

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 215.422, F.S.; revising the
4 Chief Financial Officer's rulemaking authority;
5 amending s. 215.5586, F.S.; defining terms; revising
6 eligibility requirements for a hurricane mitigation
7 inspection under the My Safe Florida Home Program;
8 revising the circumstances under which applicants may
9 submit a subsequent hurricane mitigation inspection;
10 deleting the requirement that licensed inspectors must
11 determine mitigation measures during initial
12 inspections of eligible homes; deleting inspectors'
13 authorization to inspect townhouses; revising the
14 criteria for eligibility for a hurricane mitigation
15 grant; revising the grant's applicant requirements;
16 revising the improvements that grants may be used for;
17 requiring that improvements be identified in the final
18 hurricane mitigation inspection to receive grant
19 funds; deleting a provision related to grants for
20 townhouses; authorizing the program to accept a
21 specified certification directly from applicants;
22 requiring applicants who receive grants to finalize
23 construction and request a final inspection within a
24 specified timeframe; specifying that an application is
25 deemed abandoned, rather than withdrawn, under certain

26 | circumstances; amending s. 215.96, F.S.; revising the
27 | composition of the coordinating council; deleting a
28 | requirement for the design and coordination staff;
29 | requiring minutes of meetings to be available to
30 | interested persons; revising the composition of ex
31 | officio members of the council; revising the duties,
32 | powers, and responsibilities of the council; amending
33 | s. 284.08, F.S.; authorizing the department to
34 | determine what property insurance coverage is
35 | necessary; authorizing the department to purchase
36 | certain insurance coverages; authorizing the
37 | department to contract with insurance or reinsurance
38 | brokers for certain purposes; amending s. 284.33,
39 | F.S.; authorizing the department to purchase certain
40 | insurance coverages; authorizing the department to
41 | contract with insurance or reinsurance brokers for
42 | certain purposes; amending s. 440.13, F.S.; revising
43 | the timeframe in which health care providers must
44 | petition the department to resolve utilization and
45 | reimbursement disputes; revising petition service
46 | requirements; revising the timeframe in which the
47 | panel determining the statewide schedule of maximum
48 | reimbursement allowances must submit certain
49 | recommendations to the Legislature; creating s.
50 | 497.1411, F.S.; defining the term "applicant";

51 specifying that certain applicants are permanently
52 barred from licensure; specifying that certain
53 applicants are subject to disqualifying periods;
54 requiring the Board of Funeral, Cemetery, and Consumer
55 Services to adopt rules; specifying requirements,
56 authorizations, and prohibitions for such rules;
57 specifying when a disqualifying period begins;
58 specifying that the applicant has certain burdens to
59 demonstrate that he or she is qualified for licensure;
60 specifying that certain applicants who have been
61 granted a pardon or restoration of civil rights are
62 not barred or disqualified from licensure; specifying
63 that such pardon or restoration does not require the
64 board to award a license; authorizing the board to
65 grant an exemption from disqualification under certain
66 circumstances; specifying requirements for the
67 applicant in order for the board to grant an
68 exemption; specifying that the board has discretion to
69 grant or deny an exemption; specifying that certain
70 decisions are subject to ch. 120, F.S.; providing
71 applicability and construction; amending s. 497.142,
72 F.S.; prohibiting an application from being deemed
73 complete under certain circumstances; revising the
74 list of crimes to be disclosed on a license
75 application; amending s. 626.171, F.S.; deleting

76 reinsurance intermediaries from certain application
77 requirements; revising the list of persons from whom
78 the department is required to accept uniform
79 applications; making clarifying changes regarding the
80 voluntary submission of cellular telephone numbers;
81 revising the exemption from the application filing fee
82 for members of the United States Armed Forces;
83 amending s. 626.292, F.S.; revising applicant
84 requirements for a license transfer; amending s.
85 626.611, F.S.; requiring the department to require
86 license reexamination of certain persons, and suspend
87 or revoke the eligibility to hold a license or
88 appointment of such persons under certain
89 circumstances; amending the grounds for suspension or
90 revocation; amending 626.621, F.S.; authorizing the
91 department to require an reexamination of certain
92 persons; amending s. 626.731, F.S.; revising the
93 qualifications for a general lines agent's license;
94 amending s. 626.785, F.S.; revising the qualifications
95 for a life agent's license; amending s. 626.831, F.S.;
96 revising the qualifications for a health agent's
97 license; amending s. 626.854, F.S.; requiring a public
98 adjuster, public adjuster apprentice, or public
99 adjusting firm to respond with specific information
100 within a specified timeframe and document in the file

101 the response or information provided; amending s.
102 648.34, F.S.; revising requirements for bail bond
103 agent applicants; amending s. 648.382, F.S.; requiring
104 officers or officials of the appointing insurer to
105 obtain, rather than submit, certain information;
106 amending s. 717.001, F.S.; revising the short title;
107 amending s. 717.101, F.S.; revising and adding
108 definitions; amending s. 717.102, F.S.; providing that
109 certain intangible property is presumed abandoned;
110 deleting a provision relating to the presumption that
111 certain intangible property is presumed unclaimed;
112 specifying the dormancy period for property presumed
113 abandoned; requiring that property be considered
114 payable or distributable under certain circumstances;
115 deleting a provision relating to when property is
116 payable or distributable; revising a presumption;
117 providing that property shall be presumed abandoned
118 under certain circumstances; providing an exception;
119 amending s. 717.103, F.S.; requiring that intangible
120 property be subject to the custody of the department
121 under certain circumstances; amending criteria for
122 when intangible property is subject to the custody of
123 the department; repealing s. 717.1035, F.S., relating
124 to property originated or issued by this state, any
125 political subdivision of this state, or any entity

126 incorporated, organized, created, or otherwise located
127 in the state; amending ss. 717.104, 717.1045, 717.105,
128 717.106, 717.107, 717.1071, 717.108, and 717.109,
129 F.S.; conforming provisions to changes made by the
130 act; amending s. 717.1101, F.S.; revising the
131 timelines and conditions under which stock, other
132 equity interests, or debt of a business association is
133 considered abandoned; requiring the holder to attempt
134 to confirm the apparent owner's interest in the equity
135 interest by sending an e-mail communication under
136 certain circumstances; requiring the holder to attempt
137 to contact the apparent owner by first-class United
138 States mail under certain circumstances; specifying
139 that equity interest is presumed abandoned under
140 certain circumstances; revising when unmatured,
141 unredeemed, matured, or redeemed debt is presumed
142 abandoned; specifying that the applicable dormancy
143 period ceases under certain circumstances; revising
144 the timeframe that a sum held or owing by a business
145 association is presumed abandoned; amending ss.
146 717.111, 717.112, 717.1125, 717.113, 717.115, and
147 717.116, F.S.; conforming provisions to changes made
148 by the act; amending s. 717.117, F.S.; specifying that
149 property is presumed abandoned upon the expiration of
150 the applicable dormancy periods; specifying that

151 property is not deemed abandoned for certain purposes
152 until the holder meets certain requirements; requiring
153 holders of property presumed abandoned that has a
154 specified value to use due diligence to locate and
155 notify the apparent owner; requiring, before a
156 specified timeframe, a holder in possession of
157 presumed abandoned property to send a specified
158 written notice to the apparent owner; specifying the
159 method of delivery of such notice; requiring, before a
160 specified timeframe, the holder to send a second
161 written notice under certain circumstances;
162 authorizing the reasonable cost for the notice to be
163 deducted from the property; specifying that a signed
164 return receipt constitutes an affirmative
165 demonstration of continued interest; specifying
166 requirements of the written notice; requiring holders
167 of abandoned property to submit a specified report to
168 the department; prohibiting certain balances,
169 overpayments, deposits, and refunds from being
170 reported as abandoned property; prohibiting certain
171 securities from being included in the report;
172 requiring the holder to report and deliver such
173 securities under certain circumstances; requiring the
174 report to be signed and verified and contain a
175 specified statement; deleting certain provisions

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

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

226 717.132, F.S.; conforming provisions to changes made
227 by the act; amending s. 717.1322, F.S.; revising the
228 acts that constitute grounds for administrative
229 enforcement action by the department; conforming
230 provisions to changes made by the act; amending ss.
231 717.133, 717.1333, and 717.1341, F.S.; conforming
232 provisions to changes made by the act; amending s.
233 717.135, F.S.; conforming provisions to changes made
234 by the act; deleting applicability; creating s.
235 717.1356, F.S.; specifying that agreements for the
236 purchase of abandoned property reported to the
237 department are valid only under certain circumstances;
238 authorizing the seller to cancel a purchase agreement
239 without penalty or obligation within a specified
240 timeframe; specifying that the agreement must contain
241 certain language; requiring a copy of an executed
242 Florida Abandoned Property Purchase Agreement be filed
243 with the purchaser's claim; prohibiting the department
244 from approving the claim under certain circumstances;
245 specifying that certain purchase agreements are
246 enforceable only by the seller; amending s. 717.138,
247 F.S.; conforming provisions to changes made by the
248 act; amending s. 717.1382, F.S.; conforming provisions
249 to changes made by the act; conforming a cross-
250 reference; amending s. 717.139, F.S.; providing

251 legislative findings; revising a statement of public
252 policy; deleting a legislative declaration; providing
253 legislative intent; prohibiting title to abandoned
254 property from transferring to the state except under
255 certain circumstances; amending s. 717.1400, F.S.;
256 requiring an individual to meet certain requirements
257 in order to file claims as a claimant representative;
258 revising application requirements for registering as a
259 claimant representative; requiring claimant
260 representatives to file and obtain payment on a
261 specified number of claims within a specified
262 timeframe to maintain active registration; requiring
263 the department to notify the claimant representative
264 in writing and provide a certain timeframe to
265 demonstrate compliance or good cause for noncompliance
266 under certain circumstances; requiring the department
267 to revoke a registration under certain circumstances;
268 prohibiting a claimant representative from reapplying
269 under certain circumstances; amending ss. 197.582 and
270 626.9541, F.S.; conforming cross-references;
271 reenacting s. 772.13(6)(a), F.S., relating to
272 postjudgment execution proceedings to enforce a
273 judgment entered against a terrorist party, to
274 incorporate the amendment made to s. 717.101, F.S., in
275 a reference thereto; providing an effective date.

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

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

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

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

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

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does

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

319 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

326 a garage that is located under a contiguous roof with a
327 residence.

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

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

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

336 (I) A detached residential property; or

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

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

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

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

350 2. An applicant may submit a subsequent hurricane

351 mitigation inspection application for the same home only if:

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

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

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

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

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

373 (d) Licensed inspectors are to provide initial ~~home~~
374 inspections of eligible homes to determine ~~what mitigation~~
375 ~~measures are needed,~~ what insurance premium discounts may be

376 available, and what improvements to existing residential
 377 properties are needed to reduce the property's vulnerability to
 378 hurricane damage. ~~An inspector may inspect a townhouse as~~
 379 ~~defined in s. 481.203 to determine if opening protection~~
 380 ~~mitigation as listed in subparagraph (2) (c)1. would provide~~
 381 ~~improvements to mitigate hurricane damage.~~

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

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

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

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

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

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

401 mitigation grant if all of the following criteria are met:

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

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

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

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

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

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

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

425 b. The hurricane mitigation inspection must have occurred

426 within the previous 24 months from the date of application.

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

431 d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

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

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

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

- 469 1. Opening protection improvements, including:
 - 470 a. Exterior doors.~~7~~
 - 471 b. Garage doors.~~7~~
 - 472 c. Windows.~~7~~ and
 - 473 d. Skylights.
- 474 2. Roof improvements, including:
 - 475 a. Reinforcing roof-to-wall connections.

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

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

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

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

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

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

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

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

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

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

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

512 e. Last, all other applications.

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

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

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

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

525 d. From applicants described in sub-subparagraph 2.d.,

526 beginning 45 days after the program initially starts accepting
527 applications; and

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

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

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

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

546 (3) REQUESTS FOR INFORMATION.—The department may request
547 that an applicant provide additional information. An application
548 is deemed abandoned ~~withdrawn~~ by the applicant if the department
549 does not receive a response to its request for additional
550 information within 60 days after the notification of any

551 | apparent error or omission.

552 | (8) CONTRACT MANAGEMENT.—

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

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

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

576 215.96 Coordinating council and design and coordination
577 staff.—

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

601 approval to the Financial Management Information Board.

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

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

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

626 any interested person.

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

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

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

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

647 284.08 Purchase of insurance, excess insurance,
648 reinsurance, and services ~~Reinsurance on excess coverage and~~
649 ~~approval by Department of Management Services.~~ Notwithstanding
650 the requirements of s. 287.022(1), the Department of Financial

651 Services shall determine what property insurance ~~excess~~ coverage
652 is necessary and may purchase insurance, excess insurance, and
653 reinsurance as necessary to provide insurance coverages
654 authorized by this part ~~thereon upon approval by the Department~~
655 ~~of Management Services.~~ The Department of Financial Services may
656 contract with an insurance or reinsurance broker to market the
657 insurance program and facilitate the purchase of insurance,
658 excess insurance, and reinsurance on behalf of the department.

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

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

663 (1) Notwithstanding the requirements of s. 287.022(1), the
664 Department of Financial Services is authorized to purchase
665 ~~provide~~ insurance, ~~specific~~ excess insurance, and reinsurance
666 ~~aggregate excess insurance through the Department of Management~~
667 ~~Services, pursuant to the provisions of part I of chapter 287,~~
668 as necessary to provide insurance coverages authorized by this
669 part, consistent with market availability. The Department of
670 Financial Services may contract with an insurance or reinsurance
671 broker to market the insurance program and facilitate the
672 purchase of insurance, excess insurance, and reinsurance on
673 behalf of the department. ~~However,~~ The Department of Financial
674 Services may directly purchase annuities by using a structured
675 settlement insurance consulting firm selected by the department

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

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

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

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

711 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

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

725 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM

726 REIMBURSEMENT ALLOWANCES.—

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

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

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

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

741 4. Submit recommendations on or before January 15, 2031
742 2017, and every 5 years ~~biennially~~ thereafter, to the President
743 of the Senate and the Speaker of the House of Representatives on
744 methods to improve the workers' compensation health care
745 delivery system.

746

747 The department, as requested, shall provide data to the panel,
748 including, but not limited to, utilization trends in the
749 workers' compensation health care delivery system. The
750 department shall provide the panel with an annual report

751 regarding the resolution of medical reimbursement disputes and
752 any actions pursuant to subsection (8). The department shall
753 provide administrative support and service to the panel to the
754 extent requested by the panel. The department may adopt rules
755 pursuant to ss. 120.536(1) and 120.54 to implement this
756 subsection. For prescription medication purchased under the
757 requirements of this subsection, a dispensing practitioner shall
758 not possess such medication unless payment has been made by the
759 practitioner, the practitioner's professional practice, or the
760 practitioner's practice management company or employer to the
761 supplying manufacturer, wholesaler, distributor, or drug
762 repackager within 60 days of the dispensing practitioner taking
763 possession of that medication.

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

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

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

773 (2) An applicant who has been found guilty of or has
774 pleaded guilty or nolo contendere to any of the following
775 offenses, regardless of adjudication, is permanently barred from

776 licensure under this chapter:

777 (a) A felony of the first degree.

778 (b) A felony involving conduct prohibited under chapter
779 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
780 825, chapter 827, or chapter 847.

781 (c) A felony involving moral turpitude.

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

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

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

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

796 (4) The board shall adopt rules to administer this
797 section. Such rules must provide additional disqualifying
798 periods for applicants who have committed multiple criminal
799 offenses and may provide additional factors for disqualification
800 reasonably related to the applicant's criminal history. The

801 rules must also establish mitigating and aggravating factors.
802 However, mitigation may not reduce any disqualifying period to
803 less than 5 years and may not be applied to reduce the 5-year
804 disqualifying period provided in paragraph (3) (b).

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

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

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

826 such license.

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

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

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

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

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

851 to chapter 120.

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

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

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

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

872 (10)

873 (c) Crimes to be disclosed are:

874 1. Any felony ~~or misdemeanor,~~ no matter when committed,
 875 ~~that was directly or indirectly related to or involving any~~

876 ~~aspect of the practice or business of funeral directing,~~
877 ~~embalming, direct disposition, cremation, funeral or cemetery~~
878 ~~preneed sales, funeral establishment operations, cemetery~~
879 ~~operations, or cemetery monument or marker sales or~~
880 ~~installation.~~

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

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

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

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

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

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

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

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

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

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

924 (d) Whether any insurer or any managing general agent
925 claims the applicant is indebted under any agency contract or

926 otherwise and, if so, the name of the claimant, the nature of
927 the claim, and the applicant's defense thereto, if any.

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

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

931 (g) The applicant's native language.

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

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

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

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

951 ~~basis only~~ for the purpose of two-factor authentication of
952 secure login credentials ~~only~~.

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

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

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

971 (6) Members of the United States Armed Forces and their
972 spouses, and veterans of the United States Armed Forces who have
973 separated from service ~~within 24 months~~ before application for
974 licensure, are exempt from the application filing fee prescribed
975 in s. 624.501. Qualified individuals must provide a copy of a

976 military identification card, military dependent identification
 977 card, military service record, military personnel file, veteran
 978 record, discharge paper or separation document that indicates
 979 such members are currently in good standing or such veterans
 980 were honorably discharged.

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

988 **Section 10. Paragraph (c) of subsection (2) of section**
 989 **626.292, Florida Statutes, is amended to read:**

990 626.292 Transfer of license from another state.—

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

993 (c) The individual must submit a completed application for
 994 this state which is received by the department within 90 days
 995 after the date the individual became a resident of this state,
 996 along with payment of the applicable fees set forth in s.
 997 624.501 and submission of the following documents:

998 1. A certification issued by the appropriate official of
 999 the applicant's home state identifying the type of license and
 1000 lines of authority under the license and stating that, ~~at the~~

1001 ~~time the license from the home state was canceled,~~ the applicant
1002 was in good standing in that state or that the state's Producer
1003 Database records, maintained by the National Association of
1004 Insurance Commissioners, its affiliates, or subsidiaries,
1005 indicate that the agent or all-lines adjuster is or was licensed
1006 in good standing for the line of authority requested. An
1007 applicant may hold a resident license in another state for 30
1008 days after the Florida resident license has been issued to
1009 facilitate the transfer of licensure between states.

1010 2. A set of the applicant's fingerprints in accordance
1011 with s. 626.171(4).

1012 **Section 11. Subsection (1) of section 626.611, Florida**
1013 **Statutes, is amended to read:**

1014 626.611 Grounds for compulsory refusal, suspension, or
1015 revocation of agent's, title agency's, adjuster's, customer
1016 representative's, service representative's, or managing general
1017 agent's license or appointment.—

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

1026 exist:

1027 (a) Lack of one or more of the qualifications for the
 1028 license or appointment as specified in this code.

1029 (b) Material misstatement, misrepresentation, or fraud in
 1030 obtaining the license or appointment or in attempting to obtain
 1031 the license or appointment.

1032 (c) Failure to pass to the satisfaction of the department
 1033 any examination required under this code, including cheating on
 1034 an examination required for licensure or violating test center
 1035 or examination procedures published orally, in writing, or
 1036 electronically at the test site by authorized representatives of
 1037 the examination program administrator.

1038 (d) If the license or appointment is willfully used, or to
 1039 be used, to circumvent any of the requirements or prohibitions
 1040 of this code.

1041 (e) Willful misrepresentation of any insurance policy or
 1042 annuity contract or willful deception with regard to any such
 1043 policy or contract, done either in person or by any form of
 1044 dissemination of information or advertising.

1045 (f) If, as an adjuster, or agent licensed and appointed to
 1046 adjust claims under this code, he or she has materially
 1047 misrepresented to an insured or other interested party the terms
 1048 and coverage of an insurance contract with intent and for the
 1049 purpose of effecting settlement of claim for loss or damage or
 1050 benefit under such contract on less favorable terms than those

1051 provided in and contemplated by the contract.

1052 (g) Demonstrated lack of fitness or trustworthiness to
1053 engage in the business of insurance.

1054 (h) Demonstrated lack of reasonably adequate knowledge and
1055 technical competence to engage in the transactions authorized by
1056 the license or appointment.

1057 (i) Fraudulent or dishonest practices in the conduct of
1058 business under the license or appointment.

1059 (j) Misappropriation, conversion, or unlawful withholding
1060 of moneys belonging to insurers or insureds or beneficiaries or
1061 to others and received in conduct of business under the license
1062 or appointment.

1063 (k) Unlawfully rebating, attempting to unlawfully rebate,
1064 or unlawfully dividing or offering to divide his or her
1065 commission with another.

1066 (l) Having obtained or attempted to obtain, or having used
1067 or using, a license or appointment as agent or customer
1068 representative for the purpose of soliciting or handling
1069 "controlled business" as defined in s. 626.730 with respect to
1070 general lines agents, s. 626.784 with respect to life agents,
1071 and s. 626.830 with respect to health agents.

1072 (m) Willful failure to comply with, or willful violation
1073 of, any proper order or rule of the department or willful
1074 violation of any provision of this code.

1075 (n) Having been found guilty of or having pleaded guilty

1076 or nolo contendere to a misdemeanor directly related to the
 1077 financial services business, any felony, or any crime punishable
 1078 by imprisonment of 1 year or more under the law of the United
 1079 States of America or of any state thereof or under the law of
 1080 any other country, without regard to whether a judgment of
 1081 conviction has been entered by the court having jurisdiction of
 1082 such cases.

