The agreement includes the name, address, e-mail
4059 address, and phone number of the purchaser.

4060 (h) The agreement states that the abandoned property is

20261452er

4061 currently in the department's custody and that the seller can
4062 claim the property directly from the department on its
4063 electronically searchable website without being charged a fee.
4064 The agreement must provide the department's website address.

4065 (2) A seller may cancel a purchase agreement without
4066 penalty or obligation within 15 business days after the date on
4067 which the agreement was executed. The agreement must contain the
4068 following language in minimum 12-point type: "You may cancel
4069 this agreement for any reason without penalty or obligation to
4070 you within 15 days after the date of this agreement by providing
4071 notice to . . .(name of purchaser). . ., submitted in writing
4072 and sent by certified mail, return receipt requested, or other
4073 form of mailing that provides proof thereof, at the address or
4074 e-mail address specified in the agreement."

4075 (3) A copy of an executed Florida Abandoned Property
4076 Purchase Agreement must be filed with the purchaser's claim,
4077 along with proof that the purchaser has made payment in full,
4078 and all other required documentation. If proof of payment is not
4079 provided, the department may not approve the claim.

4080 (4) A purchase agreement under this section which discounts
4081 the value of abandoned property by more than the amount
4082 authorized in paragraph (1)(e) is enforceable only by the
4083 seller.

4084 (5)(a) For purposes of this subsection, the term:

4085 1. "Asset purchaser" means a business association that has
4086 purchased property from a large business association.

4087 2. "Large business association" means a business
4088 association or group of business associations which:

4089 a. Generates \$100 million or more in annual gross receipts

20261452er

4090 or sales;

4091 b. Employs 100 or more full-time employees in the United

4092 States; or

4093 c. Has equity securities publicly traded on an exchange

4094 regulated by the United States Securities and Exchange

4095 Commission.

4096 (b) Claims filed by an asset purchaser under this section

4097 must include:

4098 1. A complete copy of the asset purchase agreement or

4099 similar contract between the asset purchaser and the seller; and

4100 2. An attestation by the seller, either in the asset

4101 purchase agreement or in a separate written affirmation from the

4102 owner, that the owner:

4103 a. Is a large business association as defined in paragraph

4104 (a); and

4105 b. Is aware that it is selling unclaimed property that may

4106 be recovered from the administrator without paying a fee.

4107 (c) If the seller is a publicly traded entity, the asset

4108 purchaser may provide a copy, or a link to an online copy, of

4109 the most recent Form 10K filed with the United States Securities

4110 and Exchange Commission in lieu of the attestation required by

4111 subparagraph (b)2.

4112 (d) This subsection does not apply to asset purchase

4113 agreements involving the assets of a business association

4114 arising out of a bankruptcy proceeding under Title 11 of the

4115 United States Code or corporate dissolution or a similar

4116 proceeding under applicable state law, such as receiverships and

4117 assignments for the benefit of creditors.

4118 (e) This subsection does not apply to asset purchase

20261452er

4119 agreements between an asset purchaser and sellers that comprise
4120 a large business association.

4121 (f) The requirements of this subsection apply only to
4122 claims filed based on asset purchase agreements executed on or
4123 after the effective date of this act.

4124 (g) This subsection does not limit the ability of the
4125 department to request or receive additional evidence sufficient
4126 to establish to the satisfaction of the department that the
4127 claimant is the owner of the property pursuant to this chapter.

4128 (h) The department may adopt rules to implement this
4129 subsection. The department may change by administrative rule the
4130 annual gross receipts or sales threshold to an amount less than
4131 \$100 million as specified in sub-subparagraph (a)2.a.

4132 Section 86. Section 717.138, Florida Statutes, is amended
4133 to read:

4134 717.138 Rulemaking authority.—The department shall
4135 administer and provide for the enforcement of this chapter. The
4136 department has authority to adopt rules pursuant to ss.
4137 120.536(1) and 120.54 to implement the provisions of this
4138 chapter. The department may adopt rules to allow for electronic
4139 filing of fees, forms, and reports required by this chapter. The
4140 authority to adopt rules pursuant to this chapter applies to all
4141 abandoned ~~unclaimed~~ property reported and remitted to the Chief
4142 Financial Officer, including, but not limited to, property
4143 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
4144 and 744.534.

