

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

26 | grant; revising the grant's applicant requirements;
27 | revising the improvements that grants may be used for;
28 | requiring that improvements be identified in the final
29 | hurricane mitigation inspection to receive grant
30 | funds; deleting a provision related to grants for
31 | townhouses; authorizing the program to accept a
32 | specified certification directly from applicants;
33 | requiring applicants who receive grants to finalize
34 | construction and request a final inspection within a
35 | specified timeframe; specifying that an application is
36 | deemed abandoned, rather than withdrawn, under certain
37 | circumstances; requiring the department to notify an
38 | applicant within a specified time period before an
39 | application is be deemed abandoned; authorizing the
40 | applicant to submit a subsequent application in
41 | certain circumstances; authorizing the department to
42 | determine that an application is not abandoned in
43 | certain circumstances; amending s. 215.89, F.S.;
44 | deleting obsolete provisions; amending s. 215.93,
45 | F.S.; revising the subsystems of the Florida Financial
46 | Management Information System; requiring certain
47 | requests for records to be made to a specified entity;
48 | prohibiting such requests from being made to the
49 | functional owner of the subsystem; providing an
50 | exception; amending s. 215.94, F.S.; providing that

51 the department is the functional owner of the
52 Financial Management Subsystem; revising the functions
53 of such subsystem; amending s. 215.96, F.S.; revising
54 the composition of the coordinating council; deleting
55 a requirement for the design and coordination staff;
56 requiring minutes of meetings to be available to
57 interested persons; revising the composition of ex
58 officio members of the council; revising the duties,
59 powers, and responsibilities of the council; amending
60 ss. 215.985, 216.102, and 216.141, F.S.; conforming
61 provisions to changes made by the act; amending s.
62 284.08, F.S.; authorizing the department to determine
63 what property insurance coverage is necessary;
64 authorizing the department to purchase certain
65 insurance coverages; authorizing the department to
66 contract with insurance or reinsurance brokers for
67 certain purposes; amending s. 284.33, F.S.;
68 authorizing the department to purchase certain
69 insurance coverages; authorizing the department to
70 contract with insurance or reinsurance brokers for
71 certain purposes; amending s. 440.13, F.S.; revising
72 the timeframe in which health care providers must
73 petition the department to resolve utilization and
74 reimbursement disputes; revising petition service
75 requirements; revising the timeframe in which the

76 | panel determining the statewide schedule of maximum
77 | reimbursement allowances must submit certain
78 | recommendations to the Legislature; creating s.
79 | 497.1411, F.S.; defining the term "applicant";
80 | specifying that certain applicants are permanently
81 | barred from licensure; specifying that certain
82 | applicants are subject to disqualifying periods;
83 | requiring the Board of Funeral, Cemetery, and Consumer
84 | Services to adopt rules; specifying requirements,
85 | authorizations, and prohibitions for such rules;
86 | specifying when a disqualifying period begins;
87 | specifying that the applicant has certain burdens to
88 | demonstrate that he or she is qualified for licensure;
89 | specifying that certain applicants who have been
90 | granted a pardon or restoration of civil rights are
91 | not barred or disqualified from licensure; specifying
92 | that such pardon or restoration does not require the
93 | board to award a license; authorizing the board to
94 | grant an exemption from disqualification under certain
95 | circumstances; specifying requirements for the
96 | applicant in order for the board to grant an
97 | exemption; specifying that the board has discretion to
98 | grant or deny an exemption; specifying that certain
99 | decisions are subject to ch. 120, F.S.; providing
100 | applicability and construction; amending s. 497.142,

101 F.S.; prohibiting an application from being deemed
102 complete under certain circumstances; revising the
103 list of crimes to be disclosed on a license
104 application; amending s. 626.171, F.S.; deleting
105 reinsurance intermediaries from certain application
106 requirements; revising the list of persons from whom
107 the department is required to accept uniform
108 applications; making clarifying changes regarding the
109 voluntary submission of cellular telephone numbers;
110 revising the exemption from the application filing fee
111 for members of the United States Armed Forces;
112 amending s. 626.292, F.S.; revising applicant
113 requirements for a license transfer; amending s.
114 626.611, F.S.; requiring the department to require
115 license reexamination of certain persons, and suspend
116 or revoke the eligibility to hold a license or
117 appointment of such persons under certain
118 circumstances; amending the grounds for suspension or
119 revocation; amending 626.621, F.S.; authorizing the
120 department to require an reexamination of certain
121 persons; amending s. 626.731, F.S.; revising the
122 qualifications for a general lines agent's license;
123 amending s. 626.785, F.S.; revising the qualifications
124 for a life agent's license; amending s. 626.831, F.S.;
125 revising the qualifications for a health agent's