1083 (o) Fraudulent or dishonest practice in submitting or
 1084 aiding or abetting any person in the submission of an
 1085 application for workers' compensation coverage under chapter 440
 1086 containing false or misleading information as to employee
 1087 payroll or classification for the purpose of avoiding or
 1088 reducing the amount of premium due for such coverage.

1089 (p) Sale of an unregistered security that was required to
 1090 be registered, pursuant to chapter 517.

1091 (q) In transactions related to viatical settlement
 1092 contracts as defined in s. 626.9911:

- 1093 1. Commission of a fraudulent or dishonest act.
- 1094 2. No longer meeting the requirements for initial
 1095 licensure.
- 1096 3. Having received a fee, commission, or other valuable
 1097 consideration for his or her services with respect to viatical
 1098 settlements that involved unlicensed viatical settlement
 1099 providers or persons who offered or attempted to negotiate on
 1100 behalf of another person a viatical settlement contract as

1101 defined in s. 626.9911 and who were not licensed life agents.

1102 4. Dealing in bad faith with viators.

1103 **Section 12. Section 626.621, Florida Statutes, is amended**
1104 **to read:**

1105 626.621 Grounds for discretionary refusal, suspension, or
1106 revocation of agent's, adjuster's, customer representative's,
1107 service representative's, or managing general agent's license or
1108 appointment.—The department may, in its discretion, require a
1109 license reexamination, deny an application for, suspend, revoke,
1110 or refuse to renew or continue the license or appointment of any
1111 applicant, agent, adjuster, customer representative, service
1112 representative, or managing general agent, and it may suspend or
1113 revoke the eligibility to hold a license or appointment of any
1114 such person, if it finds that as to the applicant, licensee, or
1115 appointee any one or more of the following applicable grounds
1116 exist under circumstances for which such denial, suspension,
1117 revocation, or refusal is not mandatory under s. 626.611:

1118 (1) Any cause for which issuance of the license or
1119 appointment could have been refused had it then existed and been
1120 known to the department.

1121 (2) Violation of any provision of this code or of any
1122 other law applicable to the business of insurance in the course
1123 of dealing under the license or appointment.

1124 (3) Violation of any lawful order or rule of the
1125 department, commission, or office.

1126 (4) Failure or refusal, upon demand, to pay over to any
 1127 insurer he or she represents or has represented any money coming
 1128 into his or her hands belonging to the insurer.

1129 (5) Violation of the provision against twisting, as
 1130 defined in s. 626.9541(1)(1).

1131 (6) In the conduct of business under the license or
 1132 appointment, engaging in unfair methods of competition or in
 1133 unfair or deceptive acts or practices, as prohibited under part
 1134 IX of this chapter, or having otherwise shown himself or herself
 1135 to be a source of injury or loss to the public.

1136 (7) Willful overinsurance of any property or health
 1137 insurance risk.

1138 (8) If a life agent, violation of the code of ethics.

1139 (9) Cheating on an examination required for licensure or
 1140 violating test center or examination procedures published
 1141 orally, in writing, or electronically at the test site by
 1142 authorized representatives of the examination program
 1143 administrator. Communication of test center and examination
 1144 procedures must be clearly established and documented.

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

1151 | been entered by the court having jurisdiction of the case.

1152 | (11) Knowingly aiding, assisting, procuring, advising, or
 1153 | abetting any person in the violation of or to violate a
 1154 | provision of the insurance code or any order or rule of the
 1155 | department, commission, or office.

1156 | (12) Has been the subject of or has had a license, permit,
 1157 | appointment, registration, or other authority to conduct
 1158 | business subject to any decision, finding, injunction,
 1159 | suspension, prohibition, revocation, denial, judgment, final
 1160 | agency action, or administrative order by any court of competent
 1161 | jurisdiction, administrative law proceeding, state agency,
 1162 | federal agency, national securities, commodities, or option
 1163 | exchange, or national securities, commodities, or option
 1164 | association involving a violation of any federal or state
 1165 | securities or commodities law or any rule or regulation adopted
 1166 | thereunder, or a violation of any rule or regulation of any
 1167 | national securities, commodities, or options exchange or
 1168 | national securities, commodities, or options association.

1169 | (13) Failure to comply with any civil, criminal, or
 1170 | administrative action taken by the child support enforcement
 1171 | program under Title IV-D of the Social Security Act, 42 U.S.C.
 1172 | ss. 651 et seq., to determine paternity or to establish, modify,
 1173 | enforce, or collect support.

1174 | (14) Directly or indirectly accepting any compensation,
 1175 | inducement, or reward from an inspector for the referral of the

1176 owner of the inspected property to the inspector or inspection
 1177 company. This prohibition applies to an inspection intended for
 1178 submission to an insurer in order to obtain property insurance
 1179 coverage or establish the applicable property insurance premium.

1180 (15) Denial, suspension, or revocation of, or any other
 1181 adverse administrative action against, a license to practice or
 1182 conduct any regulated profession, business, or vocation by this
 1183 state, any other state, any nation, any possession or district
 1184 of the United States, any court, or any lawful agency thereof.

1185 (16) Taking an action that allows the personal financial
 1186 or medical information of a consumer or customer to be made
 1187 available or accessible to the general public, regardless of the
 1188 format in which the record is stored.

1189 (17) Initiating in-person or telephone solicitation after
 1190 9 p.m. or before 8 a.m. local time of the prospective customer
 1191 unless requested by the prospective customer.

1192 (18) Cancellation of the applicant's, licensee's, or
 1193 appointee's resident license in a state other than Florida.

1194 **Section 13. Subsection (1) of section 626.731, Florida**
 1195 **Statutes, is amended to read:**

1196 626.731 Qualifications for general lines agent's license.—

1197 (1) The department may ~~shall~~ not grant or issue a license
 1198 as general lines agent to any individual found by it to be
 1199 untrustworthy or incompetent or who does not meet each all of
 1200 the following qualifications:

1201 (a) The applicant is a natural person at least 18 years of
 1202 age.

1203 (b) The applicant is a United States citizen or legal
 1204 alien who possesses work authorization from the United States
 1205 Bureau of Citizenship and Immigration Services and is a bona
 1206 fide resident of this state. ~~An individual who is a bona fide
 1207 resident of this state shall be deemed to meet the residence
 1208 requirement of this paragraph, notwithstanding the existence at
 1209 the time of application for license of a license in his or her
 1210 name on the records of another state as a resident licensee of
 1211 such other state, if the applicant furnishes a letter of
 1212 clearance satisfactory to the department that the resident
 1213 licenses have been canceled or changed to a nonresident basis
 1214 and that he or she is in good standing.~~

1215 (c) The applicant's place of business will be located in
 1216 this state and he or she will be actively engaged in the
 1217 business of insurance and will maintain a place of business, the
 1218 location of which is identifiable by and accessible to the
 1219 public.

1220 (d) The license is not being sought for the purpose of
 1221 writing or handling controlled business, in violation of s.
 1222 626.730.

1223 (e) The applicant is qualified as to knowledge,
 1224 experience, or instruction in the business of insurance and
 1225 meets the requirements provided in s. 626.732.

1226 (f) The applicant has passed any required examination for
 1227 license required under s. 626.221.

1228 **Section 14. Subsection (2) of section 626.785, Florida**
 1229 **Statutes, is amended to read:**

1230 626.785 Qualifications for license.—

1231 ~~(2) An individual who is a bona fide resident of this~~
 1232 ~~state shall be deemed to meet the residence requirement of~~
 1233 ~~paragraph (1)(b), notwithstanding the existence at the time of~~
 1234 ~~application for license of a license in his or her name on the~~
 1235 ~~records of another state as a resident licensee of such other~~
 1236 ~~state, if the applicant furnishes a letter of clearance~~
 1237 ~~satisfactory to the department that the resident licenses have~~
 1238 ~~been canceled or changed to a nonresident basis and that he or~~
 1239 ~~she is in good standing.~~

1240 **Section 15. Section 626.831, Florida Statutes, is amended**
 1241 **to read:**

1242 626.831 Qualifications for license.—

1243 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
 1244 as health agent as to any individual found by it to be
 1245 untrustworthy or incompetent, or who does not meet all of the
 1246 following qualifications:

1247 (1)(a) ~~Is~~ Must be a natural person of at least 18 years of
 1248 age.

1249 (2)(b) ~~Is~~ Must be a United States citizen or legal alien
 1250 who possesses work authorization from the United States Bureau

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1251 of Citizenship and Immigration Services and is a bona fide
1252 resident of this state.

1253 ~~(3)(c)~~ Is ~~Must~~ not be an employee of the United States
1254 Department of Veterans Affairs or state service office, as
1255 referred to in s. 626.833.

1256 ~~(4)(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination
1257 for license required under s. 626.221.

1258 ~~(5)(e)~~ Is ~~Must be~~ qualified as to knowledge, experience,
1259 or instruction in the business of insurance and meets ~~meet~~ the
1260 requirements relative thereto provided in s. 626.8311.

1261 ~~(2) An individual who is a bona fide resident of this~~
1262 ~~state shall be deemed to meet the residence requirement of~~
1263 ~~paragraph (1)(b), notwithstanding the existence at the time of~~
1264 ~~application for license of a license in his or her name on the~~
1265 ~~records of another state as a resident licensee of such other~~
1266 ~~state, if the applicant furnishes a letter of clearance~~
1267 ~~satisfactory to the department that the resident licenses have~~
1268 ~~been canceled or changed to a nonresident basis and that he or~~
1269 ~~she is in good standing.~~

1270 **Section 16. Subsection (24) is added to section 626.854,**
1271 **Florida Statutes, to read:**

1272 626.854 "Public adjuster" defined; prohibitions.—The
1273 Legislature finds that it is necessary for the protection of the
1274 public to regulate public insurance adjusters and to prevent the
1275 unauthorized practice of law.

1276 (24) A public adjuster, public adjuster apprentice, or
 1277 public adjusting firm must respond with specific information to
 1278 a written or electronic request for claims status from a
 1279 claimant or insured or their designated representative within 14
 1280 days after the date of the request and shall document in the
 1281 file the response or information provided.

1282 **Section 17. Subsection (4) of section 648.34, Florida**
 1283 **Statutes, is amended to read:**

1284 648.34 Bail bond agents; qualifications.—

1285 (4) The applicant shall furnish, with his or her
 1286 application, a complete set of his or her fingerprints in
 1287 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
 1288 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
 1289 not authorize an applicant to take the required examination
 1290 until the department has received a report from the Department
 1291 of Law Enforcement and the Federal Bureau of Investigation
 1292 relative to the existence or nonexistence of a criminal history
 1293 report based on the applicant's fingerprints.

1294 **Section 18. Subsection (2) of section 648.382, Florida**
 1295 **Statutes, is amended to read:**

1296 648.382 Appointment of bail bond agents and bail bond
 1297 agencies; effective date of appointment.—

1298 (2) Before any appointment, an appropriate officer or
 1299 official of the appointing insurer must obtain all of the
 1300 following information ~~submit:~~

1301 (a) A certified statement or affidavit to the department
1302 stating what investigation has been made concerning the proposed
1303 appointee and the proposed appointee's background and the
1304 appointing person's opinion to the best of his or her knowledge
1305 and belief as to the moral character and reputation of the
1306 proposed appointee. In lieu of such certified statement or
1307 affidavit, by authorizing the effectuation of an appointment for
1308 a licensee, the appointing entity certifies to the department
1309 that such investigation has been made and that the results of
1310 the investigation and the appointing person's opinion is that
1311 the proposed appointee is a person of good moral character and
1312 reputation and is fit to engage in the bail bond business.†

1313 (b) An affidavit under oath on a form prescribed by the
1314 department, signed by the proposed appointee, stating that
1315 premiums are not owed to any insurer and that the appointee will
1316 discharge all outstanding forfeitures and judgments on bonds
1317 previously written. If the appointee does not satisfy or
1318 discharge such forfeitures or judgments, the former insurer
1319 shall file a notice, with supporting documents, with the
1320 appointing insurer, the former agent or agency, and the
1321 department, stating under oath that the licensee has failed to
1322 timely satisfy forfeitures and judgments on bonds written and
1323 that the insurer has satisfied the forfeiture or judgment from
1324 its own funds. Upon receipt of such notification and supporting
1325 documents, the appointing insurer shall immediately cancel the

1326 licensee's appointment. The licensee may be reappointed only
 1327 upon certification by the former insurer that all forfeitures
 1328 and judgments on bonds written by the licensee have been
 1329 discharged. The appointing insurer or former agent or agency
 1330 may, within 10 days, file a petition with the department seeking
 1331 relief from this paragraph. Filing of the petition stays the
 1332 duty of the appointing insurer to cancel the appointment until
 1333 the department grants or denies the petition.†

1334 (c) Any other information that the department reasonably
 1335 requires concerning the proposed appointee.†~~and~~

1336 (d) Effective January 1, 2025, a certification that the
 1337 appointing entity obtained from each appointee the following
 1338 sworn statement:

1339
 1340 Pursuant to section 648.382(2)(b), Florida Statutes, I
 1341 do solemnly swear that I owe no premium to any insurer
 1342 or agency and that I will discharge all outstanding
 1343 forfeitures and judgments on bonds that have been
 1344 previously written. I acknowledge that failure to do
 1345 this will result in my active appointments being
 1346 canceled.

1347
 1348 An appointed bail bond agency must have the attestation under
 1349 this paragraph signed by its owner.

1350 **Section 19. Section 717.001, Florida Statutes, is amended**

1351 **to read:**

1352 717.001 Short title.—This chapter may be cited as the
 1353 "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
 1354 Act."

1355 **Section 20. Present subsections (1) through (4), (5)**
 1356 **through (8), (10) through (13), (15) through (20), (21), (22)**
 1357 **through (28), and (31), (32), and (33) of section 717.101,**
 1358 **Florida Statutes, are redesignated as subsections (4) through**
 1359 **(7), (9) through (12), (13) through (16), (17) through (22),**
 1360 **(24), (26) through (32), and (33), (34), and (35), respectively,**
 1361 **new subsections (1), (2), (3), (8), (23), and (25) are added to**
 1362 **that section, and present subsections (1), (2), (5), (6), (8),**
 1363 **(9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and**
 1364 **(30) of that section are amended, to read:**

1365 717.101 Definitions.—As used in this chapter, unless the
 1366 context otherwise requires:

1367 (1) "Abandoned property" means property held by a holder
 1368 for which all of the following are true:

1369 (a) The apparent owner has shown no activity or indication
 1370 of interest for the duration of the applicable dormancy period
 1371 established under this chapter.

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

1376 property.

1377 (2) "Abandoned Property Purchase Agreement" means the form
1378 adopted by the department pursuant to s. 717.135 which must be
1379 used, without modification or amendment, by a claimant
1380 representative to purchase abandoned property from an owner.

1381 (3) "Abandoned Property Recovery Agreement" means the form
1382 adopted by the department pursuant to s. 717.135 which must be
1383 used, without modification or amendment, by a claimant
1384 representative to obtain consent and authority to recover
1385 abandoned property on behalf of a person.

1386 (4)~~(1)~~ "Aggregate" means the amounts reported for owners
1387 of abandoned ~~unclaimed~~ property of less than \$10 or where there
1388 is no name for the individual or entity listed on the holder's
1389 records, regardless of the amount to be reported.

1390 (5)~~(2)~~ "Apparent owner" means the person whose name
1391 appears on the records of the holder as the owner of the
1392 abandoned property, but whose status as the true owner entitled
1393 to receive the property may be subject to change due to the
1394 passage of time or changes in circumstances ~~person entitled to~~
1395 property held, issued, or owing by the holder.

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

1401 agreement.

1402 (9)~~(5)~~ "Banking or financial organization" means any and
 1403 all banks, trust companies, private bankers, savings banks,
 1404 industrial banks, safe-deposit companies, savings and loan
 1405 associations, credit unions, savings associations, banking
 1406 organizations, international bank agencies, cooperative banks,
 1407 building and loan associations, and investment companies in this
 1408 state, organized under or subject to the laws of this state or
 1409 of the United States, including entities organized under 12
 1410 U.S.C. s. 611, but does not include federal reserve banks. The
 1411 term also includes any corporation, business association, or
 1412 other organization that:

1413 (a) Is a wholly or partially owned subsidiary of any
 1414 banking, banking corporation, or bank holding company that
 1415 performs any or all of the functions of a banking organization;
 1416 or

1417 (b) Performs functions pursuant to the terms of a contract
 1418 with any banking organization.

1419 (10)~~(6)~~ "Business association" means any for-profit or
 1420 nonprofit corporation other than a public corporation; joint
 1421 stock company; investment company; unincorporated association or
 1422 association of two or more individuals for business purposes,
 1423 whether or not for profit; partnership; joint venture; limited
 1424 liability company; sole proprietorship; business trust; trust
 1425 company; land bank; safe-deposit company; safekeeping

1426 depository; banking or financial organization; insurance
1427 company; federally chartered entity; utility company; transfer
1428 agent; or other business entity, whether or not for profit.

1429 ~~(12)-(8)~~ "Claimant ~~Claimant's~~ representative" means an
1430 attorney who is a member in good standing with ~~of~~ The Florida
1431 Bar, a certified public accountant licensed in this state, or a
1432 private investigator ~~who is duly licensed to do business in this~~
1433 ~~the state, who is~~ registered with the department, and authorized
1434 to file claims on behalf of persons with the department by the
1435 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1436 The term does not include a person acting in a representative or
1437 fiduciary capacity, such as a personal representative, guardian,
1438 trustee, or attorney, whose representation is not contingent
1439 upon the discovery or location of abandoned ~~unclaimed~~ property,
1440 and it expressly excludes locators, who engage in locating
1441 owners of abandoned property for a fee but are not registered
1442 with the department; provided, however, that any agreement
1443 ~~entered into for the purpose of evading s. 717.135 is invalid~~
1444 ~~and unenforceable.~~

1445 ~~(9)~~ "Credit balance" ~~means an account balance in the~~
1446 ~~customer's favor.~~

1447 ~~(15)-(12)~~ "Due diligence" means the use of reasonable and
1448 prudent methods under particular circumstances to locate
1449 apparent owners of presumed abandoned property ~~inactive accounts~~
1450 using the taxpayer identification number or social security

1451 number, if known, which may include, but are not limited to,
1452 using a nationwide database, cross-indexing with other records
1453 of the holder, mailing to the last known address unless the last
1454 known address is known to be inaccurate, providing written
1455 notice as described in this chapter by electronic mail if an
1456 apparent owner has elected such delivery, or engaging a licensed
1457 agency or company capable of conducting such search and
1458 providing updated addresses.

1459 ~~(14) "Financial organization" means a savings association,~~
1460 ~~savings and loan association, savings bank, industrial bank,~~
1461 ~~bank, banking organization, trust company, international bank~~
1462 ~~agency, cooperative bank, building and loan association, or~~
1463 ~~credit union.~~

1464 (18)~~(16)~~ "Holder" means a person who is in possession of
1465 property belonging to another or who owes a debt or an
1466 obligation to another person, including, but not limited to,
1467 financial institutions, insurance companies, corporations,
1468 partnerships, fiduciaries, and government agencies.

1469 ~~(a) A person who is in possession or control or has~~
1470 ~~custody of property or the rights to property belonging to~~
1471 ~~another; is indebted to another on an obligation; or is~~
1472 ~~obligated to hold for the account of, or to deliver or pay to,~~
1473 ~~the owner, property subject to this chapter; or~~

1474 ~~(b) A trustee in case of a trust.~~

1475 (20)~~(18)~~ "Intangible property" includes, by way of

1476 illustration and not limitation:

1477 (a) Moneys, checks, virtual currency, drafts, deposits,
1478 interest, dividends, and income.

1479 (b) Credit balances, customer overpayments, security
1480 deposits and other instruments as defined by chapter 679,
1481 refunds, unpaid wages, unused airline tickets, and unidentified
1482 remittances.

1483 (c) Stocks, and other intangible ownership interests in
1484 business associations except for:

1485 1. A non-freely transferable security; or

1486 2. A security that is subject to a lien, legal hold, or
1487 restriction evidenced on the records of the holder or imposed by
1488 operation of law, if the lien, legal hold, or restriction
1489 restricts the holder's or owner's ability to receive, transfer,
1490 sell, or otherwise negotiate the security.

1491 (d) Moneys deposited to redeem stocks, bonds, bearer
1492 bonds, original issue discount bonds, coupons, and other
1493 securities, or to make distributions.

1494 (e) Amounts due and payable under the terms of insurance
1495 policies.

1496 (f) Amounts distributable from a trust or custodial fund
1497 established under a plan to provide any health, welfare,
1498 pension, vacation, severance, retirement, death, stock purchase,
1499 profit sharing, employee savings, supplemental unemployment
1500 insurance, or similar benefit.

1501 (21)~~(19)~~ "Last known address" means a description of the
1502 location of the apparent owner sufficient for the purpose of the
1503 delivery of mail. For the purposes of identifying, reporting,
1504 and remitting property to the department ~~which is presumed to be~~
1505 ~~unclaimed~~, the term "last known address" includes any partial
1506 description of the location of the apparent owner sufficient to
1507 establish the apparent owner was a resident of this state at the
1508 time of last contact with the apparent owner or at the time the
1509 property became due and payable.