4145 Section 87. Section 717.1382, Florida Statutes, is amended
4146 to read:

4147 717.1382 United States savings bond; abandoned ~~unclaimed~~

20261452er

4148 property; escheatment; procedure.—

4149 (1) Notwithstanding any other provision of law, a United
4150 States savings bond in possession of the department or
4151 registered to a person with a last known address in the state,
4152 including a bond that is lost, stolen, or destroyed, is presumed
4153 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
4154 and no longer earns interest and shall be reported and remitted
4155 to the department by the financial institution or other holder
4156 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
4157 ~~(5)~~ and 717.119, if the department is not in possession of the
4158 bond.

4159 (2) (a) After a United States savings bond is abandoned ~~and~~
4160 ~~unclaimed~~ in accordance with subsection (1), the department may
4161 commence a civil action in a court of competent jurisdiction in
4162 Leon County for a determination that the bond shall escheat to
4163 the state. Upon determination of escheatment, all property
4164 rights to the bond or proceeds from the bond, including all
4165 rights, powers, and privileges of survivorship of an owner, co-
4166 owner, or beneficiary, shall vest solely in the state.

4167 (b) Service of process by publication may be made on a
4168 party in a civil action pursuant to this section. A notice of
4169 action shall state the name of any known owner of the bond, the
4170 nature of the action or proceeding in short and simple terms,
4171 the name of the court in which the action or proceeding is
4172 instituted, and an abbreviated title of the case.

4173 (c) The notice of action shall require a person claiming an
4174 interest in the bond to file a written defense with the clerk of
4175 the court and serve a copy of the defense by the date fixed in
4176 the notice. The date must not be less than 28 or more than 60

20261452er

4177 days after the first publication of the notice.

4178 (d) The notice of action shall be published once a week for
4179 4 consecutive weeks in a newspaper of general circulation
4180 published in Leon County. Proof of publication shall be placed
4181 in the court file.

4182 (e)1. If no person files a claim with the court for the
4183 bond and if the department has substantially complied with the
4184 provisions of this section, the court shall enter a default
4185 judgment that the bond, or proceeds from such bond, has
4186 escheated to the state.

4187 2. If a person files a claim for one or more bonds and,
4188 after notice and hearing, the court determines that the claimant
4189 is not entitled to the bonds claimed by such claimant, the court
4190 shall enter a judgment that such bonds, or proceeds from such
4191 bonds, have escheated to the state.

4192 3. If a person files a claim for one or more bonds and,
4193 after notice and hearing, the court determines that the claimant
4194 is entitled to the bonds claimed by such claimant, the court
4195 shall enter a judgment in favor of the claimant.

4196 (3) The department may redeem a United States savings bond
4197 escheated to the state pursuant to this section or, in the event
4198 that the department is not in possession of the bond, seek to
4199 obtain the proceeds from such bond. Proceeds received by the
4200 department shall be deposited in accordance with s. 717.123.

4201 Section 88. Section 717.139, Florida Statutes, is amended
4202 to read:

4203 717.139 Uniformity of application and construction.—

4204 (1) The Legislature finds that laws governing abandoned
4205 property serve a vital public purpose by protecting the property

20261452er

4206 rights of owners, facilitating the return abandoned property to
4207 its owners, preventing private escheatment, and ensuring that
4208 abandoned assets are preserved and safeguarded from waste or
4209 misuse. It is the public policy of the state to protect the
4210 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
4211 ~~declared to be in the best interests of owners of unclaimed~~
4212 ~~property that such owners receive the full amount of any~~
4213 ~~unclaimed property without any fee.~~

4214 (2) This chapter shall be applied and construed as to
4215 effectuate its general purpose of protecting the interest of
4216 missing owners of abandoned property, while providing that the
4217 benefit of all ~~unclaimed and~~ abandoned property shall go to all
4218 the people of the state, and to make uniform the law with
4219 respect to the subject of this chapter among states enacting it.
4220 It is the intent of the Legislature that property reported under
4221 this chapter remains the property of the owner and that the
4222 State of Florida acts solely as a custodian, not as the owner,
4223 of such property. Title to abandoned property may not transfer
4224 to the state except as expressly provided by law and only after
4225 all reasonable efforts to identify and return the property to
4226 its rightful owner have been exhausted.