126 license; amending s. 626.854, F.S.; requiring a public
127 adjuster, public adjuster apprentice, or public
128 adjusting firm to respond with specific information
129 within a specified timeframe and document in the file
130 the response or information provided; amending s.
131 648.34, F.S.; revising requirements for bail bond
132 agent applicants; amending s. 648.382, F.S.; requiring
133 officers or officials of the appointing insurer to
134 obtain, rather than submit, certain information;
135 amending s. 717.001, F.S.; revising the short title;
136 amending s. 717.101, F.S.; revising and adding
137 definitions; amending s. 717.102, F.S.; providing that
138 certain intangible property is presumed abandoned;
139 deleting a provision relating to the presumption that
140 certain intangible property is presumed unclaimed;
141 specifying the dormancy period for property presumed
142 abandoned; requiring that property be considered
143 payable or distributable under certain circumstances;
144 deleting a provision relating to when property is
145 payable or distributable; revising a presumption;
146 providing that property shall be presumed abandoned
147 under certain circumstances; providing an exception;
148 amending s. 717.103, F.S.; requiring that intangible
149 property be subject to the custody of the department
150 under certain circumstances; amending criteria for

151 when intangible property is subject to the custody of
152 the department; repealing s. 717.1035, F.S., relating
153 to property originated or issued by this state, any
154 political subdivision of this state, or any entity
155 incorporated, organized, created, or otherwise located
156 in the state; amending ss. 717.104, 717.1045, 717.105,
157 717.106, 717.107, 717.1071, 717.108, and 717.109,
158 F.S.; conforming provisions to changes made by the
159 act; amending s. 717.1101, F.S.; revising the
160 timelines and conditions under which stock, other
161 equity interests, or debt of a business association is
162 considered abandoned; requiring the holder to attempt
163 to confirm the apparent owner's interest in the equity
164 interest by sending an e-mail communication under
165 certain circumstances; requiring the holder to attempt
166 to contact the apparent owner by first-class United
167 States mail under certain circumstances; specifying
168 that equity interest is presumed abandoned under
169 certain circumstances; revising when unmatured,
170 unredeemed, matured, or redeemed debt is presumed
171 abandoned; specifying that the applicable dormancy
172 period ceases under certain circumstances; revising
173 the timeframe that a sum held or owing by a business
174 association is presumed abandoned; amending ss.
175 717.111, 717.112, 717.1125, 717.113, 717.115, and

176 717.116, F.S.; conforming provisions to changes made
177 by the act; amending s. 717.117, F.S.; specifying that
178 property is presumed abandoned upon the expiration of
179 the applicable dormancy periods; specifying that
180 property is not deemed abandoned for certain purposes
181 until the holder meets certain requirements; requiring
182 holders of property presumed abandoned that has a
183 specified value to use due diligence to locate and
184 notify the apparent owner; requiring, before a
185 specified timeframe, a holder in possession of
186 presumed abandoned property to send a specified
187 written notice to the apparent owner; specifying the
188 method of delivery of such notice; requiring, before a
189 specified timeframe, the holder to send a second
190 written notice under certain circumstances;
191 authorizing the reasonable cost for the notice to be
192 deducted from the property; specifying that a signed
193 return receipt constitutes an affirmative
194 demonstration of continued interest; specifying
195 requirements of the written notice; requiring holders
196 of abandoned property to submit a specified report to
197 the department; prohibiting certain balances,
198 overpayments, deposits, and refunds from being
199 reported as abandoned property; prohibiting certain
200 securities from being included in the report;

201 requiring the holder to report and deliver such
202 securities under certain circumstances; requiring the
203 report to be signed and verified and contain a
204 specified statement; deleting certain provisions
205 relating to the due diligence and notices to apparent
206 owners; amending s. 717.118, F.S.; revising the
207 state's obligation to notify apparent owners that
208 their abandoned property has been reported and
209 remitted to the department; requiring the department
210 to use a cost-effective means to make an attempt to
211 notify certain apparent owners; specifying
212 requirements for the notice; requiring the department
213 to maintain a specified website; revising
214 applicability; amending s. 717.119, F.S.; conforming
215 provisions to changes made by the act; revising
216 requirements for firearm or ammunition found in an
217 abandoned safe-deposit box or safekeeping repository;
218 revising requirements if a will or trust instrument is
219 included among the contents of an abandoned safe-
220 deposit box or safekeeping repository; amending ss.
221 717.1201 and 717.122, F.S.; conforming provisions to
222 changes made by the act; amending s. 717.123, F.S.;
223 conforming provisions to changes made by the act;
224 revising the name of a certain trust fund; amending s.
225 717.1235, F.S.; conforming provisions to changes made