1510 (22)~~(20)~~ "Lawful charges" means charges against the
1511 property or the account in which the property is held ~~dormant~~
1512 ~~accounts~~ that are authorized by statute for the purpose of
1513 offsetting the costs of maintaining the property or the account
1514 in which the property is held ~~dormant account~~.

1515 (23) "Locator" means a private individual or business that
1516 locates owners of abandoned property in exchange for a fee,
1517 typically a percentage of the recovered property. Locators are
1518 not employees or agents of the state and are not registered with
1519 the department.

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

1526 security.
 1527 ~~(26)~~(22) "Owner" means the a person, ~~or the person's legal~~
 1528 ~~representative,~~ entitled to receive or having a legal or
 1529 equitable interest in the abandoned property. An owner
 1530 establishes his or her entitlement by filing a valid claim with
 1531 the department pursuant ~~or claim against property subject to~~
 1532 ~~this chapter; a depositor in the case of a deposit; a~~
 1533 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
 1534 ~~payee in the case of a negotiable instrument or other intangible~~
 1535 ~~property.~~
 1536 ~~(29)~~(25) "Record" means information that is captured or
 1537 maintained in any format, including written, printed,
 1538 electronic, audio, visual, or other forms, and that can be made
 1539 perceptible or understandable to a person, either directly or
 1540 through technological means, including assistive technologies
 1541 ~~inscribed on a tangible medium or that is stored in an~~
 1542 ~~electronic or other medium and is retrievable in perceivable~~
 1543 ~~form.~~
 1544 ~~(29)~~ "Unclaimed Property Purchase Agreement" means the
 1545 ~~form adopted by the department pursuant to s. 717.135 which must~~
 1546 ~~be used, without modification or amendment, by a claimant's~~
 1547 ~~representative to purchase unclaimed property from an owner.~~
 1548 ~~(30)~~ "Unclaimed Property Recovery Agreement" means the
 1549 ~~form adopted by the department pursuant to s. 717.135 which must~~
 1550 ~~be used, without modification or amendment, by a claimant's~~

1551 ~~representative to obtain an owner's consent and authority to~~
1552 ~~recover unclaimed property on the owner's behalf.~~

1553 **Section 21. Section 717.102, Florida Statutes, is amended**
1554 **to read:**

1555 717.102 Property presumed abandoned ~~unclaimed~~; general
1556 rule.—

1557 (1) Except as otherwise provided by this chapter, all
1558 intangible property, including any income or increment thereon
1559 less any lawful charges, that is held, issued, or owing in the
1560 ordinary course of the holder's business and for which the
1561 apparent owner or authorized representative fails to demonstrate
1562 continued interest for more than the applicable dormancy period
1563 prescribed by this chapter shall be presumed abandoned ~~claim~~
1564 ~~such property for more than 5 years after the property becomes~~
1565 ~~payable or distributable is presumed unclaimed, except as~~
1566 ~~otherwise provided by this chapter.~~ Unless otherwise specified
1567 by law, the dormancy period shall be 5 years from the date the
1568 property becomes payable or distributable. For the purposes of
1569 this chapter, property shall be considered payable or
1570 distributable once the holder's obligation to pay or deliver the
1571 property arises, regardless of whether the apparent owner or
1572 authorized representative has failed to demand or to present
1573 documents required to receive payment.

1574 (2) ~~Property is payable or distributable for the purpose~~
1575 ~~of this chapter notwithstanding the owner's failure to make~~

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1576 ~~demand or to present any instrument or document required to~~
1577 ~~receive payment.~~

1578 ~~(3)~~ A presumption that property is abandoned may be
1579 ~~unclaimed is~~ rebutted by the affirmative demonstration of
1580 continued interest by the apparent owner or authorized
1581 representative ~~an apparent owner's expression of interest in the~~
1582 ~~property. Such demonstration~~ An owner's expression of continued
1583 ~~interest in property includes, but is not limited to, any of the~~
1584 following:

1585 (a) A record communicated by the apparent owner or
1586 authorized representative to the holder or its agent ~~of the~~
1587 ~~holder~~ concerning the property or the account in which the
1588 property is held.~~†~~

1589 (b) An oral communication by the apparent owner or
1590 authorized representative to the holder or its agent ~~of the~~
1591 ~~holder~~ concerning the property or the account in which the
1592 property is held, if the holder or its agent contemporaneously
1593 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
1594 ~~apparent owner's~~ communication.~~†~~

1595 (c) Presentment of a check or other instrument for ~~of~~
1596 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
1597 distributions related to the property. ~~distribution, with~~
1598 ~~respect to an account, underlying security, or interest in a~~
1599 ~~business association;~~

1600 (d) Any account activity initiated ~~directed~~ by an apparent

1601 owner or authorized representative ~~in the account in which the~~
 1602 ~~property is held~~, including accessing the account or directing
 1603 changes to information concerning the account, or to the amount
 1604 or type of property held, excluding routine automatic
 1605 transactions previously authorized, ~~a direction by the apparent~~
 1606 ~~owner~~ to increase, decrease, or otherwise change the amount or
 1607 type of property held in the account.~~.~~

1608 (e) Any ~~A~~ deposit into or withdrawal from the property or
 1609 the an account in which the property is held at a financial
 1610 ~~organization,~~ excluding ~~an~~ automatic deposits, withdrawals, or
 1611 reinvestments ~~deposit or withdrawal~~ previously authorized by the
 1612 apparent owner or authorized representative. ~~an automatic~~
 1613 ~~reinvestment of dividends or interest, which does not constitute~~
 1614 ~~an expression of interest; or~~

1615 (f) Any other action by the apparent owner or authorized
 1616 representative which reasonably demonstrates to the holder that
 1617 the apparent owner or authorized representative is aware of and
 1618 maintains an interest in ~~knows that~~ the property ~~exists.~~

1619 ~~(3)~~ ~~(4)~~ If a holder learns or receives confirmation of an
 1620 apparent owner's death, the property shall be presumed abandoned
 1621 ~~unclaimed~~ 2 years after the date of death, unless an authorized
 1622 representative makes an affirmative demonstration ~~a fiduciary~~
 1623 ~~appointed to represent the estate of the apparent owner has made~~
 1624 ~~an expression~~ of interest in the property before the expiration
 1625 of the 2-year period. This subsection may not be construed to

1626 extend the otherwise applicable dormancy period prescribed by
1627 this chapter.

1628 **Section 22. Section 717.103, Florida Statutes, is amended**
1629 **to read:**

1630 717.103 General rules for taking custody of intangible
1631 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
1632 chapter or by other statute of this state, intangible property
1633 is subject to the custody of the department as abandoned
1634 ~~unclaimed~~ property when ~~if~~ the conditions leading to a
1635 presumption that the property is abandoned ~~unclaimed~~ as
1636 described in ss. 717.102 and 717.105-717.116 are satisfied and
1637 the holder has fulfilled all required due diligence obligations
1638 without receiving any response or claim from the apparent owner,
1639 and one or more of the following criteria apply:

1640 (1) The last known address, as shown on the records of the
1641 holder, of the apparent owner is in this state. ~~†~~

1642 (2) The records of the holder do not identify the name of
1643 the apparent owner, but do reflect the identity of the person
1644 ~~entitled to the property, and it is established~~ that the last
1645 known address of the apparent owner ~~person entitled to the~~
1646 ~~property~~ is in this state. ~~†~~

1647 (3) The records of the holder do not reflect the last
1648 known address of the apparent owner, but ~~and~~ it is established
1649 that either of the following conditions apply:

1650 (a) The last known address of the apparent owner ~~person~~

1651 ~~entitled to the property~~ is in this state.~~;~~ ~~or~~

1652 (b) The holder is domiciled in this state, a ~~domiciliary~~
 1653 or is a government entity or ~~governmental~~ subdivision ~~or agency~~
 1654 of this state, and has not previously paid the property to the
 1655 state of the last known address of the apparent owner. ~~or other~~
 1656 ~~person entitled to the property;~~

1657 (4) The last known address, as shown on the records of the
 1658 holder, of the apparent owner ~~or other person entitled to the~~
 1659 ~~property~~ is in a jurisdiction state that does not have
 1660 applicable provide by law for the escheat, abandoned, or
 1661 unclaimed property laws custodial taking of the property, or its
 1662 ~~escheat or unclaimed property law is not applicable to the~~
 1663 ~~property~~, and the holder is domiciled in this state a
 1664 ~~domiciliary~~ or is a government entity ~~or governmental~~
 1665 ~~subdivision~~ or agency of this state.~~;~~

1666 (5) The last known address, as shown on the records of the
 1667 holder, of the apparent owner is in a foreign nation and the
 1668 holder is domiciled in this state a ~~domiciliary~~ or is a
 1669 government entity ~~or governmental~~ subdivision ~~or agency~~ of this
 1670 state.~~;~~ ~~or~~

1671 (6) The transaction out of which the property arose
 1672 occurred in this state, and both of the following are true:

1673 (a)~~1.~~ The last known address of the apparent owner ~~or~~
 1674 ~~other person entitled to the property~~ is unknown.~~;~~ ~~or~~

1675 ~~2. The last known address of the apparent owner or other~~

1676 ~~person entitled to the property is in a state that does not~~
1677 ~~provide by law for the escheat or custodial taking of the~~
1678 ~~property, or its escheat or unclaimed property law is not~~
1679 ~~applicable to the property; and~~

1680 (b) The holder is domiciled in a jurisdiction a
1681 ~~domiciliary of a state that does not have applicable provide by~~
1682 ~~law for the escheat, abandoned, or eustodial taking of the~~
1683 ~~property, or its escheat or unclaimed property laws law is not~~
1684 ~~applicable to the property.~~

1685 **Section 23.** Section 717.1035, Florida Statutes, is
1686 repealed.

1687 **Section 24. Section 717.104, Florida Statutes, is amended**
1688 **to read:**

1689 717.104 Traveler's checks and money orders.—

1690 (1) Subject to subsection (4), any sum payable on a
1691 traveler's check that has been outstanding for more than 15
1692 years after its issuance is presumed abandoned ~~unclaimed~~ unless
1693 the apparent owner or authorized representative, within 15
1694 years, has demonstrated a continued interest in the property in
1695 accordance with s. 717.102 ~~communicated in writing with the~~
1696 ~~issuer concerning it or otherwise indicated an interest as~~
1697 ~~evidenced by a memorandum or other record on file with the~~
1698 ~~issuer.~~

1699 (2) Subject to subsection (4), any sum payable on a money
1700 order or similar written instrument, other than a third party

1701 bank check, that has been outstanding for more than 7 years
1702 after its issuance is presumed abandoned ~~unclaimed~~ unless the
1703 apparent owner or authorized representative, within 7 years, has
1704 demonstrated a continued interest in the property in accordance
1705 with s. 717.102 ~~communicated in writing with the issuer~~
1706 ~~concerning it or otherwise indicated an interest as evidenced by~~
1707 ~~a memorandum or other record on file with the issuer.~~

1708 (3) A ~~No~~ holder may not deduct from the amount of any
1709 traveler's check or money order any charges imposed by reason of
1710 the failure to present those instruments for payment unless
1711 there is a valid and enforceable written contract between the
1712 holder ~~issuer~~ and the apparent owner of the property pursuant to
1713 which the holder ~~issuer~~ may impose those charges and the holder
1714 ~~issuer~~ regularly imposes those charges and does not regularly
1715 reverse or otherwise cancel those charges with respect to the
1716 property.

1717 (4) No sum payable on a traveler's check, money order, or
1718 similar written instrument, other than a third party bank check,
1719 described in subsections (1) and (2) may be subjected to the
1720 custody of this state as abandoned ~~unclaimed~~ property unless any
1721 of the following conditions are met:

1722 (a) The records of the holder ~~issuer~~ show that the
1723 traveler's check, money order, or similar written instrument was
1724 purchased in this state.~~†~~

1725 (b) The holder ~~issuer~~ has its principal place of business

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1726 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
1727 state in which the traveler's check, money order, or similar
1728 written instrument was purchased. ~~;~~ ~~or~~

1729 (c) The holder ~~issuer~~ has its principal place of business
1730 in this state; the holder's records ~~of the issuer~~ show the state
1731 in which the traveler's check, money order, or similar written
1732 instrument was purchased; and the ~~laws of the state of purchase~~
1733 does not provide applicable ~~do not provide for the escheat,~~
1734 abandoned, or unclaimed property laws ~~or custodial taking of the~~
1735 ~~property, or its escheat or unclaimed property law is not~~
1736 ~~applicable to the property.~~

1737 (5) Notwithstanding any other provision of this chapter,
1738 subsection (4) applies to sums payable on traveler's checks,
1739 money orders, and similar written instruments presumed abandoned
1740 ~~unclaimed~~ on or after February 1, 1965, except to the extent
1741 that those sums have been paid over to a state prior to January
1742 1, 1974.

1743 **Section 25. Section 717.1045, Florida Statutes, is amended**
1744 **to read:**

1745 717.1045 Gift certificates and similar credit items.—
1746 Notwithstanding s. 717.117, an unredeemed gift certificate or
1747 credit memo as defined in s. 501.95 is not required to be
1748 reported as abandoned ~~unclaimed~~ property.

1749 (1) The consideration paid for an unredeemed gift
1750 certificate or credit memo is the property of the issuer of the

1751 unredeemed gift certificate or credit memo.

1752 (2) An unredeemed gift certificate or credit memo is
 1753 subject only to any rights of a purchaser or owner thereof and
 1754 is not subject to a claim made by any state acting on behalf of
 1755 a purchaser or owner.

1756 (3) It is the intent of the Legislature that this section
 1757 apply to the custodial holding of unredeemed gift certificates
 1758 and credit memos.

1759 (4) However, a gift certificate or credit memo described
 1760 in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
 1761 property. The consideration paid for such a gift certificate or
 1762 credit memo is the property of the owner of the gift certificate
 1763 or credit memo.

1764 **Section 26. Section 717.105, Florida Statutes, is amended**
 1765 **to read:**

1766 717.105 Checks, drafts, and similar instruments issued or
 1767 certified by banking and financial organizations.—

1768 (1) Any sum payable on a check, draft, or similar
 1769 instrument, except those subject to ss. 717.104 and 717.115, on
 1770 which a banking or financial organization is directly liable,
 1771 including, but not limited to, a cashier's check or a certified
 1772 check, which has been outstanding for more than 5 years after it
 1773 was payable or after its issuance if payable on demand, is
 1774 presumed abandoned ~~unclaimed~~ unless the apparent owner or
 1775 authorized representative, within 5 years, has communicated in

1776 writing with the banking or financial organization concerning it
 1777 or otherwise demonstrated a continued interest in the property
 1778 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
 1779 ~~by a memorandum or other record on file with the banking or~~
 1780 ~~financial organization.~~

1781 (2) A ~~No~~ holder may not deduct from the amount of any
 1782 instrument subject to this section any charges imposed by reason
 1783 of the failure to present the instrument for encashment unless
 1784 there is a valid and enforceable written contract between the
 1785 holder and the apparent owner of the instrument pursuant to
 1786 which the holder may impose those charges and does not regularly
 1787 reverse or otherwise cancel those charges with respect to the
 1788 instrument.

1789 **Section 27. Subsection (1), paragraphs (a) and (b) of**
 1790 **subsection (3), and subsections (4) and (5) of section 717.106,**
 1791 **Florida Statutes, are amended to read:**

1792 717.106 Bank deposits and funds in financial
 1793 organizations.—

1794 (1) Any demand, savings, or matured time deposit with a
 1795 banking or financial organization, including deposits that are
 1796 automatically renewable, and any funds paid toward the purchase
 1797 of shares, a mutual investment certificate, or any other
 1798 interest in a banking or financial organization is presumed
 1799 abandoned ~~unclaimed~~ unless the apparent owner or authorized
 1800 representative has, within 5 years, engaged in any of the

1801 following activities:

1802 (a) Increased or decreased the amount of the deposit or
 1803 presented the passbook or other similar evidence of the deposit
 1804 for the crediting of interest.~~;~~

1805 (b) Communicated in writing or by documented telephone
 1806 contact with the banking or financial organization concerning
 1807 the property.~~;~~

1808 (c) Otherwise demonstrated a continued ~~indicated an~~
 1809 interest in the property as evidenced by a memorandum or other
 1810 record on file with the banking or financial organization.~~;~~

1811 (d) Owned other property to which paragraph (a), paragraph
 1812 (b), or paragraph (c) is applicable and if the banking or
 1813 financial organization communicates in writing with the owner
 1814 with regard to the property that would otherwise be presumed
 1815 abandoned ~~unclaimed~~ under this subsection at the address to
 1816 which communications regarding the other property regularly are
 1817 sent.~~;~~ ~~or~~

1818 (e) Had another relationship with the banking or financial
 1819 organization concerning which the apparent owner has:

1820 1. Communicated in writing with the banking or financial
 1821 organization; or

1822 2. Otherwise demonstrated a continued ~~indicated an~~
 1823 interest as evidenced by a memorandum or other record on file
 1824 with the banking or financial organization and if the banking or
 1825 financial organization communicates in writing with the apparent

1826 owner or authorized representative with regard to the property
1827 that would otherwise be presumed abandoned ~~unclaimed~~ under this
1828 subsection at the address to which communications regarding the
1829 other relationship regularly are sent.

1830 (3) A ~~No~~ holder may not impose with respect to property
1831 described in subsection (1) any charges due to dormancy or
1832 inactivity or cease payment of interest unless:

1833 (a) There is an enforceable written contract between the
1834 holder and the apparent owner of the property pursuant to which
1835 the holder may impose those charges or cease payment of
1836 interest.

1837 (b) For property in excess of \$2, the holder, no more than
1838 3 months prior to the initial imposition of those charges or
1839 cessation of interest, has given written notice to the apparent
1840 owner of the amount of those charges at the last known address
1841 of the apparent owner stating that those charges shall be
1842 imposed or that interest shall cease, but the notice provided in
1843 this section need not be given with respect to charges imposed
1844 or interest ceased before July 1, 1987.

1845 (4) Any property described in subsection (1) that is
1846 automatically renewable is matured for purposes of subsection
1847 (1) upon the expiration of its initial time period except that,
1848 in the case of any renewal to which the apparent owner consents
1849 at or about the time of renewal by communicating in writing with
1850 the banking or financial organization or otherwise indicating

1851 consent as evidenced by a memorandum or other record on file
 1852 prepared by an employee of the organization, the property is
 1853 matured upon the expiration of the last time period for which
 1854 consent was given. If, at the time provided for delivery in s.
 1855 717.119, a penalty or forfeiture in the payment of interest
 1856 would result from the delivery of the property, the time for
 1857 delivery is extended until the time when no penalty or
 1858 forfeiture would result.

1859 (5) If the documents establishing a deposit described in
 1860 subsection (1) state the address of a beneficiary of the
 1861 deposit, and the account has a value of at least \$50, notice
 1862 shall be given to the beneficiary as provided for notice to the
 1863 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
 1864 shall apply to accounts opened on or after October 1, 1990.

1865 **Section 28. Subsection (1) of section 717.107, Florida**
 1866 **Statutes, is amended to read:**

1867 717.107 Funds owing under life insurance policies, annuity
 1868 contracts, and retained asset accounts; fines, penalties, and
 1869 interest; United States Social Security Administration Death
 1870 Master File.—

1871 (1) Funds held or owing under any life or endowment
 1872 insurance policy or annuity contract which has matured or
 1873 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
 1874 more than 5 years after the date of death of the insured, the
 1875 annuitant, or the retained asset account holder, but property

1876 described in paragraph (3) (d) is presumed abandoned ~~unclaimed~~ if
 1877 such property is not claimed for more than 2 years. The amount
 1878 presumed abandoned ~~unclaimed~~ shall include any amount due and
 1879 payable under s. 627.4615.

1880 **Section 29. Section 717.1071, Florida Statutes, is amended**
 1881 **to read:**

1882 717.1071 Lost owners of abandoned ~~unclaimed~~
 1883 demutualization, rehabilitation, or related reorganization
 1884 proceeds.—

1885 (1) Property distributable in the course of a
 1886 demutualization, rehabilitation, or related reorganization of an
 1887 insurance company is deemed abandoned 2 years after the date the
 1888 property is first distributable if, at the time of the first
 1889 distribution, the last known address of the apparent owner on
 1890 the books and records of the holder is known to be incorrect or
 1891 the distribution or statements are returned by the post office
 1892 as undeliverable; and the apparent owner or authorized
 1893 representative ~~owner~~ has not communicated in writing with the
 1894 holder or its agent regarding the interest or otherwise
 1895 communicated with the holder regarding the interest as evidenced
 1896 by a memorandum or other record on file with the holder or its
 1897 agent.

1898 (2) Property distributable in the course of
 1899 demutualization, rehabilitation, or related reorganization of a
 1900 mutual insurance company that is not subject to subsection (1)

1901 shall be reportable as otherwise provided by this chapter.

1902 (3) Property subject to this section shall be reported and
1903 delivered no later than May 1 as of the preceding December 31;
1904 however, the initial report under this section shall be filed no
1905 later than November 1, 2003, as of December 31, 2002.

1906 **Section 30. Section 717.108, Florida Statutes, is amended**
1907 **to read:**

1908 717.108 Deposits held by utilities.—Any deposit, including
1909 any interest thereon, made by a subscriber with a utility to
1910 secure payment or any sum paid in advance for utility services
1911 to be furnished, less any lawful charges, that remains unclaimed
1912 by the apparent owner for more than 1 year after termination of
1913 the services for which the deposit or advance payment was made
1914 is presumed abandoned ~~unclaimed~~.