4227 Section 89. Section 717.1400, Florida Statutes, is amended
4228 to read:

4229 717.1400 Registration.—

4230 (1) In order to file claims as a claimant ~~claimant's~~
4231 representative, receive a distribution of fees and costs for
4232 approved claims from the department, and obtain information
4233 regarding abandoned ~~unclaimed~~ property dollar amounts and
4234 numbers of reported shares of stock held by the department, an

20261452er

4235 individual must meet all of the following requirements:

4236 (a) Be one of the following:

4237 1. A Florida-licensed private investigator holding a Class
4238 "C" individual license under chapter 493;

4239 2. A Florida-certified public accountant; or

4240 3. A Florida-licensed attorney.

4241 (b) Have obtained a certificate of registration from ~~Must~~
4242 ~~register with~~ the department.

4243 (2) An application for registration as a claimant
4244 representative must be submitted in writing on a form prescribed
4245 by the department and must be accompanied by all of the
4246 following:

4247 (a) A legible color copy of the applicant's current driver
4248 license showing the full name and current address of such
4249 person. If a current driver license is not available, another
4250 form of photo identification must be provided which shows the
4251 full name and current address of such person.

4252 (b) If the applicant is a private investigator:

4253 1. ~~on such form as the department prescribes by rule and~~
4254 ~~must be verified by the applicant. To register with the~~
4255 ~~department, a private investigator must provide:~~

4256 ~~(a)~~ A legible copy of the applicant's Class "A" business
4257 license under chapter 493 or that of the applicant's firm or
4258 employer which holds a Class "A" business license under chapter
4259 493; and-

4260 2. ~~(b)~~ A legible copy of the applicant's Class "C"
4261 individual license issued under chapter 493.

4262 (c) If the applicant is a certified public accountant, the
4263 applicant's Florida Board of Accountancy number.

20261452er

4264 (d) If the applicant is a licensed attorney, the
4265 applicant's Florida Bar number.

4266 (e)(e) The business address, and telephone number, tax
4267 identification number, and state of domicile or incorporation of
4268 the applicant's ~~private investigative~~ firm or employer.

4269 (f)(d) The names of agents, ~~or~~ employees, or independent
4270 contractors, if any, who are designated or authorized to act on
4271 behalf of the applicant ~~private investigator~~, together with a
4272 legible color copy of their photo identification issued by an
4273 agency of the United States, or a state, or a political
4274 subdivision thereof.

4275 (g) A statement that the applicant has not, during the 5-
4276 year period immediately preceding the submission of the
4277 application, violated any part of the Florida Disposition of
4278 Abandoned Personal Property Act.

4279 (h) A statement that the applicant has not been convicted
4280 of, or plead guilty to, a felony or any offense involving moral
4281 turpitude; dishonesty; deceit; or breach of fiduciary duty,
4282 including theft, attempted theft, falsification, tampering with
4283 records, securing writings by deception, fraud, forgery, or
4284 perjury.

4285 (i)(e) Sufficient information to enable the department to
4286 disburse funds by electronic funds transfer.