1915 **Section 31. Section 717.109, Florida Statutes, is amended**
1916 **to read:**

1917 717.109 Refunds held by business associations.—Except as
1918 otherwise provided by law, any sum that a business association
1919 has been ordered to refund by a court or administrative agency
1920 which has been unclaimed by the apparent owner for more than 1
1921 year after it became payable in accordance with the final
1922 determination or order providing for the refund, regardless of
1923 whether the final determination or order requires any person
1924 entitled to a refund to make a claim for it, is presumed
1925 abandoned ~~unclaimed~~.

1926 **Section 32. Section 717.1101, Florida Statutes, is amended**
 1927 **to read:**

1928 717.1101 Abandoned ~~Unclaimed~~ equity and debt of business
 1929 associations.—

1930 (1) (a) Stock, ~~or~~ other equity interests, or debt of
 1931 ~~interest in~~ a business association is presumed abandoned
 1932 ~~unclaimed~~ on the date of the earliest of any of the following:

1933 1. Three years after the date a communication, other than
 1934 communications required by s. 717.117, sent by the holder by
 1935 first-class United States mail to the apparent owner is returned
 1936 to the holder undelivered by the United States Postal Service.
 1937 If such returned communication is resent within 1 month to the
 1938 apparent owner, the 3-year dormancy period does not begin until
 1939 the day the resent item is returned as undelivered.

1940 2. Five ~~Three~~ years after the most recent of any account
 1941 ~~owner-generated~~ activity or communication initiated by the
 1942 apparent owner or authorized representative which demonstrates
 1943 continued interest in the ~~related to the~~ account, as recorded
 1944 and maintained by in the holder. Routine automatic reinvestments
 1945 or other routine transactions previously authorized by the
 1946 apparent owner or authorized representative do not prevent,
 1947 interrupt, or reset the dormancy period and do not constitute an
 1948 affirmative demonstration of continued interest. ~~holder's~~
 1949 ~~database and records systems sufficient enough to demonstrate~~
 1950 ~~the owner's continued awareness or interest in the property;~~

1951 3.2. ~~Two~~ Three years after the date of the death of the
 1952 apparent owner, as evidenced by:

1953 a. Notice to the holder of the apparent owner's death by
 1954 an authorized representative administrator, beneficiary,
 1955 ~~relative, or trustee, or by a personal representative or other~~
 1956 ~~legal representative of the owner's estate;~~

1957 b. Receipt by the holder of a copy of the death
 1958 certificate of the apparent owner;

1959 c. Confirmation by the holder of the apparent owner's
 1960 death through ~~though~~ other means; or

1961 d. Other evidence from which the holder may reasonably
 1962 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

1963 ~~3. One year after the date on which the holder receives~~
 1964 ~~notice under subparagraph 2. if the notice is received 2 years~~
 1965 ~~or less after the owner's death and the holder lacked knowledge~~
 1966 ~~of the owner's death during that period of 2 years or less.~~

1967 (b) If the holder does not send communication to the
 1968 apparent owner of a security by first-class United States mail
 1969 on an annual basis, the holder shall attempt to confirm the
 1970 apparent owner's interest in the equity interest by sending the
 1971 apparent owner an e-mail communication not later than 3 years
 1972 after the apparent owner's or authorized representative's last
 1973 demonstration of continued interest in the equity interest.

1974 However, the holder shall promptly attempt to contact the
 1975 apparent owner by first-class United States mail if:

1976 1. The holder does not have information needed to send the
 1977 apparent owner an e-mail communication or the holder believes
 1978 that the apparent owner's e-mail address in the holder's records
 1979 is not valid;

1980 2. The holder received notification that the e-mail
 1981 communication was not received; or

1982 3. The apparent owner does not respond to the e-mail
 1983 communication within 30 days after the communication was sent.

1984 (c) If first-class United States mail sent under paragraph
 1985 (b) is returned to the holder undelivered by the United States
 1986 Postal Service, the equity interest is presumed abandoned in
 1987 accordance with paragraph (1) (a).

1988 (d) Unmatured or unredeemed debt, other than a bearer bond
 1989 or an original issue discount bond, is presumed abandoned 5
 1990 ~~unclaimed~~ 3 years after the date of the most recent interest
 1991 payment unclaimed by the owner.

1992 (e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5
 1993 ~~unclaimed~~ 3 years after the date of maturity or redemption.

1994 (f) ~~(d)~~ At the time property is presumed abandoned
 1995 ~~unclaimed~~ under paragraph (a) or paragraph (b), any other
 1996 property right accrued or accruing to the owner as a result of
 1997 the property interest and not previously presumed abandoned
 1998 ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

1999 (2) The running of the applicable dormancy period under
 2000 this section ~~such 3-year period~~ ceases if the apparent owner or

2001 authorized representative demonstrates continued interest under
 2002 s. 717.102, including by any of the following actions ~~person:~~
 2003 (a) ~~1. Communicating~~ Communicates in writing or by other
 2004 means with the association or its agent regarding the interest,
 2005 ~~or a dividend, distribution, or other sum payable as a result of~~
 2006 the interest, as recorded by the association or its agent; ~~or~~
 2007 ~~2. Otherwise communicates with the association regarding~~
 2008 ~~the interest or a dividend, distribution, or other sum payable~~
 2009 ~~as a result of the interest, as evidenced by a memorandum or~~
 2010 ~~other record on file with the association or its agent.~~
 2011 (b) Presenting ~~Presents~~ an instrument issued to pay
 2012 interest, ~~or a dividend,~~ or other ~~cash~~ distribution. If any
 2013 future dividend, distribution, or other sum payable ~~to the owner~~
 2014 as a result of the interest is subsequently unclaimed ~~not~~
 2015 ~~claimed by the owner,~~ a new period in which the property is
 2016 presumed abandoned ~~unclaimed~~ commences and relates back only to
 2017 the time a subsequent dividend, distribution, or other sum
 2018 became due and payable.
 2019 (3) At the same time any interest is presumed abandoned
 2020 ~~unclaimed~~ under this section, any dividend, distribution, or
 2021 other sum then held for or owing to the owner as a result of the
 2022 interest, is presumed abandoned ~~unclaimed~~.
 2023 (4) Any dividend, profit, distribution, interest
 2024 redemption, payment on principal, or other sum held or owing by
 2025 a business association for or to a shareholder,

2026 certificateholder, member, bondholder, or other security holder,
 2027 who has not claimed such amount or corresponded in writing with
 2028 the business association concerning such amount, within 5 ~~3~~
 2029 years after the date prescribed for payment or delivery, is
 2030 presumed abandoned ~~unclaimed~~.

2031 **Section 33. Section 717.111, Florida Statutes, is amended**
 2032 **to read:**

2033 717.111 Property of business associations held in course
 2034 of dissolution.—All intangible property distributable in the
 2035 course of a voluntary or involuntary dissolution of a business
 2036 association which is not claimed by the apparent owner for more
 2037 than 6 months after the date specified for final distribution is
 2038 presumed abandoned ~~unclaimed~~.

2039 **Section 34. Subsections (1) and (5) of section 717.112,**
 2040 **Florida Statutes, are amended to read:**

2041 717.112 Property held by agents and fiduciaries.—

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

2051 memorandum or other record on file with the fiduciary.

2052 (5) All intangible property, and any income or increment
 2053 thereon, issued by a government or governmental subdivision or
 2054 agency, public corporation, or public authority and held in an
 2055 agency capacity for the governmental subdivision, agency, public
 2056 corporation, or public authority for the benefit of the owner of
 2057 record, ~~is presumed abandoned unclaimed~~ unless the apparent
 2058 owner has, within 1 year after such property has become payable
 2059 or distributable, increased or decreased the principal, accepted
 2060 payment of the principal or income, communicated concerning the
 2061 property, or otherwise indicated an interest in the property as
 2062 evidenced by a memorandum or other record on file with the
 2063 fiduciary.

2064 **Section 35. Section 717.1125, Florida Statutes, is amended**
 2065 **to read:**

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

2076 her duties under the Florida Trust Code.

2077 **Section 36. Section 717.113, Florida Statutes, is amended**
 2078 **to read:**

2079 717.113 Property held by courts and public agencies.—All
 2080 intangible property held for the apparent owner by any court,
 2081 government or governmental subdivision or agency, public
 2082 corporation, or public authority that has not been claimed by
 2083 the apparent owner for more than 1 year after it became payable
 2084 or distributable is presumed abandoned ~~unclaimed~~. Except as
 2085 provided in s. 45.032(3)(c), money held in the court registry
 2086 and for which no court order has been issued to determine an
 2087 owner does not become payable or distributable and is not
 2088 subject to reporting under this chapter. Notwithstanding the
 2089 provisions of this section, funds deposited in the Minerals
 2090 Trust Fund pursuant to s. 377.247 are presumed abandoned
 2091 ~~unclaimed~~ only if the funds have not been claimed by the
 2092 apparent owner for more than 5 years after the date of first
 2093 production from the well.

2094 **Section 37. Section 717.115, Florida Statutes, is amended**
 2095 **to read:**

2096 717.115 Wages.—Unpaid wages, including wages represented
 2097 by unrepresented payroll checks, owing in the ordinary course of
 2098 the holder's business that have not been claimed by the apparent
 2099 owner for more than 1 year after becoming payable are presumed
 2100 abandoned ~~unclaimed~~.

2101 **Section 38. Section 717.116, Florida Statutes, is amended**
 2102 **to read:**

2103 717.116 Contents of safe-deposit box or other safekeeping
 2104 repository.—All tangible and intangible property held by a
 2105 banking or financial organization in a safe-deposit box or any
 2106 other safekeeping repository in this state in the ordinary
 2107 course of the holder's business, and proceeds resulting from the
 2108 sale of the property permitted by law, that has not been claimed
 2109 by the apparent owner or authorized representative for more than
 2110 3 years after the lease or rental period on the box or other
 2111 repository has expired are presumed abandoned ~~unclaimed~~.

2112 **Section 39. Section 717.117, Florida Statutes, is amended**
 2113 **to read:**

2114 717.117 Holder due diligence and report of abandoned
 2115 unclaimed property.—

2116 (1) Property is presumed abandoned upon expiration of the
 2117 applicable dormancy period under this chapter. However, such
 2118 property is not deemed abandoned for purposes of reporting or
 2119 remittance to the department until the holder has conducted
 2120 reasonable due diligence as required by this section, resulting
 2121 in no indication of interest from the apparent owner or
 2122 authorized representative.

2123 (2) Holders of property presumed abandoned that has a
 2124 value of \$50 or more shall use due diligence to locate and
 2125 notify the apparent owner that the holder is in possession of

2126 property subject to this chapter. At least 90 days, but not more
2127 than 180 days, before filing the report required by this
2128 section, a holder in possession of presumed abandoned property
2129 shall send written notice by first-class United States mail to
2130 the apparent owner's last known address as shown in the holder's
2131 records or from other available sources, or by e-mail if the
2132 apparent owner has elected for e-mail delivery, informing the
2133 apparent owner that the holder is in possession of property
2134 subject to this chapter, provided that the holder's records
2135 contain a mailing or e-mail address for the apparent owner which
2136 is not known by the holder to be inaccurate. The holder may
2137 provide notice by mail, by e-mail, or by both methods. If the
2138 holder's records indicate that the mailing address is
2139 inaccurate, notice may be provided by e-mail if the apparent
2140 owner has elected e-mail delivery.

2141 (3) If the value of the property is greater than \$1,000,
2142 the holder shall send a second written notice by certified
2143 United States mail, return receipt requested, to the apparent
2144 owner's last known address at least 60 days before filing the
2145 report required by this section, if the holder's records contain
2146 a mailing address for the apparent owner which is not known by
2147 the holder to be inaccurate. Reasonable costs paid to the United
2148 States Postal Service for certified mail, return receipt
2149 requested, may be deducted from the property as a service
2150 charge. A signed return receipt received in response to the

2151 certified mail notice constitutes an affirmative demonstration
2152 of continued interest as described in s. 717.102.

2153 (4) The written notice required under this section must
2154 include:

2155 (a) A heading that reads substantially as follows:

2156 "Notice: The State of Florida requires us to notify you that
2157 your property may be transferred to the custody of the Florida
2158 Department of Financial Services if you do not contact us before
2159 ...(insert date that is at least 30 days after the date of
2160 notice)...."

2161 (b) A description of the type, nature, and, unless the
2162 property does not have a fixed value, value of the property that
2163 is the subject of the notice.

2164 (c) A statement that the property will be turned over to
2165 the custody of the department as abandoned property if no
2166 response is received.

2167 (d) A statement that noncash property will be sold or
2168 liquidated by the department.

2169 (e) A statement that, after the property is remitted to
2170 the department, a claim must be filed with the department to
2171 recover the property.

2172 (f) A statement that the property is currently in the
2173 custody of the holder and that the apparent owner may prevent
2174 transfer of the property by contacting the holder before the
2175 deadline stated in the notice.

2176 (5) Every holder of abandoned ~~person holding funds or~~
2177 ~~other~~ property, tangible or intangible, ~~presumed unclaimed and~~
2178 subject to custody ~~as unclaimed property~~ under this chapter
2179 shall submit a report to the department via electronic medium as
2180 the department may prescribe by rule. The report must include:

2181 (a) Except for traveler's checks and money orders, the
2182 name, social security number or taxpayer identification number,
2183 date of birth, if known, and last known address, if any, of each
2184 apparent ~~person appearing from the records of the holder to be~~
2185 ~~the~~ owner of any property which is abandoned ~~presumed unclaimed~~
2186 and which has a value of \$10 or more.

2187 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
2188 or more held or owing under any life or endowment insurance
2189 policy or annuity contract, the identifying information provided
2190 in paragraph (a) for both the insured or annuitant and the
2191 beneficiary according to records of the insurance company
2192 holding or owing the funds.

2193 (c) For all tangible property held in a safe-deposit box
2194 or other safekeeping repository, a description of the property
2195 and the place where the property is held and may be inspected by
2196 the department, and any amounts owing to the holder. Contents of
2197 a safe-deposit box or other safekeeping repository which consist
2198 of documents or writings ~~of a private nature and~~ which have
2199 little or no commercial value ~~may apparent value shall~~ not be
2200 reported as abandoned property ~~presumed unclaimed~~.

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2201 (d) The nature or type of property, any accounting or
2202 identifying number associated with the property, a description
2203 of the property, and the amount appearing from the records to be
2204 due. Items of value of less than \$10 each may be reported in the
2205 aggregate.

2206 (e) The date the property became payable, demandable, or
2207 returnable, and the date of the last transaction with the
2208 apparent owner with respect to the property.

2209 (f) Any other information the department may prescribe by
2210 rule as necessary for the administration of this chapter.

2211 ~~(6)(2)~~ If the total value of all abandoned ~~presumed~~
2212 ~~unclaimed~~ property, whether tangible or intangible, held by a
2213 person is less than \$10, a zero balance report may be filed for
2214 that reporting period.

2215 ~~(7)(3)~~ Credit balances, customer overpayments, security
2216 deposits, and refunds having a value of less than \$10 may not be
2217 reported as abandoned property ~~shall not be presumed unclaimed~~.

2218 (8) A security identified by the holder as non-freely
2219 transferable or worthless may not to be included in a report
2220 filed under this section. If the holder determines that a
2221 security is no longer non-freely transferable or worthless, the
2222 holder shall report and deliver the security on the next regular
2223 report date prescribed for delivery of securities by the holder
2224 under this chapter.

2225 ~~(9)(4)~~ If the holder of abandoned property ~~presumed~~

2226 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2227 ~~property~~ is a successor holder or if the holder has changed the
2228 holder's name while in possession of the property, the holder
2229 shall file with the holder's report all known names and
2230 addresses of each prior holder of the property. Compliance with
2231 this subsection means the holder exercises reasonable and
2232 prudent efforts to determine the names of all prior holders.

2233 (10) The report must be signed by or on behalf of the
2234 holder and verified as to its completeness and accuracy, and the
2235 holder must state that it has complied with the due diligence
2236 requirements of this section.

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

2251 provide information contained in a report filed with the
2252 department to any person requesting a copy of the report or
2253 information contained in a report, to the extent the information
2254 requested is not confidential, within 45 days after the
2255 department determines that the report is accurate and acceptable
2256 and that the reported property is the same as the remitted
2257 property.

2258 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2259 ~~more shall use due diligence to locate and notify apparent~~
2260 ~~owners that the entity is holding unclaimed property available~~
2261 ~~for them to recover. Not more than 120 days and not less than 60~~
2262 ~~days prior to filing the report required by this section, the~~
2263 ~~holder in possession of property presumed unclaimed and subject~~
2264 ~~to custody as unclaimed property under this chapter shall send~~
2265 ~~written notice by first-class United States mail to the apparent~~
2266 ~~owner at the apparent owner's last known address from the~~
2267 ~~holder's records or from other available sources, or via~~
2268 ~~electronic mail if the apparent owner has elected this method of~~
2269 ~~delivery, informing the apparent owner that the holder is in~~
2270 ~~possession of property subject to this chapter, if the holder~~
2271 ~~has in its records a mailing or electronic address for the~~
2272 ~~apparent owner which the holder's records do not disclose to be~~
2273 ~~inaccurate. These two means of contact are not mutually~~
2274 ~~exclusive; if the mailing address is determined to be~~
2275 ~~inaccurate, electronic mail may be used if so elected by the~~

2276 ~~apparent owner.~~

2277 ~~(7) The written notice to the apparent owner required~~

2278 ~~under this section must:~~

2279 ~~(a) Contain a heading that reads substantially as follows:~~

2280 ~~"Notice. The State of Florida requires us to notify you that~~

2281 ~~your property may be transferred to the custody of the Florida~~

2282 ~~Department of Financial Services if you do not contact us before~~

2283 ~~...(insert date that is at least 30 days after the date of~~

2284 ~~notice)...."~~

2285 ~~(b) Identify the type, nature, and, except for property~~

2286 ~~that does not have a fixed value, value of the property that is~~

2287 ~~the subject of the notice.~~

2288 ~~(c) State that the property will be turned over to the~~

2289 ~~custody of the department as unclaimed property if no response~~

2290 ~~to this letter is received.~~

2291 ~~(d) State that any property that is not legal tender of~~

2292 ~~the United States may be sold or liquidated by the department.~~

2293 ~~(e) State that after the property is turned over to the~~

2294 ~~department, an apparent owner seeking return of the property may~~

2295 ~~file a claim with the department.~~

2296 ~~(f) State that the property is currently with a holder and~~

2297 ~~provide instructions that the apparent owner must follow to~~

2298 ~~prevent the holder from reporting and paying for the property or~~

2299 ~~from delivering the property to the department.~~

2300 (12)~~(8)~~ Any holder of intangible property may file with

2301 the department a petition for determination that the property is
 2302 abandoned and ~~unclaimed~~ requesting the department to accept
 2303 custody of the property. The petition shall state any special
 2304 circumstances that exist, contain the information required by
 2305 subsection (9) ~~subsection (4)~~, and show that a diligent search
 2306 has been made to locate the apparent owner. If the department
 2307 finds that the proof of diligent search is satisfactory, it
 2308 shall give notice as provided in s. 717.118 and accept custody
 2309 of the property.

2310 (13) ~~(9)~~ Upon written request by any entity or person
 2311 required to file a report, stating such entity's or person's
 2312 justification for such action, the department may place that
 2313 entity or person in an inactive status as an abandoned ~~unclaimed~~
 2314 property "holder."

2315 (14) ~~(10)~~ (a) This section does not apply to the abandoned
 2316 ~~unclaimed~~ patronage refunds as provided for by contract or
 2317 through bylaw provisions of entities organized under chapter 425
 2318 or that are exempt from ad valorem taxation pursuant to s.
 2319 196.2002.

2320 (b) This section does not apply to intangible property
 2321 held, issued, or owing by a business association subject to the
 2322 jurisdiction of the United States Surface Transportation Board
 2323 or its successor federal agency if the apparent owner of such
 2324 intangible property is a business association. The holder of
 2325 such property does not have any obligation to report, to pay, or

2326 to deliver such property to the department.

2327 (c) This section does not apply to credit balances,
 2328 overpayments, refunds, or outstanding checks owed by a health
 2329 care provider to a managed care payor with whom the health care
 2330 provider has a managed care contract, provided that the credit
 2331 balances, overpayments, refunds, or outstanding checks become
 2332 due and owing pursuant to the managed care contract.

2333 (15)~~(11)~~(a) As used in this subsection, the term "property
 2334 identifier" means the descriptor used by the holder to identify
 2335 the abandoned ~~unclaimed~~ property.

2336 (b) Social security numbers and property identifiers
 2337 contained in reports required under this section, held by the
 2338 department, are confidential and exempt from s. 119.07(1) and s.
 2339 24(a), Art. I of the State Constitution.

2340 (c) This exemption applies to social security numbers and
 2341 property identifiers held by the department before, on, or after
 2342 the effective date of this exemption.

2343 **Section 40. Section 717.118, Florida Statutes, is amended**
 2344 **to read:**

2345 717.118 Notification of apparent owners of abandoned
 2346 ~~unclaimed~~ property.—

2347 (1) It is specifically recognized that the state has an
 2348 obligation to make an effort to notify apparent owners in a
 2349 cost-effective manner that their abandoned property has been
 2350 reported and remitted to the department ~~of unclaimed property in~~

2351 ~~a cost-effective manner.~~ In order to provide all the citizens of
2352 this state an effective and efficient program for the recovery
2353 of abandoned personal unclaimed property, the department shall
2354 use cost-effective means to make at least one active attempt to
2355 notify apparent owners of abandoned unclaimed property ~~accounts~~
2356 valued at \$50 or more, abandoned tangible property, and
2357 abandoned shares of stock for which more than \$250 with a
2358 reported address or taxpayer identification number is available.
2359 Such active attempt to notify apparent owners shall include any
2360 attempt by the department to directly contact the apparent
2361 owner. Other means of notification, such as publication of the
2362 names of apparent owners in the newspaper, on television, on the
2363 Internet, or through other promotional efforts and items in
2364 which the department does not directly attempt to contact the
2365 apparent owner are expressly declared to be passive attempts.
2366 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2367 agencies or entities of state government from notifying owners
2368 of the existence of abandoned unclaimed property or attempting
2369 to notify apparent owners of abandoned unclaimed property.

2370 (2) Notification provided directly to individual apparent
2371 owners shall contain ~~consist of~~ a description of the abandoned
2372 property and information regarding recovery of the unclaimed
2373 property from the department. The form and content of the
2374 department's notice shall be tailored to the type of property
2375 reported and shall include any information necessary to

2376 reasonably inform the apparent owner of the consequences of
2377 failure to claim the property, including potential sale or
2378 disposition under s. 717.122.

2379 (3) The department shall maintain a publicly accessible,
2380 electronically searchable website that includes the names of
2381 apparent owners of abandoned property reported to the department
2382 and instructions for filing a claim. The website must list
2383 property valued at \$10 or more and provide instructions for
2384 filing a claim. Abandoned property valued at less than \$10
2385 remains recoverable from the department in accordance with this
2386 chapter.

2387 (4) This section is not applicable to abandoned sums
2388 payable on traveler's checks, money orders, and other written
2389 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2390 abandoned property reported without the necessary identifying
2391 information to establish ownership.

2392 **Section 41. Section 717.119, Florida Statutes, is amended**
2393 **to read:**

2394 717.119 Payment or delivery of abandoned ~~unclaimed~~
2395 property.—

2396 (1) Every person who is required to file a report under s.
2397 717.117 shall simultaneously pay or deliver to the department
2398 all abandoned ~~unclaimed~~ property required to be reported. Such
2399 payment or delivery shall accompany the report as required in
2400 this chapter for the preceding calendar year.

2401 (2) Payment of abandoned ~~unclaimed~~ funds may be made to
 2402 the department by electronic funds transfer.

2403 (3) If the apparent owner establishes the right to receive
 2404 the abandoned ~~unclaimed~~ property to the satisfaction of the
 2405 holder before the property has been delivered to the department
 2406 or it appears that for some other reason ~~the presumption~~ that
 2407 the property was erroneously classified as abandoned ~~is~~
 2408 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
 2409 property to the department. In lieu of delivery, the holder
 2410 shall file a verified written explanation of the proof of claim
 2411 or of the error in classification of ~~the presumption that~~ the
 2412 property as abandoned ~~was unclaimed~~.

2413 (4) All virtual currency reported under this chapter on
 2414 the annual report filing required in s. 717.117 shall be
 2415 remitted to the department with the report. The holder shall
 2416 liquidate the virtual currency and remit the proceeds to the
 2417 department. The liquidation must occur within 30 days before the
 2418 filing of the report. Upon delivery of the virtual currency
 2419 proceeds to the department, the holder is relieved of all
 2420 liability of every kind in accordance with the provisions of s.
 2421 717.1201 to every person for any losses or damages resulting to
 2422 the person by the delivery to the department of the virtual
 2423 currency proceeds.

2424 (5) All stock or other intangible ownership interest
 2425 reported under this chapter on the annual report filing required

2426 | in s. 717.117 shall be remitted to the department with the
2427 | report. Upon delivery of the stock or other intangible ownership
2428 | interest to the department, the holder and any transfer agent,
2429 | registrar, or other person acting for or on behalf of a holder
2430 | is relieved of all liability of every kind in accordance with
2431 | the provisions of s. 717.1201 to every person for any losses or
2432 | damages resulting to the person by the delivery to the
2433 | department of the stock or other intangible ownership interest.

2434 | (6) All intangible and tangible property held in a safe-
2435 | deposit box or any other safekeeping repository reported under
2436 | s. 717.117 shall not be delivered to the department until 120
2437 | days after the report due date. The delivery of the property,
2438 | through the United States mail or any other carrier, shall be
2439 | insured by the holder at an amount equal to the estimated value
2440 | of the property. Each package shall be clearly marked on the
2441 | outside "Deliver Unopened." A holder's safe-deposit box contents
2442 | shall be delivered to the department in a single shipment. In
2443 | lieu of a single shipment, holders may provide the department
2444 | with a single detailed shipping schedule that includes package
2445 | tracking information for all packages being sent pursuant to
2446 | this section.

2447 | (a) Holders may remit the value of cash and coins found in
2448 | abandoned ~~unclaimed~~ safe-deposit boxes to the department by
2449 | cashier's check or by electronic funds transfer, unless the cash
2450 | or coins have a value above face value. The department shall

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2451 identify by rule those cash and coin items having a numismatic
2452 value. Cash and coin items identified as having a numismatic
2453 value shall be remitted to the department in their original
2454 form.

2455 (b) Any firearm or ammunition found in an abandoned
2456 ~~unclaimed~~ safe-deposit box or any other safekeeping repository
2457 shall be delivered by the holder to a law enforcement agency for
2458 property handling or disposal pursuant to s. 705.103(2)(b). If
2459 the firearm is sold by the law enforcement agency, ~~with~~ the
2460 balance of the proceeds shall be deposited into the State School
2461 Fund ~~if the firearm is sold~~. ~~However,~~ The department is
2462 authorized to make a reasonable attempt to ascertain the
2463 historical value to collectors of any firearm that has been
2464 delivered to the department. Any firearm appearing to have
2465 historical value to collectors may be sold by the department
2466 pursuant to s. 717.122 to a person having a federal firearms
2467 license. Any firearm which is not sold pursuant to s. 717.122
2468 shall be delivered by the department to a law enforcement agency
2469 in this state for proper handling or disposal. In accordance
2470 with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the
2471 law enforcement agency, ~~with~~ the balance of the proceeds shall
2472 be deposited into the State School Fund ~~if the firearm is sold~~.
2473 The department shall not be administratively, civilly, or
2474 criminally liable for any firearm delivered by the department to
2475 a law enforcement agency in this state for disposal.

2476 (c) If such property is not paid or delivered to the
 2477 department on or before the applicable payment or delivery date,
 2478 the holder shall pay to the department a penalty for each safe-
 2479 deposit box shipment received late. The penalty shall be \$100
 2480 for a safe-deposit box shipment container that is late 30 days
 2481 or less. Thereafter, the penalty shall be \$500 for a safe-
 2482 deposit box shipment container that is late for each additional
 2483 successive 30-day period. The penalty assessed against a holder
 2484 for a late safe-deposit box shipment container shall not exceed
 2485 \$4,000 annually. The penalty shall be remitted to the department
 2486 within 30 days after the date of the notification to the holder
 2487 that the penalty is due and owing.

2488 (d) The department may waive any penalty due with
 2489 appropriate justification, as provided by rule.

2490 (e) If a will or trust instrument is included among the
 2491 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
 2492 repository delivered to the department, the department must
 2493 provide a copy of the will, trust, and any codicils or
 2494 amendments to such will or trust instrument, upon request, to
 2495 anyone who provides the department with a certified copy of the
 2496 death certificate ~~evidence of the death~~ of the testator or
 2497 settlor.

2498 (7) Any holder may request an extension in writing of up
 2499 to 60 days for the delivery of property if extenuating
 2500 circumstances exist for the late delivery of the property. Any

2501 such extension the department may grant shall be in writing.

2502 (8) A holder may not assign or otherwise transfer its
 2503 obligation to report, pay, or deliver property or to comply with
 2504 the provisions of this chapter, other than to a parent,
 2505 subsidiary, or affiliate of the holder.

2506 (a) Unless otherwise agreed to by the parties to a
 2507 transaction, the holder's successor by merger or consolidation,
 2508 or any person or entity that acquires all or substantially all
 2509 of the holder's capital stock or assets, is responsible for
 2510 fulfilling the holder's obligation to report, pay, or deliver
 2511 property or to comply with the duties of this chapter regarding
 2512 the transfer of property owed to the holder's successor and
 2513 being held for an owner resulting from the merger,
 2514 consolidation, or acquisition.

2515 (b) This subsection does not prohibit a holder from
 2516 contracting with a third party for the reporting of abandoned
 2517 ~~unclaimed~~ property, but the holder remains responsible to the
 2518 department for the complete, accurate, and timely reporting of
 2519 the property.

2520 **Section 42. Subsections (1), (2), and (4) of section**
 2521 **717.1201, Florida Statutes, are amended to read:**

2522 717.1201 Custody by state; holder liability; reimbursement
 2523 of holder paying claim; reclaiming for owner; payment of safe-
 2524 deposit box or repository charges.—

2525 (1) Upon the good faith payment or delivery of abandoned

2526 ~~unclaimed~~ property to the department, the state assumes custody
2527 and responsibility for the safekeeping of the property. Any
2528 person who pays or delivers abandoned ~~unclaimed~~ property to the
2529 department in good faith is relieved of all liability to the
2530 extent of the value of the property paid or delivered for any
2531 claim then existing or which thereafter may arise or be made
2532 with ~~in~~ respect to the property.

2533 (a) A holder's substantial compliance with the due
2534 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
2535 payment or delivery of abandoned ~~unclaimed~~ property to the
2536 department releases the holder from liability that may arise
2537 from such payment or delivery, and such delivery and payment may
2538 be pleaded as a defense in any suit or action brought by reason
2539 of such delivery or payment. This section does not relieve a
2540 fiduciary of his or her duties under the Florida Trust Code or
2541 Florida Probate Code.

2542 (b) If the holder pays or delivers property to the
2543 department in good faith and thereafter any other person claims
2544 the property from the holder paying or delivering, or another
2545 state claims the money or property under that state's laws
2546 relating to escheat or abandoned or unclaimed property, the
2547 department, upon written notice of the claim, shall defend the
2548 holder against the claim and indemnify the holder against any
2549 liability on the claim, except that a holder may not be
2550 indemnified against penalties imposed by another state.

2551 (2) For the purposes of this section, a payment or
 2552 delivery of abandoned ~~unclaimed~~ property is made in good faith
 2553 if:

2554 (a) The payment or delivery was made in conjunction with
 2555 an accurate and acceptable report.

2556 (b) The payment or delivery was made in a reasonable
 2557 attempt to comply with this chapter and other applicable general
 2558 law.

2559 (c) The holder had a reasonable basis for believing, based
 2560 on the facts then known, that the property was abandoned
 2561 ~~unclaimed~~ and subject to this chapter.

2562 (d) There is no showing that the records pursuant to which
 2563 the delivery was made did not meet reasonable commercial
 2564 standards of practice in the industry.

2565 (4) Any holder who has delivered property, including a
 2566 certificate of any interest in a business association, other
 2567 than money to the department pursuant to this chapter may
 2568 reclaim the property if still in the possession of the
 2569 department, without payment of any fee or other charges, upon
 2570 filing proof that the person entitled to the property ~~owner~~ has
 2571 claimed it ~~the property~~ from the holder.

2572 **Section 43. Section 717.122, Florida Statutes, is amended**
 2573 **to read:**

2574 717.122 Public sale of abandoned ~~unclaimed~~ property.—

2575 (1) Except as provided in paragraph (2) (a), the department

2576 after the receipt of abandoned ~~unclaimed~~ property shall sell it
2577 to the highest bidder at public sale on the Internet or at a
2578 specified physical location wherever in the judgment of the
2579 department the most favorable market for the property involved
2580 exists. The department may decline the highest bid and reoffer
2581 the property for sale if in the judgment of the department the
2582 bid is insufficient. The department shall have the discretion to
2583 withhold from sale any abandoned ~~unclaimed~~ property that the
2584 department deems to be of benefit to the people of the state. If
2585 in the judgment of the department the probable cost of sale
2586 exceeds the value of the property, it need not be offered for
2587 sale and may be disposed of as the department determines
2588 appropriate. Any sale at a specified physical location held
2589 under this section must be preceded by a single publication of
2590 notice, at least 3 weeks in advance of sale, in a newspaper of
2591 general circulation in the county in which the property is to be
2592 sold. The department shall proportionately deduct auction fees,
2593 preparation costs, and expenses from the amount posted to an ~~the~~
2594 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
2595 contents are sold. No action or proceeding may be maintained
2596 against the department for or on account of any decision to
2597 decline the highest bid or withhold any abandoned ~~unclaimed~~
2598 property from sale.

2599 (2) (a) Securities listed on an established stock exchange
2600 must be sold at prices prevailing at the time of sale on the

2601 exchange. Other securities may be sold over the counter at
 2602 prices prevailing at the time of sale or by any other method the
 2603 department deems advisable. The department may authorize the
 2604 agent or broker acting on behalf of the department to deduct
 2605 fees from the proceeds of these sales at a rate agreed upon in
 2606 advance by the agent or broker and the department. The
 2607 department shall reimburse owners' accounts for these brokerage
 2608 fees from the State School Fund unless the securities are sold
 2609 at the owner's request.

2610 (b) Unless the department deems it to be in the public
 2611 interest to do otherwise, all abandoned securities ~~presumed~~
 2612 ~~unclaimed~~ and delivered to the department may be sold upon
 2613 receipt. Any person making a claim pursuant to this chapter is
 2614 entitled to receive either the securities delivered to the
 2615 department by the holder, if they still remain in the hands of
 2616 the department, or the proceeds received from sale, but no
 2617 person has any claim under this chapter against the state, the
 2618 holder, any transfer agent, any registrar, or any other person
 2619 acting for or on behalf of a holder for any appreciation in the
 2620 value of the property occurring after delivery by the holder to
 2621 the state.

2622 (c) Certificates for abandoned ~~unclaimed~~ stock or other
 2623 equity interest of business associations that cannot be canceled
 2624 and registered in the department's name or that cannot be
 2625 readily liquidated and converted into the currency of the United

2626 States may be sold for the value of the certificate, if any, in
 2627 accordance with subsection (1) or may be destroyed in accordance
 2628 with s. 717.128.

2629 (3) The purchaser of property at any sale conducted by the
 2630 department pursuant to this chapter is entitled to ownership of
 2631 the property purchased free from all claims of the owner or
 2632 previous holder thereof and of all persons claiming through or
 2633 under them. The department shall execute all documents necessary
 2634 to complete the transfer of ownership.

2635 (4) The sale of abandoned ~~unclaimed~~ tangible personal
 2636 property is not subject to tax under chapter 212 when such
 2637 property is sold by or on behalf of the department pursuant to
 2638 this section.

2639 **Section 44. Section 717.123, Florida Statutes, is amended**
 2640 **to read:**

2641 717.123 Deposit of funds.—

2642 (1) All funds received under this chapter, including the
 2643 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
 2644 717.122, shall immediately ~~forthwith~~ be deposited by the
 2645 department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The
 2646 department shall retain, at minimum, from funds received under
 2647 this chapter, the an amount estimated by the Revenue Estimating
 2648 Conference for not exceeding \$15 million from which the
 2649 department to shall make prompt payment of claims allowed by the
 2650 department and ~~shall pay~~ the administrative costs incurred ~~by~~

2651 ~~the department~~ in administering and enforcing this chapter.
 2652 Before the close of each fiscal year, the department shall
 2653 transfer to the State School Fund no more than the transfer
 2654 amount estimated by the Revenue Estimating Conference ~~All~~
 2655 ~~remaining funds received by the department under this chapter~~
 2656 ~~shall be deposited by the department into the State School Fund.~~

2657 (2) The department shall record the name and last known
 2658 address of each person appearing from the holder's reports to be
 2659 entitled to the abandoned ~~unclaimed~~ property in the total
 2660 amounts of \$5 or greater; the name and the last known address of
 2661 each insured person or annuitant; and with respect to each
 2662 policy or contract listed in the report of an insurance
 2663 corporation, its number, the name of the corporation, and the
 2664 amount due.

2665 **Section 45. Section 717.1235, Florida Statutes, is amended**
 2666 **to read:**

2667 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
 2668 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
 2669 campaign for public office, for any campaign that must dispose
 2670 of surplus funds in its campaign account pursuant to s. 106.141,
 2671 after being reported to the department, shall be deposited with
 2672 the Chief Financial Officer to the credit of the State School
 2673 Fund.

2674 **Section 46. Section 717.124, Florida Statutes, is amended**
 2675 **to read:**

2676 717.124 Abandoned ~~Unclaimed~~ property claims.—
 2677 (1) Any person, excluding another state, claiming an
 2678 interest in any property paid or delivered to the department
 2679 under this chapter may file with the department a claim on a
 2680 form prescribed by the department and verified by the claimant
 2681 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
 2682 ~~representative must be an attorney licensed to practice law in~~
 2683 ~~this state, a licensed Florida-certified public accountant, or a~~
 2684 ~~private investigator licensed under chapter 493.~~ The claimant
 2685 ~~claimant's~~ representative must be registered with the department
 2686 under this chapter. The claimant, or the claimant ~~claimant's~~
 2687 representative, shall provide the department with a legible copy
 2688 of a valid driver license of the claimant at the time the
 2689 original claim form is filed. If the claimant has not been
 2690 issued a valid driver license at the time the original claim
 2691 form is filed, the department shall be provided with a legible
 2692 copy of a photographic identification of the claimant issued by
 2693 the United States, a state or territory of the United States, a
 2694 foreign nation, or a political subdivision or agency thereof or
 2695 other evidence deemed acceptable by the department by rule. In
 2696 lieu of photographic identification, a notarized sworn statement
 2697 by the claimant may be provided which affirms the claimant's
 2698 identity and states the claimant's full name and address. The
 2699 claimant must produce to the notary photographic identification
 2700 of the claimant issued by the United States, a state or

2701 territory of the United States, a foreign nation, or a political
 2702 subdivision or agency thereof or other evidence deemed
 2703 acceptable by the department by rule. The notary shall indicate
 2704 the notary's full address on the notarized sworn statement. Any
 2705 claim filed without the required identification or the sworn
 2706 statement with the original claim form and the original
 2707 Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned
 2708 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

2709 (a) Within 90 days after receipt of a claim, the
 2710 department may return any claim that provides for the receipt of
 2711 fees and costs greater than that permitted under this chapter or
 2712 that contains any apparent errors or omissions. The department
 2713 may also request that the claimant or the claimant ~~claimant's~~
 2714 representative provide additional information. The department
 2715 shall retain a copy or electronic image of the claim.

2716 (b) A claim is considered to have been withdrawn by a
 2717 claimant or the claimant ~~claimant's~~ representative if the
 2718 department does not receive a response to its request for
 2719 additional information within 60 days after the notification of
 2720 any apparent errors or omissions.

2721 (c) Within 90 days after receipt of the claim, or the
 2722 response of the claimant or the claimant ~~claimant's~~
 2723 representative to the department's request for additional
 2724 information, whichever is later, the department shall determine
 2725 each claim. Such determination shall contain a notice of rights

2726 provided by ss. 120.569 and 120.57. The 90-day period shall be
 2727 extended by 60 days if the department has good cause to need
 2728 additional time or if the abandoned ~~unclaimed~~ property:

- 2729 1. Is owned by a person who has been a debtor in
 2730 bankruptcy;
- 2731 2. Was reported with an address outside of the United
 2732 States;
- 2733 3. Is being claimed by a person outside of the United
 2734 States; or
- 2735 4. Contains documents filed in support of the claim that
 2736 are not in the English language and have not been accompanied by
 2737 an English language translation.

2738 (2) A claim for a cashier's check or a stock certificate
 2739 without the original instrument may require an indemnity bond
 2740 equal to the value of the claim to be provided prior to issue of
 2741 the stock or payment of the claim by the department.

2742 (3) The department may require an affidavit swearing to
 2743 the authenticity of the claim, lack of documentation, and an
 2744 agreement to allow the department to provide the name and
 2745 address of the claimant to subsequent claimants coming forward
 2746 with substantiated proof to claim the account. This shall apply
 2747 to claims equal to or less than \$250. The exclusive remedy of a
 2748 subsequent claimant to the property shall be against the person
 2749 who received the property from the department.

2750 (4) (a) Except as otherwise provided in this chapter, if a

2751 claim is determined in favor of the claimant, the department
 2752 shall deliver or pay over to the claimant the property or the
 2753 amount the department actually received or the proceeds if it
 2754 has been sold by the department, together with any additional
 2755 amount required by s. 717.121.

2756 (b) If a claimant ~~an owner~~ authorizes a claimant
 2757 representative ~~an attorney licensed to practice law in this~~
 2758 ~~state, a Florida-certified public accountant, or a private~~
 2759 ~~investigator licensed under chapter 493, and registered with the~~
 2760 department under this chapter, to claim the abandoned ~~unclaimed~~
 2761 property on the claimant's ~~owner's~~ behalf, the department is
 2762 authorized to make distribution of the property or money in
 2763 accordance with the Abandoned ~~Unclaimed~~ Property Recovery
 2764 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
 2765 under s. 717.135. The original Abandoned ~~Unclaimed~~ Property
 2766 Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase
 2767 Agreement must be executed by the claimant or seller and must be
 2768 filed with the department.