4287 (j) The applicant's notarized signature immediately
4288 following an acknowledgment that any false or perjured statement
4289 subjects the applicant to criminal liability under the laws of
4290 this state

4291 ~~(f) The tax identification number of the private~~
4292 ~~investigator's firm or employer which holds a Class "A" business~~

20261452er

4293 ~~license under chapter 493.~~

4294 ~~(2) In order to file claims as a claimant's representative,~~
4295 ~~receive a distribution of fees and costs from the department,~~
4296 ~~and obtain unclaimed property dollar amounts and numbers of~~
4297 ~~reported shares of stock held by the department, a Florida-~~
4298 ~~certified public accountant must register with the department on~~
4299 ~~such form as the department prescribes by rule and must be~~
4300 ~~verified by the applicant. To register with the department, a~~
4301 ~~Florida-certified public accountant must provide:~~

4302 ~~(a) The applicant's Florida Board of Accountancy number.~~

4303 ~~(b) A legible copy of the applicant's current driver~~
4304 ~~license showing the full name and current address of such~~
4305 ~~person. If a current driver license is not available, another~~
4306 ~~form of identification showing the full name and current address~~
4307 ~~of such person or persons shall be filed with the department.~~

4308 ~~(c) The business address and telephone number of the~~
4309 ~~applicant's public accounting firm or employer.~~

4310 ~~(d) The names of agents or employees, if any, who are~~
4311 ~~designated to act on behalf of the Florida-certified public~~
4312 ~~accountant, together with a legible copy of their photo~~
4313 ~~identification issued by an agency of the United States, or a~~
4314 ~~state, or a political subdivision thereof.~~

4315 ~~(e) Sufficient information to enable the department to~~
4316 ~~disburse funds by electronic funds transfer.~~

4317 ~~(f) The tax identification number of the accountant's~~
4318 ~~public accounting firm employer.~~

4319 ~~(3) In order to file claims as a claimant's representative,~~
4320 ~~receive a distribution of fees and costs from the department,~~
4321 ~~and obtain unclaimed property dollar amounts and numbers of~~

20261452er

4322 ~~reported shares of stock held by the department, an attorney~~
4323 ~~licensed to practice in this state must register with the~~
4324 ~~department on such form as the department prescribes by rule and~~
4325 ~~must be verified by the applicant. To register with the~~
4326 ~~department, such attorney must provide:~~

4327 ~~(a) The applicant's Florida Bar number.~~

4328 ~~(b) A legible copy of the applicant's current driver~~
4329 ~~license showing the full name and current address of such~~
4330 ~~person. If a current driver license is not available, another~~
4331 ~~form of identification showing the full name and current address~~
4332 ~~of such person or persons shall be filed with the department.~~

4333 ~~(c) The business address and telephone number of the~~
4334 ~~applicant's firm or employer.~~

4335 ~~(d) The names of agents or employees, if any, who are~~
4336 ~~designated to act on behalf of the attorney, together with a~~
4337 ~~legible copy of their photo identification issued by an agency~~
4338 ~~of the United States, or a state, or a political subdivision~~
4339 ~~thereof.~~

4340 ~~(e) Sufficient information to enable the department to~~
4341 ~~disburse funds by electronic funds transfer.~~

4342 ~~(f) The tax identification number of the attorney's firm or~~
4343 ~~employer.~~

4344 ~~(4)~~ Information and documents already on file with the
4345 department before the effective date of this provision need not
4346 be resubmitted in order to complete the registration.

4347 (4) ~~(5)~~ If a material change in the status of a registration
4348 occurs, the claimant representative ~~a registrant~~ must, within 30
4349 days, provide the department with the updated documentation and
4350 information in writing. Material changes include, but are not

20261452er

4351 limited to, the following,~~±~~ a designated agent or employee
4352 ceasing to act on behalf of the designating person, a surrender,
4353 suspension, or revocation of a license, or a license renewal.

4354 (a) If a designated agent or employee ceases to act on
4355 behalf of the person who has designated the agent or employee to
4356 act on such person's behalf, the designating person must, within
4357 30 days, inform the department ~~the Division of Unclaimed~~
4358 ~~Property~~ in writing of the termination of agency or employment.

4359 (b) If a registrant surrenders the registrant's license or
4360 the license is suspended or revoked, the registrant must, within
4361 30 days, inform the division in writing of the surrender,
4362 suspension, or revocation.