2769 (c)1. Payments of approved claims for unclaimed cash
 2770 accounts must be made to the owner after deducting any fees and
 2771 costs authorized by the claimant under an Abandoned ~~Unclaimed~~
 2772 Property Recovery Agreement. The contents of a safe-deposit box
 2773 or shares of securities must be delivered directly to the
 2774 claimant.

2775 2. Payments of fees and costs authorized under an

2776 Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved
2777 claims must be made or issued to the law firm of the designated
2778 attorney licensed to practice law in this state, the public
2779 accountancy firm of the licensed Florida-certified public
2780 accountant, or the designated employing private investigative
2781 agency licensed by this state. Such payments shall be made by
2782 electronic funds transfer and may be made on such periodic
2783 schedule as the department may define by rule, provided the
2784 payment intervals do not exceed 31 days. Payment made to an
2785 attorney licensed in this state, a Florida-certified public
2786 accountant, or a private investigator licensed under chapter
2787 493, operating individually or as a sole practitioner, must be
2788 to the attorney, certified public accountant, or private
2789 investigator.

2790 (5) The department shall not be administratively, civilly,
2791 or criminally liable for any property or funds distributed
2792 pursuant to this section, provided such distribution is made in
2793 good faith.

2794 (6) This section does not supersede the licensing
2795 requirements of chapter 493.

2796 (7) The department may allow an apparent owner to
2797 electronically submit a claim for abandoned ~~unclaimed~~ property
2798 to the department. If a claim is submitted electronically for
2799 \$2,000 or less, the department may use a method of identity
2800 verification other than a copy of a valid driver license, other

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2801 government-issued photographic identification, or a sworn
2802 notarized statement. The department may adopt rules to implement
2803 this subsection.

2804 (8) Notwithstanding any other provision of this chapter,
2805 the department may develop and implement an identification
2806 verification and disbursement process by which an account valued
2807 at \$2,000 or less, after being received by the department and
2808 added to the abandoned ~~unclaimed~~ property database, may be
2809 disbursed to an apparent owner after the department has verified
2810 that the apparent owner is living and that the apparent owner's
2811 current address is correct. The department shall include with
2812 the payment a notification and explanation of the dollar amount,
2813 the source, and the property type of each account included in
2814 the disbursement. The department shall adopt rules to implement
2815 this subsection.

2816 (9) (a) Notwithstanding any other provision of this
2817 chapter, the department may develop and implement a verification
2818 and disbursement process by which an account, after being
2819 received by the department and added to the abandoned ~~unclaimed~~
2820 property database, for which the apparent owner entity is:

- 2821 1. A state agency in this state or a subdivision or
2822 successor agency thereof;
- 2823 2. A county government in this state or a subdivision
2824 thereof;
- 2825 3. A public school district in this state or a subdivision

2826 | thereof;

2827 | 4. A municipality in this state or a subdivision thereof;

2828 | or

2829 | 5. A special taxing district or authority in this state,

2830 |

2831 | may be disbursed to the apparent owner entity or successor

2832 | entity. The department shall include with the payment a

2833 | notification and explanation of the dollar amount, the source,

2834 | and the property type of each account included in the

2835 | disbursement.

2836 | (b) The department may adopt rules to implement this

2837 | subsection.

2838 | (10) Notwithstanding any other provision of this chapter,

2839 | the department may develop a process by which a claimant

2840 | ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may

2841 | electronically submit to the department an electronic image of a

2842 | completed claim and claims-related documents under this chapter,

2843 | including an Abandoned Unclaimed Property Recovery Agreement or

2844 | Abandoned Unclaimed Property Purchase Agreement that has been

2845 | signed and dated by a claimant or seller under s. 717.135, after

2846 | the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~

2847 | ~~property~~ receives the original documents provided by the

2848 | claimant or the seller for any claim. Each claim filed by a

2849 | claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~

2850 | ~~property~~ must include a statement by the claimant ~~claimant's~~

2851 representative ~~or the buyer of unclaimed property~~ attesting that
2852 all documents are true copies of the original documents and that
2853 all original documents are physically in the possession of the
2854 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
2855 ~~property~~. All original documents must be kept in the original
2856 form, by claim number, under the secure control of the claimant
2857 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
2858 must be available for inspection by the department in accordance
2859 with s. 717.1315. The department may adopt rules to implement
2860 this subsection.

2861 (11) This section applies to all abandoned ~~unclaimed~~
2862 property reported and remitted to the Chief Financial Officer,
2863 including, but not limited to, property reported pursuant to ss.
2864 45.032, 732.107, 733.816, and 744.534.

2865 **Section 47. Section 717.12403, Florida Statutes, is**
2866 **amended to read:**

2867 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
2868 account in a financial institution held in the name of more than
2869 one person.—

2870 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
2871 checking account in a financial institution is reported as an
2872 "and" account in the name of two or more persons who are not
2873 beneficiaries, it is presumed that each person must claim the
2874 account in order for the claim to be approved by the department.
2875 This presumption may be rebutted by showing that entitlement to

2876 | the account has been transferred to another person or by clear
2877 | and convincing evidence demonstrating that the account should
2878 | have been reported by the financial institution as an "or"
2879 | account.

2880 | (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
2881 | account in a financial institution is reported as an "and"
2882 | account and one of the persons on the account is deceased, it is
2883 | presumed that the account is a survivorship account. This
2884 | presumption may be rebutted by showing that entitlement to the
2885 | account has been transferred to another person or by clear and
2886 | convincing evidence demonstrating that the account is not a
2887 | survivorship account.

2888 | (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
2889 | account in a financial institution is reported as an "or"
2890 | account in the name of two or more persons who are not
2891 | beneficiaries, it is presumed that either person listed on the
2892 | account may claim the entire amount held in the account. This
2893 | presumption may be rebutted by showing that entitlement to the
2894 | account has been transferred to another person or by clear and
2895 | convincing evidence demonstrating that the account should have
2896 | been reported by the financial institution as an "and" account.

2897 | (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
2898 | account in a financial institution is reported in the name of
2899 | two or more persons who are not beneficiaries without
2900 | identifying whether the account is an "and" account or an "or"

2901 account, it is presumed that the account is an "or" account.
 2902 This presumption may be rebutted by showing that entitlement to
 2903 the account has been transferred to another person or by clear
 2904 and convincing evidence demonstrating that the account should
 2905 have been reported by the financial institution as an "and"
 2906 account.

2907 (4) The department shall be deemed to have made a
 2908 distribution in good faith if the department remits funds
 2909 consistent with this section.

2910 **Section 48. Subsection (2) of section 717.12404, Florida**
 2911 **Statutes, is amended to read:**

2912 717.12404 Claims on behalf of a business entity or trust.—

2913 (2) Claims on behalf of an active or a dissolved
 2914 corporation, a business entity ~~other than an active corporation,~~
 2915 or a trust must include a legible copy of a valid driver license
 2916 of the person acting on behalf of the ~~dissolved~~ corporation,
 2917 business entity ~~other than an active corporation,~~ or trust. If
 2918 the person has not been issued a valid driver license, the
 2919 department shall be provided with a legible copy of a
 2920 photographic identification of the person issued by the United
 2921 States, a foreign nation, or a political subdivision or agency
 2922 thereof. In lieu of photographic identification, a notarized
 2923 sworn statement by the person may be provided which affirms the
 2924 person's identity and states the person's full name and address.
 2925 The person must produce his or her photographic identification

2926 issued by the United States, a state or territory of the United
 2927 States, a foreign nation, or a political subdivision or agency
 2928 thereof or other evidence deemed acceptable by the department by
 2929 rule. The notary shall indicate the notary's full address on the
 2930 notarized sworn statement. Any claim filed without the required
 2931 identification or the sworn statement with the original claim
 2932 form and the original Abandoned Unclaimed Property Recovery
 2933 Agreement or Abandoned Unclaimed Property Purchase Agreement, if
 2934 applicable, is void.

2935 **Section 49. Section 717.12405, Florida Statutes, is**
 2936 **amended to read:**

2937 717.12405 Claims by estates.—An estate or any person
 2938 representing an estate or acting on behalf of an estate may
 2939 claim abandoned ~~unclaimed~~ property only after the heir or
 2940 legatee of the decedent entitled to the property has been
 2941 located. Any estate, or any person representing an estate or
 2942 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
 2943 property before the heir or legatee of the decedent entitled to
 2944 the property has been located, is personally liable for the
 2945 abandoned ~~unclaimed~~ property and must immediately return the
 2946 full amount of the abandoned ~~unclaimed~~ property or the value
 2947 thereof to the department in accordance with s. 717.1341.

2948 **Section 50. Section 717.12406, Florida Statutes, is**
 2949 **amended to read:**

2950 717.12406 Joint ownership of abandoned ~~unclaimed~~

2951 securities or dividends.—For the purpose of determining joint
 2952 ownership of abandoned ~~unclaimed~~ securities or dividends, the
 2953 term:

- 2954 (1) "TEN COM" means tenants in common.
- 2955 (2) "TEN ENT" means tenants by the entireties.
- 2956 (3) "JT TEN" or "JT" means joint tenants with the right of
 2957 survivorship and not as tenants in common.
- 2958 (4) "And" means tenants in common with each person
 2959 entitled to an equal pro rata share.
- 2960 (5) "Or" means that each person listed on the account is
 2961 entitled to all of the funds.

2962 **Section 51. Section 717.1241, Florida Statutes, is amended**
 2963 **to read:**

2964 717.1241 Conflicting claims.—

2965 (1) For purposes of this section, the term "conflicting
 2966 claim" means two or more claims received by the department for
 2967 the same abandoned property account or accounts in which two or
 2968 more claimants appear to be equally entitled to the property.
 2969 The term also includes circumstances in which the same claimant
 2970 has more than one claim pending for the same property, including
 2971 when the claimant is represented by more than one claimant
 2972 representative or submits both a personal claim and a claim
 2973 through a representative.

2974 (2) When conflicting claims have been received by the
 2975 department for the same abandoned ~~unclaimed~~ property account or

2976 | accounts, the property shall be remitted in accordance with the
 2977 | claim filed by the person as follows, notwithstanding the
 2978 | withdrawal of a claim:

2979 | (a) To the person submitting the first claim received by
 2980 | the ~~Division of Unclaimed Property of the~~ department that is
 2981 | complete or made complete.

2982 | (b) If a claimant's claim and a claimant ~~claimant's~~
 2983 | representative's claim for the recovery of property are received
 2984 | by the ~~Division of Unclaimed Property of the~~ department on the
 2985 | same day and both claims are complete, to the claimant.

2986 | (c) If a buyer's claim or a purchasing claimant
 2987 | representative's claim and a claimant's claim or a claimant
 2988 | ~~claimant's~~ representative's claim for the recovery of property
 2989 | are received by the ~~Division of Unclaimed Property of the~~
 2990 | department on the same day and the claims are complete, to the
 2991 | buyer.

2992 | (d) As between two or more claimant representatives'
 2993 | ~~claimant's representative's~~ claims received by the ~~Division of~~
 2994 | ~~Unclaimed Property of~~ the department that are complete or made
 2995 | complete on the same day, to the claimant ~~claimant's~~
 2996 | representative who has agreed to receive the lowest fee. If the
 2997 | two or more claimant ~~claimant's~~ representatives whose claims
 2998 | received by the ~~Division of Unclaimed Property of~~ the department
 2999 | were complete or made complete on the same day are charging the
 3000 | same ~~lowest~~ fee, the fee shall be divided equally between the

3001 claimant ~~claimant's~~ representatives.

3002 (e) If more than one buyer's claim received by the
3003 ~~Division of Unclaimed Property of the~~ department is complete or
3004 made complete on the same day, the department shall remit the
3005 abandoned ~~unclaimed~~ property to the buyer who paid the highest
3006 amount to the seller. If the buyers paid the same amount to the
3007 seller, the department shall remit the abandoned ~~unclaimed~~
3008 property to the buyers divided in equal amounts.

3009 (3)~~(2)~~ The purpose of this section is solely to provide
3010 guidance to the department regarding to whom it should remit the
3011 abandoned ~~unclaimed~~ property and is not intended to extinguish
3012 or affect any private cause of action that any person may have
3013 against another person for breach of contract or other statutory
3014 or common-law remedy. A buyer's sole remedy, if any, shall be
3015 against the claimant ~~claimant's~~ representative or the seller, or
3016 both. A claimant ~~claimant's~~ representative's sole remedy, if
3017 any, shall be against the buyer or the seller, or both. A
3018 claimant's or seller's sole remedy, if any, shall be against the
3019 buyer or the claimant ~~claimant's~~ representative, or both.
3020 Nothing in this section forecloses the right of a person to
3021 challenge the department's determination of completeness in a
3022 proceeding under ss. 120.569 and 120.57.

3023 (4)~~(3)~~ A claim is complete when entitlement to the
3024 abandoned ~~unclaimed~~ property has been established.

3025 **Section 52. Subsection (1) of section 717.1242, Florida**

3026 **Statutes, is amended to read:**

3027 717.1242 Restatement of jurisdiction of the circuit court
3028 sitting in probate and the department.—

3029 (1) It is and has been the intent of the Legislature that,
3030 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
3031 proceedings relating to the settlement of the estates of
3032 decedents and other jurisdiction usually pertaining to courts of
3033 probate. It is and has been the intent of the Legislature that,
3034 pursuant to this chapter, the department determines the merits
3035 of claims and entitlement to abandoned ~~unclaimed~~ property paid
3036 or delivered to the department under this chapter. Consistent
3037 with this legislative intent, any beneficiary, devisee, heir,
3038 personal representative, or other interested person, as those
3039 terms are defined in the Florida Probate Code and the Florida
3040 Trust Code, of an estate seeking to obtain property paid or
3041 delivered to the department under this chapter must file a claim
3042 with the department as provided in s. 717.124.

3043 **Section 53. Subsections (1) and (4) of section 717.1243,**
3044 **Florida Statutes, are amended to read:**

3045 717.1243 Small estate accounts.—

3046 (1) A claim for abandoned ~~unclaimed~~ property made by a
3047 beneficiary, as defined in s. 731.201, of a deceased owner need
3048 not be accompanied by an order of a probate court if the
3049 claimant files with the department an affidavit, signed by all
3050 beneficiaries, stating that all the beneficiaries have amicably

3051 | agreed among themselves upon a division of the estate and that
3052 | all funeral expenses, expenses of the last illness, and any
3053 | other lawful claims have been paid, and any additional
3054 | information reasonably necessary to make a determination of
3055 | entitlement. If the owner died testate, the claim shall be
3056 | accompanied by a copy of the will.

3057 | (4) This section applies only if all of the abandoned
3058 | ~~unclaimed~~ property held by the department on behalf of the owner
3059 | has an aggregate value of \$20,000 or less and no probate
3060 | proceeding is pending.

3061 | **Section 54. Section 717.1244, Florida Statutes, is amended**
3062 | **to read:**

3063 | 717.1244 Determinations of abandoned ~~unclaimed~~ property
3064 | claims.—In rendering a determination regarding the merits of an
3065 | abandoned ~~unclaimed~~ property claim, the department shall rely on
3066 | the applicable statutory, regulatory, common, and case law.
3067 | Agency statements applying the statutory, regulatory, common,
3068 | and case law to abandoned ~~unclaimed~~ property claims are not
3069 | agency statements subject to s. 120.56(4).

3070 | **Section 55. Section 717.1245, Florida Statutes, is amended**
3071 | **to read:**

3072 | 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3073 | any person files a petition for writ of garnishment seeking to
3074 | obtain property paid or delivered to the department under this
3075 | chapter, the petitioner shall be ordered to pay the department

3076 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3077 brought by the department to oppose, appeal, or collaterally
3078 attack the petition or writ if the department is the prevailing
3079 party in any such proceeding.

3080 **Section 56. Subsection (1) of section 717.125, Florida**
3081 **Statutes, is amended to read:**

3082 717.125 Claim of another state to recover property;
3083 procedure.—

3084 (1) At any time after property has been paid or delivered
3085 to the department under this chapter, another state may recover
3086 the property if:

3087 (a) The property was subjected to custody by this state
3088 because the records of the holder did not reflect the last known
3089 address of the apparent owner when the property was presumed
3090 abandoned ~~unclaimed~~ under this chapter, and the other state
3091 establishes that the last known address of the apparent owner or
3092 other person entitled to the property was in that state and
3093 under the laws of that state the property escheated to or was
3094 subject to a claim of abandonment or being unclaimed by that
3095 state;

3096 (b) The last known address of the apparent owner or other
3097 person entitled to the property, as reflected by the records of
3098 the holder, is in the other state and under the laws of that
3099 state the property has escheated to or become subject to a claim
3100 of abandonment by that state;

3101 (c) The records of the holder were erroneous in that they
 3102 did not accurately reflect the actual owner of the property and
 3103 the last known address of the actual owner is in the other state
 3104 and under laws of that state the property escheated to or was
 3105 subject to a claim of abandonment by that state;

3106 (d) The property was subject to custody by this state
 3107 under s. 717.103(6) and under the laws of the state of domicile
 3108 of the holder the property has escheated to or become subject to
 3109 a claim of abandonment by that state; or

3110 (e) The property is the sum payable on a traveler's check,
 3111 money order, or other similar instrument that was subjected to
 3112 custody by this state under s. 717.104, and the instrument was
 3113 purchased in the other state, and under the laws of that state
 3114 the property escheated to or became subject to a claim of
 3115 abandonment by that state.

3116 **Section 57. Subsection (1) of section 717.126, Florida**
 3117 **Statutes, is amended to read:**

3118 717.126 Administrative hearing; burden of proof; proof of
 3119 entitlement; venue.—

3120 (1) Any person aggrieved by a decision of the department
 3121 may petition for a hearing as provided in ss. 120.569 and
 3122 120.57. In any proceeding for determination of a claim to
 3123 property paid or delivered to the department under this chapter,
 3124 the burden shall be upon the claimant to establish entitlement
 3125 to the property by a preponderance of evidence. Having the same

3126 name as that reported to the department is not sufficient, in
 3127 the absence of other evidence, to prove entitlement to abandoned
 3128 ~~unclaimed~~ property.

3129 **Section 58. Section 717.1261, Florida Statutes, is amended**
 3130 **to read:**

3131 717.1261 Death certificates.—Any person who claims
 3132 entitlement to abandoned ~~unclaimed~~ property by means of the
 3133 death of one or more persons shall file a copy of the death
 3134 certificate of the decedent or decedents that has been certified
 3135 as being authentic by the issuing governmental agency.

3136 **Section 59. Section 717.1262, Florida Statutes, is amended**
 3137 **to read:**

3138 717.1262 Court documents.—Any person who claims
 3139 entitlement to abandoned ~~unclaimed~~ property by reason of a court
 3140 document shall file a certified copy of the court document with
 3141 the department. A certified copy of each pleading filed with the
 3142 court to obtain a court document establishing entitlement, filed
 3143 within 180 days before the date the claim form was signed by the
 3144 claimant or claimant ~~claimant's~~ representative, must also be
 3145 filed with the department.

3146 **Section 60. Section 717.129, Florida Statutes, is amended**
 3147 **to read:**

3148 717.129 Periods of limitation.—

3149 (1) The expiration before or after July 1, 1987, of any
 3150 period of time specified by contract, statute, or court order,

3151 during which a claim for money or property may be made or during
 3152 which an action or proceeding may be commenced or enforced to
 3153 obtain payment of a claim for money or to recover property, does
 3154 not prevent the money or property from being presumed abandoned
 3155 ~~unclaimed~~ or affect any duty to file a report or to pay or
 3156 deliver abandoned ~~unclaimed~~ property to the department as
 3157 required by this chapter.

3158 (2) The department may not commence an action or
 3159 proceeding to enforce this chapter with respect to the
 3160 reporting, payment, or delivery of property or any other duty of
 3161 a holder under this chapter more than 10 years after the duty
 3162 arose. The period of limitation established under this
 3163 subsection is tolled by the earlier of the department's or audit
 3164 agent's delivery of a notice that a holder is subject to an
 3165 audit or examination under s. 717.1301 or the holder's written
 3166 election to enter into an abandoned ~~unclaimed~~ property voluntary
 3167 disclosure agreement.

3168 **Section 61. Subsections (3) and (4) of section 717.1301,**
 3169 **Florida Statutes, are amended to read:**

3170 717.1301 Investigations; examinations; subpoenas.—

3171 (3) The department may authorize a compliance review of a
 3172 report for a specified reporting year. The review must be
 3173 limited to the contents of the report filed, as required by s.
 3174 717.117 and subsection (2), and all supporting documents related
 3175 to the reports. If the review results in a finding of a

3176 deficiency in abandoned ~~unclaimed~~ property due and payable to
 3177 the department, the department shall notify the holder in
 3178 writing of the amount of deficiency within 1 year after the
 3179 authorization of the compliance review. If the holder fails to
 3180 pay the deficiency within 90 days, the department may seek to
 3181 enforce the assessment under subsection (1). The department is
 3182 not required to conduct a review under this section before
 3183 initiating an audit.

3184 (4) Notwithstanding any other provision of law, in a
 3185 contract providing for the location or collection of abandoned
 3186 ~~unclaimed~~ property, the department may authorize the contractor
 3187 to deduct its fees and expenses for services provided under the
 3188 contract from the abandoned ~~unclaimed~~ property that the
 3189 contractor has recovered or collected under the contract. The
 3190 department shall annually report to the Chief Financial Officer
 3191 the total amount collected or recovered by each contractor
 3192 during the previous fiscal year and the total fees and expenses
 3193 deducted by each contractor.

3194 **Section 62. Section 717.1315, Florida Statutes, is amended**
 3195 **to read:**

3196 717.1315 Retention of records by claimant ~~claimant's~~
 3197 representatives and buyers of abandoned ~~unclaimed~~ property.—

3198 (1) Every claimant ~~claimant's~~ representative and buyer of
 3199 abandoned ~~unclaimed~~ property shall keep and use in his or her
 3200 business such books, accounts, and records of the business

3201 conducted under this chapter to enable the department to
3202 determine whether such person is complying with this chapter and
3203 the rules adopted by the department under this chapter. Every
3204 claimant ~~claimant's~~ representative and buyer of abandoned
3205 ~~unclaimed~~ property shall preserve such books, accounts, and
3206 records, including every Abandoned ~~Unclaimed~~ Property Recovery
3207 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
3208 between the owner and such claimant ~~claimant's~~ representative or
3209 buyer, for at least 3 years after the date of the initial
3210 agreement.

3211 (2) A claimant ~~claimant's~~ representative or buyer of
3212 abandoned ~~unclaimed~~ property, operating at two or more places of
3213 business in this state, may maintain the books, accounts, and
3214 records of all such offices at any one of such offices, or at
3215 any other office maintained by such claimant ~~claimant's~~
3216 representative or buyer of abandoned ~~unclaimed~~ property, upon
3217 the filing of a written notice with the department designating
3218 in the written notice the office at which such records are
3219 maintained.

3220 (3) A claimant ~~claimant's~~ representative or buyer of
3221 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3222 records available at a convenient location in this state upon
3223 request of the department.

3224 **Section 63. Subsections (2) and (3) of section 717.132,**
3225 **Florida Statutes, are amended to read:**

3226 717.132 Enforcement; cease and desist orders; fines.—
 3227 (2) In addition to any other powers conferred upon it to
 3228 enforce and administer the provisions of this chapter, the
 3229 department may issue and serve upon a person an order to cease
 3230 and desist and to take corrective action whenever the department
 3231 finds that such person is violating, has violated, or is about
 3232 to violate any provision of this chapter, any rule or order
 3233 promulgated under this chapter, or any written agreement entered
 3234 into with the department. For purposes of this subsection, the
 3235 term "corrective action" includes refunding excessive charges,
 3236 requiring a person to return abandoned ~~unclaimed~~ property,
 3237 requiring a holder to remit abandoned ~~unclaimed~~ property, and
 3238 requiring a holder to correct a report that contains errors or
 3239 omissions. Any such order shall contain a notice of rights
 3240 provided by ss. 120.569 and 120.57.

3241 (3) In addition to any other powers conferred upon it to
 3242 enforce and administer the provisions of this chapter, the
 3243 department or a court of competent jurisdiction may impose fines
 3244 against any person found to have violated any provision of this
 3245 chapter, any rule or order promulgated under this chapter, or
 3246 any written agreement entered into with the department in an
 3247 amount not to exceed \$2,000 for each violation. All fines
 3248 collected under this subsection shall be deposited as received
 3249 in the Abandoned ~~Unclaimed~~ Property Trust Fund.

3250 **Section 64. Paragraphs (c), (d), and (j) of subsection**

3251 **(1), subsections (2) and (3), paragraph (b) of subsection (4),**
 3252 **and subsection (5) of section 717.1322, Florida Statutes, are**
 3253 **amended to read:**

3254 717.1322 Administrative and civil enforcement.—

3255 (1) The following acts are violations of this chapter and
 3256 constitute grounds for an administrative enforcement action by
 3257 the department in accordance with the requirements of chapter
 3258 120 and for civil enforcement by the department in a court of
 3259 competent jurisdiction:

3260 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
 3261 concealment of any matter required to be stated or furnished to
 3262 the department or to an owner or apparent owner under this
 3263 chapter, ~~regardless of reliance by or damage to the owner or~~
 3264 ~~apparent owner.~~

3265 (d) ~~Willful~~ Imposition of illegal or excessive charges in
 3266 any abandoned unclaimed property transaction.

3267 (j) Requesting or receiving compensation for notifying a
 3268 person of his or her abandoned unclaimed property or assisting
 3269 another person in filing a claim for abandoned unclaimed
 3270 property, ~~unless the person is an attorney licensed to practice~~
 3271 ~~law in this state, a Florida-certified public accountant, or a~~
 3272 ~~private investigator licensed under chapter 493,~~ or entering
 3273 into, or making a solicitation to enter into, an agreement to
 3274 file a claim for abandoned unclaimed property owned by another,
 3275 unless such person is a registered claimant representative

3276 ~~registered with the department under this chapter and an~~
 3277 ~~attorney licensed to practice law in this state in the regular~~
 3278 ~~practice of her or his profession, a Florida-certified public~~
 3279 ~~accountant who is acting within the scope of the practice of~~
 3280 ~~public accounting as defined in chapter 473, or a private~~
 3281 ~~investigator licensed under chapter 493.~~ This paragraph does not
 3282 apply to a person who has been granted a durable power of
 3283 attorney to convey and receive all of the real and personal
 3284 property of the owner, is the court-appointed guardian of the
 3285 owner, has been employed as an attorney or qualified
 3286 representative to contest the department's denial of a claim, or
 3287 has been employed as an attorney to probate the estate of the
 3288 owner or an heir or legatee of the owner.

3289 (2) Upon a finding by the department that any person has
 3290 committed any of the acts set forth in subsection (1), the
 3291 department may enter an order doing any of the following:

3292 (a) Revoking for a minimum of 5 years or suspending for a
 3293 maximum of 5 years a registration previously granted under this
 3294 chapter during which time the registrant may not reapply for a
 3295 registration under this chapter.~~†~~

3296 (b) Placing a claimant representative ~~registrant~~ or an
 3297 applicant for a registration on probation for a period of time
 3298 and subject to such conditions as the department may specify.~~†~~

3299 (c) Placing permanent restrictions or conditions upon
 3300 issuance or maintenance of a registration under this chapter;

3301 (d) Issuing a reprimand.~~†~~

3302 (e) Imposing an administrative fine not to exceed \$2,000

3303 for each such act.~~†~~~~or~~

3304 (f) Prohibiting any person from being a director, officer,

3305 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~

3306 ~~percent~~ or greater interest in an employer of a claimant

3307 representative ~~registrant~~.

3308 (3) A claimant ~~claimant's~~ representative is subject to

3309 civil enforcement and the disciplinary actions specified in

3310 subsection (2) for violations of subsection (1) by an agent or

3311 employee of the claimant representative's ~~registrant's~~ employer

3312 if the claimant ~~claimant's~~ representative knew or should have

3313 known that such agent or employee was violating any provision of

3314 this chapter.

3315 (4)

3316 (b) The disciplinary guidelines shall specify a meaningful

3317 range of designated penalties based upon the severity or

3318 repetition of specific offenses, or both. It is the legislative

3319 intent that minor violations be distinguished from more serious

3320 violations; that such guidelines consider the amount of the

3321 claim involved, the complexity of locating the owner, the steps

3322 taken to ensure the accuracy of the claim by the person filing

3323 the claim, the acts of commission and omission of the claimant

3324 ~~ultimate owners~~ in establishing themselves as rightful owners of

3325 the funds, the acts of commission or omission of the agent or

3326 | employee of a claimant representative or its ~~an~~ employer in the
 3327 | filing of the claim, the actual knowledge of the agent,
 3328 | employee, employer, or owner in the filing of the claim, the
 3329 | departure, if any, by the agent or employee from the internal
 3330 | controls and procedures established by the claimant
 3331 | representative or its employer with regard to the filing of a
 3332 | claim, the number of defective claims previously filed by the
 3333 | agent, employee, employer, or owner; that such guidelines
 3334 | provide reasonable and meaningful notice of likely penalties
 3335 | that may be imposed for proscribed conduct; and that such
 3336 | penalties be consistently applied by the department.

3337 | (5) The department may seek any appropriate civil legal
 3338 | remedy available to it by filing a civil action in a court of
 3339 | competent jurisdiction against any person who has, directly or
 3340 | through a claimant ~~claimant's~~ representative, wrongfully
 3341 | submitted a claim as the ~~ultimate~~ owner of property and
 3342 | improperly received funds from the department in violation of
 3343 | this chapter.

3344 | **Section 65. Subsections (1) and (3) of section 717.133,**
 3345 | **Florida Statutes, are amended to read:**

3346 | 717.133 Interstate agreements and cooperation; joint and
 3347 | reciprocal actions with other states.—

3348 | (1) The department may enter into agreements with other
 3349 | states to exchange information needed to enable this or another
 3350 | state to audit or otherwise determine abandoned ~~unclaimed~~

3351 property that it or another state may be entitled to subject to
 3352 a claim of custody. The department may require the reporting of
 3353 information needed to enable compliance with agreements made
 3354 pursuant to this section and prescribe the form.

3355 (3) At the request of another state, the department may
 3356 bring an action in the name of the other state in any court of
 3357 competent jurisdiction to enforce the abandoned ~~unclaimed~~
 3358 property laws of the other state against a holder in this state
 3359 of property subject to escheat or a claim of abandonment by the
 3360 other state, if the other state has agreed to pay expenses
 3361 incurred in bringing the action.

3362 **Section 66. Subsection (2) of section 717.1333, Florida**
 3363 **Statutes, is amended to read:**

3364 717.1333 Evidence; estimations; audit reports and
 3365 worksheets, investigator reports and worksheets, other related
 3366 documents.—

3367 (2) If the records of the holder that are available for
 3368 the periods subject to this chapter are insufficient to permit
 3369 the preparation of a report of the abandoned ~~unclaimed~~ property
 3370 due and owing by a holder, or if the holder fails to provide
 3371 records after being requested to do so, the amount due to the
 3372 department may be reasonably estimated.

3373 **Section 67. Paragraph (a) of subsection (1) and**
 3374 **subsections (2) and (4) of section 717.1341, Florida Statutes,**
 3375 **are amended to read:**

3376 717.1341 Invalid claims, recovery of property, interest
 3377 and penalties.—

3378 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
 3379 ~~unclaimed~~ property that the person is not entitled to receive.
 3380 Any person who receives, or assists another person to receive,
 3381 abandoned ~~unclaimed~~ property that the person is not entitled to
 3382 receive is strictly, jointly, personally, and severally liable
 3383 for the abandoned ~~unclaimed~~ property and shall immediately
 3384 return the property, or the reasonable value of the property if
 3385 the property has been damaged or disposed of, to the department
 3386 plus interest at the rate set in accordance with s. 55.03(1).
 3387 Assisting another person to receive abandoned ~~unclaimed~~ property
 3388 includes executing a claim form on the person's behalf.

3389 (2) The department may maintain a civil or administrative
 3390 action:

3391 (a) To recover abandoned ~~unclaimed~~ property that was paid
 3392 or remitted to a person who was not entitled to the abandoned
 3393 ~~unclaimed~~ property or to offset amounts owed to the department
 3394 against amounts owed to an owner representative;

3395 (b) Against a person who assists another person in
 3396 receiving, or attempting to receive, abandoned ~~unclaimed~~
 3397 property that the person is not entitled to receive; or

3398 (c) Against a person who attempts to receive abandoned
 3399 ~~unclaimed~~ property that the person is not entitled to receive.

3400 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly

3401 | conspire to file, or knowingly assist in filing, a claim for
 3402 | abandoned ~~unclaimed~~ property the person is not entitled to
 3403 | receive. Any person who violates this subsection regarding
 3404 | abandoned ~~unclaimed~~ property of an aggregate value:

3405 | (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
 3406 | the first degree, punishable as provided in s. 775.082, s.
 3407 | 775.083, or s. 775.084;

3408 | (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
 3409 | ~~of~~ a felony of the second degree, punishable as provided in s.
 3410 | 775.082, s. 775.083, or s. 775.084;

3411 | (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~
 3412 | a felony of the third degree, punishable as provided in s.
 3413 | 775.082, s. 775.083, or s. 775.084;

3414 | (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
 3415 | misdemeanor of the first degree, punishable as provided in s.
 3416 | 775.082 or s. 775.083; or

3417 | (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
 3418 | second degree, punishable as provided in s. 775.082 or s.
 3419 | 775.083.

3420 | **Section 68. Section 717.135, Florida Statutes, is amended**
 3421 | **to read:**

3422 | 717.135 Recovery agreements and purchase agreements for
 3423 | claims filed by a claimant ~~claimant's~~ representative; fees and
 3424 | costs or total net gain.—

3425 | (1) In order to protect the interests of owners of

3426 abandoned ~~unclaimed~~ property, the department shall adopt by rule
3427 a form entitled "Abandoned ~~Unclaimed~~ Property Recovery
3428 Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property
3429 Purchase Agreement."

3430 (2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement
3431 and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must
3432 include and disclose all of the following:

3433 (a) The total dollar amount of abandoned ~~unclaimed~~
3434 property accounts claimed or sold.

3435 (b) The total percentage of all authorized fees and costs
3436 to be paid to the claimant ~~claimant's~~ representative or the
3437 percentage of the value of the property to be paid as net gain
3438 to the purchasing claimant ~~claimant's~~ representative.

3439 (c) The total dollar amount to be deducted and received
3440 from the claimant as fees and costs by the claimant ~~claimant's~~
3441 representative or the total net dollar amount to be received by
3442 the purchasing claimant ~~claimant's~~ representative.

3443 (d) The net dollar amount to be received by the claimant
3444 or the seller.

3445 (e) For each account claimed, the abandoned ~~unclaimed~~
3446 property account number.

3447 (f) For the Abandoned ~~Unclaimed~~ Property Purchase
3448 Agreement, a statement that the amount of the purchase price
3449 will be remitted to the seller by the purchaser within 30 days
3450 after the execution of the agreement by the seller.

3451 (g) The name, address, e-mail address, phone number, and
 3452 license number of the claimant ~~claimant's~~ representative.

3453 (h)1. The manual signature of the claimant or seller and
 3454 the date signed, affixed on the agreement by the claimant or
 3455 seller.

3456 2. Notwithstanding any other provision of this chapter to
 3457 the contrary, the department may allow ~~an apparent owner, who is~~
 3458 ~~also~~ the claimant or seller, to sign the agreement
 3459 electronically. All electronic signatures on the Abandoned
 3460 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
 3461 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
 3462 agreement by the claimant or seller using the specific,
 3463 exclusive eSignature product and protocol authorized by the
 3464 department.

3465 (i) The social security number or taxpayer identification
 3466 number of the claimant or seller, if a number has been issued to
 3467 the claimant or seller.

3468 (j) The total fees and costs, or the total discount in the
 3469 case of a purchase agreement, which may not exceed 30 percent of
 3470 the claimed amount. In the case of a recovery agreement, if the
 3471 total fees and costs exceed 30 percent, the fees and costs shall
 3472 be reduced to 30 percent and the net balance shall be remitted
 3473 directly by the department to the claimant. In the case of a
 3474 purchase agreement, if the total net gain of the claimant
 3475 ~~claimant's~~ representative exceeds 30 percent, the claim will be

3476 denied.

3477 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
3478 form, proof that the purchaser has made payment must be filed
3479 with the department along with the claim. If proof of payment is
3480 not provided, the claim is void.

3481 (4) A claimant ~~claimant's~~ representative must use the
3482 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
3483 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
3484 entering into an agreement or a contract with a claimant or
3485 seller to file a claim with the department.

3486 (5) Fees and costs may be owed or paid to, or received by,
3487 a claimant ~~claimant's~~ representative only after a filed claim
3488 has been approved and if the claimant's representative used an
3489 agreement authorized by this section.

3490 (6) A claimant ~~claimant's~~ representative may not use or
3491 distribute any other agreement of any type, conveyed by any
3492 method, with respect to the claimant or seller which relates,
3493 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
3494 held by the department or the Chief Financial Officer other than
3495 the agreements authorized by this section. Any engagement,
3496 authorization, recovery, or fee agreement that is not authorized
3497 by this section is void. A claimant ~~claimant's~~ representative is
3498 subject to administrative and civil enforcement under s.
3499 717.1322 if he or she uses an agreement that is not authorized
3500 by this section and if the agreement is used to apply, directly

3501 or indirectly, to abandoned ~~unclaimed~~ property held by this
3502 state. This subsection does not prohibit lawful nonagreement,
3503 noncontractual, or advertising communications between or among
3504 the parties.

3505 (7) The Abandoned Unclaimed Property Recovery Agreement
3506 may not contain language that makes the agreement irrevocable or
3507 that creates an assignment of any portion of abandoned ~~unclaimed~~
3508 property held by the department.

3509 (8) When a claim is approved, the department may pay any
3510 additional account that is owned by the claimant but has not
3511 been claimed at the time of approval, provided that a subsequent
3512 claim has not been filed or is not pending for the claimant at
3513 the time of approval.

3514 (9) This section does not supersede s. 717.1241.

3515 ~~(10) This section does not apply to the sale and purchase
3516 of Florida-held unclaimed property accounts through a bankruptcy
3517 estate representative or other person or entity authorized
3518 pursuant to Title XI of the United States Code or an order of a
3519 bankruptcy court to act on behalf or for the benefit of the
3520 debtor, its creditors, and its bankruptcy estate.~~

3521 **Section 69. Section 717.1356, Florida Statutes, is created**
3522 **to read:**

3523 717.1356 Purchase of abandoned property.-

3524 (1) Agreements for the purchase of abandoned property
3525 reported to the department shall be valid only if all of the

3526 following conditions are met:

3527 (a) The agreement is entitled "Florida Abandoned Property
3528 Purchase Agreement" and is in writing, in minimum 12-point type.

3529 (b) The agreement includes the social security number or
3530 taxpayer identification number of the seller, if a number has
3531 been issued to the seller; a valid e-mail address, mailing
3532 address, and telephone number for the seller; and is manually
3533 signed and dated by the seller with the signature notarized.

3534 (c) The agreement discloses with specificity the nature
3535 and value of the abandoned property, including the name of the
3536 apparent owner as shown by the records of the department, the
3537 name of the holder who remitted the property, the date of last
3538 contact, and the property category. With respect to the value of
3539 the abandoned property, the agreement must contain the
3540 following:

3541 1. The total dollar amount of all abandoned property to be
3542 sold.

3543 2. The total percentage of the value of the abandoned
3544 property to be paid as net gain to the purchaser.

3545 3. The total net dollar amount to be received by the
3546 purchaser.

3547 4. The net dollar amount to be received by the seller.

3548 (d) The agreement states the abandoned property account
3549 number for each abandoned property account sold.

3550 (e) The purchase price does not discount the total value

3551 of all abandoned property subject to the sale by more than 30
3552 percent.

3553 (f) The agreement states that the amount of the purchase
3554 price will be remitted to the seller by the purchaser within 30
3555 days after the execution of the agreement by the seller.

3556 (g) The agreement includes the name, address, e-mail
3557 address, and phone number of the purchaser.

3558 (h) The agreement states that the abandoned property is
3559 currently in the department's custody and that the seller can
3560 claim the property directly from the department on its
3561 electronically searchable website without being charged a fee.
3562 The agreement must provide the department's website address.

3563 (2) A seller may cancel a purchase agreement without
3564 penalty or obligation within 15 business days after the date on
3565 which the agreement was executed. The agreement must contain the
3566 following language in minimum 12-point type: "You may cancel
3567 this agreement for any reason without penalty or obligation to
3568 you within 15 days after the date of this agreement by providing
3569 notice to . . .(name of purchaser). . ., submitted in writing
3570 and sent by certified mail, return receipt requested, or other
3571 form of mailing that provides proof thereof, at the address or
3572 e-mail address specified in the agreement."

3573 (3) A copy of an executed Florida Abandoned Property
3574 Purchase Agreement must be filed with the purchaser's claim,
3575 along with proof that the purchaser has made payment in full,

3576 and all other required documentation. If proof of payment is not
 3577 provided, the department may not approve the claim.

3578 (4) A purchase agreement under this section that discounts
 3579 the value of abandoned property by more than the amount
 3580 authorized in paragraph (1)(e) is enforceable only by the
 3581 seller.

3582 **Section 70. Section 717.138, Florida Statutes, is amended**
 3583 **to read:**

3584 717.138 Rulemaking authority.—The department shall
 3585 administer and provide for the enforcement of this chapter. The
 3586 department has authority to adopt rules pursuant to ss.
 3587 120.536(1) and 120.54 to implement the provisions of this
 3588 chapter. The department may adopt rules to allow for electronic
 3589 filing of fees, forms, and reports required by this chapter. The
 3590 authority to adopt rules pursuant to this chapter applies to all
 3591 abandoned ~~unclaimed~~ property reported and remitted to the Chief
 3592 Financial Officer, including, but not limited to, property
 3593 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
 3594 and 744.534.