4363 (c) If a private investigator's Class "C" individual
4364 license under chapter 493 or a private investigator's employer's
4365 Class "A" business license under chapter 493 is renewed, the
4366 private investigator must provide a copy of the renewed license
4367 to the department within 30 days after the receipt of the
4368 renewed license by the private investigator or the private
4369 investigator's employer.

4370 ~~(5)-(6)~~ An applicant's claimant representative's ~~A~~
4371 ~~registrant's~~ firm or employer may not have a name that might
4372 lead another person to conclude that the claimant
4373 representative's ~~registrant's~~ firm or employer is affiliated or
4374 associated with the United States, or an agency thereof, or a
4375 state or an agency or political subdivision of a state. The
4376 department shall deny an application for registration or revoke
4377 a registration if the applicant's or claimant representative's
4378 ~~registrant's~~ firm or employer has a name that might lead another
4379 person to conclude that the firm or employer is affiliated or

20261452er

4380 associated with the United States, or an agency thereof, or a
4381 state or an agency or political subdivision of a state. Names
4382 that might lead another person to conclude that the firm or
4383 employer is affiliated or associated with the United States, or
4384 an agency thereof, or a state or an agency or political
4385 subdivision of a state, include, but are not limited to, the
4386 words United States, Florida, state, bureau, division,
4387 department, or government.

4388 (6)~~(7)~~ The licensing and other requirements of this section
4389 must be maintained as a condition of registration with the
4390 department.

4391 (7) To maintain active registration under this section, a
4392 claimant representative must file and obtain payment on at least
4393 10 claims per calendar year following the date of initial
4394 registration.

4395 (a) If a claimant representative fails to meet this
4396 requirement, the department must notify the claimant
4397 representative in writing and provide 30 days to demonstrate
4398 compliance or good cause for noncompliance.

4399 (b) If the claimant representative does not cure the
4400 deficiency or demonstrate good cause within the time provided,
4401 the department must revoke the registration.

4402 (c) A claimant representative whose registration is revoked
4403 under this subsection may not reapply for registration under
4404 this section for a period of 1 year following the effective date
4405 of the revocation.

4406 Section 90. Subsection (1) of section 1001.281, Florida
4407 Statutes, is amended to read:

4408 1001.281 Operating Trust Fund.—

20261452er

4409 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
4410 created within the Department of Education.

4411 Section 91. Subsection (1) of section 1001.282, Florida
4412 Statutes, is amended to read:

4413 1001.282 Administrative Trust Fund.—

4414 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
4415 is created within the Department of Education.

4416 Section 92. Paragraph (a) of subsection (2) of section
4417 197.582, Florida Statutes, is amended to read:

4418 197.582 Disbursement of proceeds of sale.—

4419 (2)(a) If the property is purchased for an amount in excess
4420 of the statutory bid of the certificateholder, the surplus must
4421 be paid over and disbursed by the clerk as set forth in
4422 subsections (3), (5), and (6). If the opening bid included the
4423 homestead assessment pursuant to s. 197.502(6)(c), that amount
4424 must be treated as surplus and distributed in the same manner.
4425 The clerk shall distribute the surplus to the governmental units
4426 for the payment of any lien of record held by a governmental
4427 unit against the property, including any tax certificates not
4428 incorporated in the tax deed application and omitted taxes, if
4429 any. If there remains a balance of undistributed funds, the
4430 balance must be retained by the clerk for the benefit of persons
4431 described in s. 197.522(1)(a), except those persons described in
4432 s. 197.502(4)(h), as their interests may appear. The clerk shall
4433 mail notices to such persons notifying them of the funds held
4434 for their benefit at the addresses provided in s. 197.502(4).
4435 Such notice constitutes compliance with the requirements of s.
4436 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing
4437 notices shall be paid out of the excess balance held by the

4438 clerk. Notice must be provided in substantially the following
4439 form:

4441 NOTICE OF SURPLUS FUNDS
4442 FROM TAX DEED SALE

4443
4444 CLERK OF COURT
4445 COUNTY, FLORIDA

4446
4447 Tax Deed #.....
4448 Certificate #.....
4449 Property Description:

4450 Pursuant to chapter 197, Florida Statutes, the above
4451 property was sold at public sale on ...(date of sale)..., and a
4452 surplus of \$...(amount)... (subject to change) will be held by
4453 this office for 120 days beginning on the date of this notice to
4454 benefit the persons having an interest in this property as
4455 described in section 197.502(4), Florida Statutes, as their
4456 interests may appear (except for those persons described in
4457 section 197.502(4)(h), Florida Statutes).