3595 **Section 71. Section 717.1382, Florida Statutes, is amended**
 3596 **to read:**

3597 717.1382 United States savings bond; abandoned ~~unclaimed~~
 3598 property; escheatment; procedure.—

3599 (1) Notwithstanding any other provision of law, a United
 3600 States savings bond in possession of the department or

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3601 registered to a person with a last known address in the state,
3602 including a bond that is lost, stolen, or destroyed, is presumed
3603 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
3604 and no longer earns interest and shall be reported and remitted
3605 to the department by the financial institution or other holder
3606 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
3607 ~~(5)~~ and 717.119, if the department is not in possession of the
3608 bond.

3609 (2) (a) After a United States savings bond is abandoned ~~and~~
3610 ~~unclaimed~~ in accordance with subsection (1), the department may
3611 commence a civil action in a court of competent jurisdiction in
3612 Leon County for a determination that the bond shall escheat to
3613 the state. Upon determination of escheatment, all property
3614 rights to the bond or proceeds from the bond, including all
3615 rights, powers, and privileges of survivorship of an owner, co-
3616 owner, or beneficiary, shall vest solely in the state.

3617 (b) Service of process by publication may be made on a
3618 party in a civil action pursuant to this section. A notice of
3619 action shall state the name of any known owner of the bond, the
3620 nature of the action or proceeding in short and simple terms,
3621 the name of the court in which the action or proceeding is
3622 instituted, and an abbreviated title of the case.

3623 (c) The notice of action shall require a person claiming
3624 an interest in the bond to file a written defense with the clerk
3625 of the court and serve a copy of the defense by the date fixed

3626 | in the notice. The date must not be less than 28 or more than 60
 3627 | days after the first publication of the notice.

3628 | (d) The notice of action shall be published once a week
 3629 | for 4 consecutive weeks in a newspaper of general circulation
 3630 | published in Leon County. Proof of publication shall be placed
 3631 | in the court file.

3632 | (e)1. If no person files a claim with the court for the
 3633 | bond and if the department has substantially complied with the
 3634 | provisions of this section, the court shall enter a default
 3635 | judgment that the bond, or proceeds from such bond, has
 3636 | escheated to the state.

3637 | 2. If a person files a claim for one or more bonds and,
 3638 | after notice and hearing, the court determines that the claimant
 3639 | is not entitled to the bonds claimed by such claimant, the court
 3640 | shall enter a judgment that such bonds, or proceeds from such
 3641 | bonds, have escheated to the state.

3642 | 3. If a person files a claim for one or more bonds and,
 3643 | after notice and hearing, the court determines that the claimant
 3644 | is entitled to the bonds claimed by such claimant, the court
 3645 | shall enter a judgment in favor of the claimant.

3646 | (3) The department may redeem a United States savings bond
 3647 | escheated to the state pursuant to this section or, in the event
 3648 | that the department is not in possession of the bond, seek to
 3649 | obtain the proceeds from such bond. Proceeds received by the
 3650 | department shall be deposited in accordance with s. 717.123.

3651 **Section 72. Section 717.139, Florida Statutes, is amended**
 3652 **to read:**

3653 717.139 Uniformity of application and construction.—

3654 (1) The Legislature finds that laws governing abandoned
 3655 property serve a vital public purpose by protecting the property
 3656 rights of owners, facilitating the return abandoned property to
 3657 its owners, preventing private escheatment, and ensuring that
 3658 abandoned assets are preserved and safeguarded from waste or
 3659 misuse. It is the public policy of the state to protect the
 3660 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
 3661 ~~declared to be in the best interests of owners of unclaimed~~
 3662 ~~property that such owners receive the full amount of any~~
 3663 ~~unclaimed property without any fee.~~

3664 (2) This chapter shall be applied and construed as to
 3665 effectuate its general purpose of protecting the interest of
 3666 missing owners of abandoned property, while providing that the
 3667 benefit of all ~~unclaimed and~~ abandoned property shall go to all
 3668 the people of the state, and to make uniform the law with
 3669 respect to the subject of this chapter among states enacting it.
 3670 It is the intent of the Legislature that property reported under
 3671 this chapter remains the property of the owner and that the
 3672 State of Florida acts solely as a custodian, not as the owner,
 3673 of such property. Title to abandoned property may not transfer
 3674 to the state except as expressly provided by law and only after
 3675 all reasonable efforts to identify and return the property to

3676 its rightful owner have been exhausted.

3677 **Section 73. Section 717.1400, Florida Statutes, is amended**
3678 **to read:**

3679 717.1400 Registration.—

3680 (1) In order to file claims as a claimant ~~claimant's~~
3681 representative, receive a distribution of fees and costs for
3682 approved claims from the department, and obtain information
3683 regarding abandoned ~~unclaimed~~ property dollar amounts and
3684 numbers of reported shares of stock held by the department, an
3685 individual must meet all of the following requirements:

3686 (a) Be one of the following:

3687 1. A Florida-licensed private investigator holding a Class
3688 "C" individual license under chapter 493;

3689 2. A Florida-certified public account; or

3690 3. A Florida-licensed attorney.

3691 (b) Have obtained a certificate of registration from ~~Must~~
3692 register with the department.

3693 (2) An application for registration as a claimant
3694 representative must be submitted in writing on a form prescribed
3695 by the department and must be accompanied by all of the
3696 following:

3697 (a) A legible color copy of the applicant's current driver
3698 license showing the full name and current address of such
3699 person. If a current driver license is not available, another
3700 form of photo identification must be provided which shows the

3701 full name and current address of such person.

3702 (b) If the applicant is a private investigator:

3703 1. ~~on such form as the department prescribes by rule and~~

3704 ~~must be verified by the applicant. To register with the~~

3705 ~~department, a private investigator must provide:~~

3706 ~~(a)~~ A legible copy of the applicant's Class "A" business

3707 license under chapter 493 or that of the applicant's firm or

3708 employer which holds a Class "A" business license under chapter

3709 493; ~~and.~~

3710 2. ~~(b)~~ A legible copy of the applicant's Class "C"

3711 individual license issued under chapter 493.

3712 (c) If the applicant is a certified public account, the

3713 applicant's Florida Board of Accountancy number.

3714 (d) If the applicant is a licensed attorney, the

3715 applicant's Florida Bar number.

3716 (e) ~~(e)~~ The business address, ~~and~~ telephone number, tax

3717 identification number, and state of domicile or incorporation of

3718 the applicant's ~~private investigative~~ firm or employer.

3719 (f) ~~(d)~~ The names of agents, ~~or~~ employees, or independent

3720 contractors, if any, who are designated or authorized to act on

3721 behalf of the applicant ~~private investigator~~, together with a

3722 legible color copy of their photo identification issued by an

3723 agency of the United States, or a state, or a political

3724 subdivision thereof.

3725 (g) A statement that the applicant has not, during the 5-

3726 year period immediately preceding the submission of the
 3727 application, violated any part of the Florida Disposition of
 3728 Abandoned Personal Property Act.

3729 (h) A statement that the applicant has not been convicted
 3730 of, or plead guilty to, a felony or any offense involving moral
 3731 turpitude; dishonesty; deceit; or breach of fiduciary duty,
 3732 including theft, attempted theft, falsification, tampering with
 3733 records, securing writings by deception, fraud, forgery, or
 3734 perjury.

3735 (i)(e) Sufficient information to enable the department to
 3736 disburse funds by electronic funds transfer.

3737 (j) The applicant's notarized signature immediately
 3738 following an acknowledgment that any false or perjured statement
 3739 subjects the applicant to criminal liability under the laws of
 3740 this state

3741 ~~(f) The tax identification number of the private~~
 3742 ~~investigator's firm or employer which holds a Class "A" business~~
 3743 ~~license under chapter 493.~~

3744 ~~(2) In order to file claims as a claimant's~~
 3745 ~~representative, receive a distribution of fees and costs from~~
 3746 ~~the department, and obtain unclaimed property dollar amounts and~~
 3747 ~~numbers of reported shares of stock held by the department, a~~
 3748 ~~Florida-certified public accountant must register with the~~
 3749 ~~department on such form as the department prescribes by rule and~~
 3750 ~~must be verified by the applicant. To register with the~~

3751 ~~department, a Florida-certified public accountant must provide:~~
3752 ~~(a) The applicant's Florida Board of Accountancy number.~~
3753 ~~(b) A legible copy of the applicant's current driver~~
3754 ~~license showing the full name and current address of such~~
3755 ~~person. If a current driver license is not available, another~~
3756 ~~form of identification showing the full name and current address~~
3757 ~~of such person or persons shall be filed with the department.~~
3758 ~~(c) The business address and telephone number of the~~
3759 ~~applicant's public accounting firm or employer.~~
3760 ~~(d) The names of agents or employees, if any, who are~~
3761 ~~designated to act on behalf of the Florida-certified public~~
3762 ~~accountant, together with a legible copy of their photo~~
3763 ~~identification issued by an agency of the United States, or a~~
3764 ~~state, or a political subdivision thereof.~~
3765 ~~(e) Sufficient information to enable the department to~~
3766 ~~disburse funds by electronic funds transfer.~~
3767 ~~(f) The tax identification number of the accountant's~~
3768 ~~public accounting firm employer.~~
3769 ~~(3) In order to file claims as a claimant's~~
3770 ~~representative, receive a distribution of fees and costs from~~
3771 ~~the department, and obtain unclaimed property dollar amounts and~~
3772 ~~numbers of reported shares of stock held by the department, an~~
3773 ~~attorney licensed to practice in this state must register with~~
3774 ~~the department on such form as the department prescribes by rule~~
3775 ~~and must be verified by the applicant. To register with the~~

3776 department, such attorney must provide:

3777 ~~(a) The applicant's Florida Bar number.~~

3778 ~~(b) A legible copy of the applicant's current driver~~
3779 ~~license showing the full name and current address of such~~
3780 ~~person. If a current driver license is not available, another~~
3781 ~~form of identification showing the full name and current address~~
3782 ~~of such person or persons shall be filed with the department.~~

3783 ~~(c) The business address and telephone number of the~~
3784 ~~applicant's firm or employer.~~

3785 ~~(d) The names of agents or employees, if any, who are~~
3786 ~~designated to act on behalf of the attorney, together with a~~
3787 ~~legible copy of their photo identification issued by an agency~~
3788 ~~of the United States, or a state, or a political subdivision~~
3789 ~~thereof.~~

3790 ~~(e) Sufficient information to enable the department to~~
3791 ~~disburse funds by electronic funds transfer.~~

3792 ~~(f) The tax identification number of the attorney's firm~~
3793 ~~or employer.~~

3794 ~~(4)~~ Information and documents already on file with the
3795 department before the effective date of this provision need not
3796 be resubmitted in order to complete the registration.

3797 ~~(4)~~~~(5)~~ If a material change in the status of a
3798 registration occurs, the claimant representative ~~a registrant~~
3799 must, within 30 days, provide the department with the updated
3800 documentation and information in writing. Material changes

3801 include, but are not limited to, the following,~~+~~ a designated
3802 agent or employee ceasing to act on behalf of the designating
3803 person, a surrender, suspension, or revocation of a license, or
3804 a license renewal.

3805 (a) If a designated agent or employee ceases to act on
3806 behalf of the person who has designated the agent or employee to
3807 act on such person's behalf, the designating person must, within
3808 30 days, inform the department ~~the Division of Unclaimed~~
3809 ~~Property~~ in writing of the termination of agency or employment.

3810 (b) If a registrant surrenders the registrant's license or
3811 the license is suspended or revoked, the registrant must, within
3812 30 days, inform the division in writing of the surrender,
3813 suspension, or revocation.

3814 (c) If a private investigator's Class "C" individual
3815 license under chapter 493 or a private investigator's employer's
3816 Class "A" business license under chapter 493 is renewed, the
3817 private investigator must provide a copy of the renewed license
3818 to the department within 30 days after the receipt of the
3819 renewed license by the private investigator or the private
3820 investigator's employer.

3821 ~~(5)-(6)~~ An applicant's claimant representative's A
3822 ~~registrant's~~ firm or employer may not have a name that might
3823 lead another person to conclude that the claimant
3824 representative's ~~registrant's~~ firm or employer is affiliated or
3825 associated with the United States, or an agency thereof, or a

3826 state or an agency or political subdivision of a state. The
3827 department shall deny an application for registration or revoke
3828 a registration if the applicant's or claimant representative's
3829 ~~registrant's~~ firm or employer has a name that might lead another
3830 person to conclude that the firm or employer is affiliated or
3831 associated with the United States, or an agency thereof, or a
3832 state or an agency or political subdivision of a state. Names
3833 that might lead another person to conclude that the firm or
3834 employer is affiliated or associated with the United States, or
3835 an agency thereof, or a state or an agency or political
3836 subdivision of a state, include, but are not limited to, the
3837 words United States, Florida, state, bureau, division,
3838 department, or government.

3839 ~~(6)-(7)~~ The licensing and other requirements of this
3840 section must be maintained as a condition of registration with
3841 the department.

3842 (7) To maintain active registration under this section, a
3843 claimant representative must file and obtain payment on at least
3844 10 claims per calendar year following the date of initial
3845 registration.

3846 (a) If a claimant representative fails to meet this
3847 requirement, the department must notify the claimant
3848 representative in writing and provide 30 days to demonstrate
3849 compliance or good cause for noncompliance.

3850 (b) If the claimant representative does not cure the

3851 deficiency or demonstrate good cause within the time provided,
 3852 the department must revoke the registration.

3853 (c) A claimant representative whose registration is
 3854 revoked under this subsection may not reapply for registration
 3855 under this section for a period of 1 year following the
 3856 effective date of the revocation.

3857 **Section 74. Paragraph (a) of subsection (2) of section**
 3858 **197.582, Florida Statutes, is amended to read:**

3859 197.582 Disbursement of proceeds of sale.—

3860 (2)(a) If the property is purchased for an amount in
 3861 excess of the statutory bid of the certificateholder, the
 3862 surplus must be paid over and disbursed by the clerk as set
 3863 forth in subsections (3), (5), and (6). If the opening bid
 3864 included the homestead assessment pursuant to s. 197.502(6)(c),
 3865 that amount must be treated as surplus and distributed in the
 3866 same manner. The clerk shall distribute the surplus to the
 3867 governmental units for the payment of any lien of record held by
 3868 a governmental unit against the property, including any tax
 3869 certificates not incorporated in the tax deed application and
 3870 omitted taxes, if any. If there remains a balance of
 3871 undistributed funds, the balance must be retained by the clerk
 3872 for the benefit of persons described in s. 197.522(1)(a), except
 3873 those persons described in s. 197.502(4)(h), as their interests
 3874 may appear. The clerk shall mail notices to such persons
 3875 notifying them of the funds held for their benefit at the

3876 addresses provided in s. 197.502(4). Such notice constitutes
 3877 compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~.
 3878 Any service charges and costs of mailing notices shall be paid
 3879 out of the excess balance held by the clerk. Notice must be
 3880 provided in substantially the following form:

3881
 3882 NOTICE OF SURPLUS FUNDS
 3883 FROM TAX DEED SALE

3884
 3885 CLERK OF COURT
 3886 COUNTY, FLORIDA

3887
 3888 Tax Deed #.....
 3889 Certificate #.....
 3890 Property Description:

3891 Pursuant to chapter 197, Florida Statutes, the above
 3892 property was sold at public sale on ...(date of sale)..., and a
 3893 surplus of \$...(amount)... (subject to change) will be held by
 3894 this office for 120 days beginning on the date of this notice to
 3895 benefit the persons having an interest in this property as
 3896 described in section 197.502(4), Florida Statutes, as their
 3897 interests may appear (except for those persons described in
 3898 section 197.502(4)(h), Florida Statutes).

3899 To the extent possible, these funds will be used to satisfy
 3900 in full each claimant with a senior mortgage or lien in the

3901 | property before distribution of any funds to any junior mortgage
 3902 | or lien claimant or to the former property owner. To be
 3903 | considered for funds when they are distributed, you must file a
 3904 | notarized statement of claim with this office within 120 days of
 3905 | this notice. If you are a lienholder, your claim must include
 3906 | the particulars of your lien and the amounts currently due. Any
 3907 | lienholder claim that is not filed within the 120-day deadline
 3908 | is barred.

3909 | A copy of this notice must be attached to your statement of
 3910 | claim. After the office examines the filed claim statements, it
 3911 | will notify you if you are entitled to any payment.

3912 | Dated:

3913 | Clerk of Court

3914 | **Section 75. Paragraph (t) of subsection (1) of section**
 3915 | **626.9541, Florida Statutes, is amended to read:**

3916 | 626.9541 Unfair methods of competition and unfair or
 3917 | deceptive acts or practices defined.—

3918 | (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 3919 | ACTS.—The following are defined as unfair methods of competition
 3920 | and unfair or deceptive acts or practices:

3921 | (t) *Certain life insurance relations with funeral*
 3922 | *directors prohibited.*—

3923 | 1. No life insurer shall permit any funeral director or
 3924 | direct disposer to act as its representative, adjuster, claim
 3925 | agent, special claim agent, or agent for such insurer in

3926 | soliciting, negotiating, or effecting contracts of life
 3927 | insurance on any plan or of any nature issued by such insurer or
 3928 | in collecting premiums for holders of any such contracts except
 3929 | as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

3930 | 2. No life insurer shall:

3931 | a. Affix, or permit to be affixed, advertising matter of
 3932 | any kind or character of any licensed funeral director or direct
 3933 | disposer to such policies of insurance.

3934 | b. Circulate, or permit to be circulated, any such
 3935 | advertising matter with such insurance policies.

3936 | c. Attempt in any manner or form to influence
 3937 | policyholders of the insurer to employ the services of any
 3938 | particular licensed funeral director or direct disposer.

3939 | 3. No such insurer shall maintain, or permit its agent to
 3940 | maintain, an office or place of business in the office,
 3941 | establishment, or place of business of any funeral director or
 3942 | direct disposer in this state.

3943 | **Section 76. For the purpose of incorporating the amendment**
 3944 | **made by this act to section 717.101, Florida Statutes, in a**
 3945 | **reference thereto, paragraph (a) of subsection (6) of section**
 3946 | **772.13, Florida Statutes, is reenacted to read:**

3947 | 772.13 Civil remedy for terrorism or facilitating or
 3948 | furthering terrorism.—

3949 | (6) (a) In any postjudgment execution proceedings to
 3950 | enforce a judgment entered against a terrorist party under this

3951 section or under 18 U.S.C. s. 2333 or a substantially similar
 3952 law of the United States or of any state or territory of the
 3953 United States, including postjudgment execution proceedings
 3954 against any agency or instrumentality of the terrorist party not
 3955 named in the judgment pursuant to s. 201(a) of the Terrorism
 3956 Risk Insurance Act, 28 U.S.C. s. 1610:

3957 1. There is no right to a jury trial under s. 56.18 or s.
 3958 77.08;

3959 2. A defendant or a person may not use the resources of
 3960 the courts of this state in furtherance of a defense or an
 3961 objection to postjudgment collection proceedings if the
 3962 defendant or person purposely leaves the jurisdiction of this
 3963 state or the United States, declines to enter or reenter this
 3964 state or the United States to submit to its jurisdiction, or
 3965 otherwise evades the jurisdiction of the court in which a
 3966 criminal case is pending against the defendant or person. This
 3967 subparagraph applies to any entity that is owned or controlled
 3968 by a person to whom this paragraph applies;

3969 3. Creditor process issued under chapter 56 or chapter 77
 3970 may be served upon any person or entity over whom the court has
 3971 personal jurisdiction. Writs of garnishment issued under s.
 3972 77.01 and proceedings supplementary under s. 56.29 apply to
 3973 intangible assets wherever located, without territorial
 3974 limitation, including bank accounts as defined in s.
 3975 674.104(1)(a), financial assets as defined in s. 678.1021(1), or

3976 other intangible property as defined in s. 717.101. The situs of
3977 any intangible assets held or maintained by or in the
3978 possession, custody, or control of a person or entity so served
3979 shall be deemed to be in this state for the purposes of a
3980 proceeding under chapter 56 or chapter 77. Service of a writ or
3981 notice to appear under this section shall provide the court with
3982 in rem jurisdiction over any intangible assets regardless of the
3983 location of the assets;

3984 4. Notwithstanding s. 678.1121, the interest of a debtor
3985 in a financial asset or security entitlement may be reached by a
3986 creditor by legal process upon the securities intermediary with
3987 whom the debtor's securities account is maintained, or, if that
3988 is a foreign entity, legal process under chapter 56 or chapter
3989 77 may be served upon the United States securities custodian or
3990 intermediary that has reported holding, maintaining, possessing,
3991 or controlling the blocked financial assets or security
3992 entitlements to the Office of Foreign Assets Control of the
3993 United States Department of the Treasury, and such financial
3994 assets or security entitlements shall be subject to execution,
3995 garnishment, and turnover by the United States securities
3996 custodian or intermediary; and

3997 5. Notwithstanding s. 670.502(4), when an electronic funds
3998 transfer is not completed within 5 banking days and is canceled
3999 pursuant to s. 670.211(4) because a United States intermediary
4000 financial institution has blocked the transaction in compliance

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4001 | with a United States sanctions program, and a terrorist party or
4002 | any agency or instrumentality thereof was either the originator
4003 | or the intended beneficiary, then the blocked funds shall be
4004 | deemed owned by the terrorist party or its agency or
4005 | instrumentality and shall be subject to execution and
4006 | garnishment.

4007 | **Section 77.** This act shall take effect upon becoming a
4008 | law.