4458 To the extent possible, these funds will be used to satisfy
4459 in full each claimant with a senior mortgage or lien in the
4460 property before distribution of any funds to any junior mortgage
4461 or lien claimant or to the former property owner. To be
4462 considered for funds when they are distributed, you must file a
4463 notarized statement of claim with this office within 120 days
4464 after ~~of~~ this notice. If you are a lienholder, your claim must
4465 include the particulars of your lien and the amounts currently
4466 due. Any lienholder claim that is not filed within the 120-day

20261452er

4467 deadline is barred.

4468 A copy of this notice must be attached to your statement of
4469 claim. After the office examines the filed claim statements, it
4470 will notify you if you are entitled to any payment.

4471 Dated:

4472 Clerk of Court

4473

4474 Section 93. Paragraph (t) of subsection (1) of section
4475 626.9541, Florida Statutes, is amended to read:

4476 626.9541 Unfair methods of competition and unfair or
4477 deceptive acts or practices defined.—

4478 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
4479 ACTS.—The following are defined as unfair methods of competition
4480 and unfair or deceptive acts or practices:

4481 (t) *Certain life insurance relations with funeral directors*
4482 *prohibited.*—

4483 1. No life insurer shall permit any funeral director or
4484 direct disposer to act as its representative, adjuster, claim
4485 agent, special claim agent, or agent for such insurer in
4486 soliciting, negotiating, or effecting contracts of life
4487 insurance on any plan or of any nature issued by such insurer or
4488 in collecting premiums for holders of any such contracts except
4489 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

4490 2. No life insurer shall:

4491 a. Affix, or permit to be affixed, advertising matter of
4492 any kind or character of any licensed funeral director or direct
4493 disposer to such policies of insurance.

4494 b. Circulate, or permit to be circulated, any such
4495 advertising matter with such insurance policies.

20261452er

4496 c. Attempt in any manner or form to influence policyholders
4497 of the insurer to employ the services of any particular licensed
4498 funeral director or direct disposer.

4499 3. No such insurer shall maintain, or permit its agent to
4500 maintain, an office or place of business in the office,
4501 establishment, or place of business of any funeral director or
4502 direct disposer in this state.

4503 Section 94. For the purpose of incorporating the amendment
4504 made by this act to section 717.101, Florida Statutes, in a
4505 reference thereto, paragraph (a) of subsection (6) of section
4506 772.13, Florida Statutes, is reenacted to read:

4507 772.13 Civil remedy for terrorism or facilitating or
4508 furthering terrorism.—

4509 (6) (a) In any postjudgment execution proceedings to enforce
4510 a judgment entered against a terrorist party under this section
4511 or under 18 U.S.C. s. 2333 or a substantially similar law of the
4512 United States or of any state or territory of the United States,
4513 including postjudgment execution proceedings against any agency
4514 or instrumentality of the terrorist party not named in the
4515 judgment pursuant to s. 201(a) of the Terrorism Risk Insurance
4516 Act, 28 U.S.C. s. 1610:

4517 1. There is no right to a jury trial under s. 56.18 or s.
4518 77.08;

4519 2. A defendant or a person may not use the resources of the
4520 courts of this state in furtherance of a defense or an objection
4521 to postjudgment collection proceedings if the defendant or
4522 person purposely leaves the jurisdiction of this state or the
4523 United States, declines to enter or reenter this state or the
4524 United States to submit to its jurisdiction, or otherwise evades

20261452er

4525 the jurisdiction of the court in which a criminal case is
4526 pending against the defendant or person. This subparagraph
4527 applies to any entity that is owned or controlled by a person to
4528 whom this paragraph applies;

4529 3. Creditor process issued under chapter 56 or chapter 77
4530 may be served upon any person or entity over whom the court has
4531 personal jurisdiction. Writs of garnishment issued under s.
4532 77.01 and proceedings supplementary under s. 56.29 apply to
4533 intangible assets wherever located, without territorial
4534 limitation, including bank accounts as defined in s.
4535 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4536 other intangible property as defined in s. 717.101. The situs of
4537 any intangible assets held or maintained by or in the
4538 possession, custody, or control of a person or entity so served
4539 shall be deemed to be in this state for the purposes of a
4540 proceeding under chapter 56 or chapter 77. Service of a writ or
4541 notice to appear under this section shall provide the court with
4542 in rem jurisdiction over any intangible assets regardless of the
4543 location of the assets;

4544 4. Notwithstanding s. 678.1121, the interest of a debtor in
4545 a financial asset or security entitlement may be reached by a
4546 creditor by legal process upon the securities intermediary with
4547 whom the debtor's securities account is maintained, or, if that
4548 is a foreign entity, legal process under chapter 56 or chapter
4549 77 may be served upon the United States securities custodian or
4550 intermediary that has reported holding, maintaining, possessing,
4551 or controlling the blocked financial assets or security
4552 entitlements to the Office of Foreign Assets Control of the
4553 United States Department of the Treasury, and such financial

20261452er

4554 assets or security entitlements shall be subject to execution,
4555 garnishment, and turnover by the United States securities
4556 custodian or intermediary; and

4557 5. Notwithstanding s. 670.502(4), when an electronic funds
4558 transfer is not completed within 5 banking days and is canceled
4559 pursuant to s. 670.211(4) because a United States intermediary
4560 financial institution has blocked the transaction in compliance
4561 with a United States sanctions program, and a terrorist party or
4562 any agency or instrumentality thereof was either the originator
4563 or the intended beneficiary, then the blocked funds shall be
4564 deemed owned by the terrorist party or its agency or
4565 instrumentality and shall be subject to execution and
4566 garnishment.

4567 Section 95. The following rules are ratified for the sole
4568 and exclusive purpose of satisfying any condition on
4569 effectiveness imposed under chapter 2025-100, Laws of Florida:
4570 Rules 69C-2.004, 69C-2.005, 69C-2.016, 69C-2.022, 69C-2.026,
4571 69C-2.034, 69C-2.035, 69U-100.097, 69V-560.1000, 69V-560.1012,
4572 69V-560.102, 69V-560.7032, 69V-560.7033, 69V-560.7034, 69V-
4573 560.7035, and 69V-560.7036, Florida Administrative Code,
4574 entitled "Definitions," "Designation of a Qualified Public
4575 Depository," "Financial Information Reports by a Qualified
4576 Public Depository," "Requirements of Public Depositors,"
4577 "Administration of Payment of Losses," "Disqualification,
4578 Suspension, and Administrative Penalty," "Custodians of Gold
4579 Coin or Silver Coin," "Gold Coin or Silver Coin Deposits,"
4580 "Disciplinary Guidelines," "Adoption of Forms," "Application or
4581 Appointment Procedures and Requirements," "Records to Be
4582 Maintained when Engaged in Transactions Involving Gold and

20261452er

4583 Silver Coin," "Gold Coin and Silver Coin Disclosures,"
4584 "Accredited Refiner or Wholesaler of Gold Coin or Silver Coin,"
4585 "Chain of Custody Related to Gold or Silver Coin," and "Rapid
4586 Response Time by Law Enforcement," respectively, as filed for
4587 adoption with the Department of State pursuant to the
4588 certification packages dated October 31, 2025, and November 1,
4589 2025.

4590 Section 96. Section 18 of chapter 2025-100, Laws of
4591 Florida, is repealed.

4592 Section 97. The Division of Law Revision is directed to
4593 replace the phrase "the effective date of this act" wherever it
4594 occurs in this act with the date this act becomes a law.

4595 Section 98. This act shall take effect upon becoming a law.