226 by the act; amending s. 717.124, F.S.; conforming
227 provisions to changes made by the act; deleting
228 provisions related to requirements of claimant's
229 representatives; specifying that the department is
230 authorized to make a distribution of property or money
231 in accordance with a specified agreement under certain
232 circumstances; requiring shares of securities to be
233 delivered directly to the claimant under certain
234 circumstances; deleting a provision authorizing the
235 department to develop a process by which a buyer of
236 unclaimed property may electronically submit certain
237 images and documents; deleting provisions relating to
238 a buyer of unclaimed property's filing of a claim;
239 amending s. 717.12403, F.S.; conforming provisions to
240 changes made by the act; amending s. 717.12404, F.S.;
241 requiring claims on behalf of an active corporation to
242 include a specified driver license; conforming
243 provisions to changes made by the act; amending ss.
244 717.12405 and 717.12406, F.S.; conforming provisions
245 to changes made by the act; amending s. 717.1241,
246 F.S.; defining the term "conflicting claim";
247 conforming provisions to changes made by the act;
248 revising requirements for remitting property when
249 conflicting claims have been received by the
250 department; amending ss. 717.1242, 717.1243, 717.1244,

251 717.1245, 717.125, 717.126, 717.1261, 717.1262,
252 717.129, 717.1301, 717.1315, and 717.132, F.S.;
253 conforming provisions to changes made by the act;
254 amending s. 717.1322, F.S.; revising the acts that
255 constitute grounds for administrative enforcement
256 action by the department; conforming provisions to
257 changes made by the act; amending ss. 717.133,
258 717.1333, and 717.1341, F.S.; conforming provisions to
259 changes made by the act; amending s. 717.135, F.S.;
260 conforming provisions to changes made by the act;
261 deleting applicability; creating s. 717.1356, F.S.;
262 specifying that agreements for the purchase of
263 abandoned property reported to the department are
264 valid only under certain circumstances; authorizing
265 the seller to cancel a purchase agreement without
266 penalty or obligation within a specified timeframe;
267 specifying that the agreement must contain certain
268 language; requiring a copy of an executed Florida
269 Abandoned Property Purchase Agreement be filed with
270 the purchaser's claim; prohibiting the department from
271 approving the claim under certain circumstances;
272 specifying that certain purchase agreements are
273 enforceable only by the seller; amending s. 717.138,
274 F.S.; conforming provisions to changes made by the
275 act; amending s. 717.1382, F.S.; conforming provisions

276 to changes made by the act; conforming a cross-
277 reference; amending s. 717.139, F.S.; providing
278 legislative findings; revising a statement of public
279 policy; deleting a legislative declaration; providing
280 legislative intent; prohibiting title to abandoned
281 property from transferring to the state except under
282 certain circumstances; amending s. 717.1400, F.S.;
283 requiring an individual to meet certain requirements
284 in order to file claims as a claimant representative;
285 revising application requirements for registering as a
286 claimant representative; requiring claimant
287 representatives to file and obtain payment on a
288 specified number of claims within a specified
289 timeframe to maintain active registration; requiring
290 the department to notify the claimant representative
291 in writing and provide a certain timeframe to
292 demonstrate compliance or good cause for noncompliance
293 under certain circumstances; requiring the department
294 to revoke a registration under certain circumstances;
295 prohibiting a claimant representative from reapplying
296 under certain circumstances; amending ss. 1001.281 and
297 1001.282, F.S.; conforming provisions to changes made
298 by the act; amending ss. 197.582 and 626.9541, F.S.;
299 conforming cross-references; reenacting s.
300 772.13(6) (a), F.S., relating to postjudgment execution

301 proceedings to enforce a judgment entered against a
302 terrorist party, to incorporate the amendment made to
303 s. 717.101, F.S., in a reference thereto; providing an
304 effective date.

305
306 Be It Enacted by the Legislature of the State of Florida:

307
308 **Section 1. Subsection (2) of section 17.11, Florida**
309 **Statutes, is amended to read:**

310 17.11 To report disbursements made.—

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

326 **Section 2. Section 17.13, Florida Statutes, is amended to**
327 **read:**

328 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

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

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

351 was sent presents to the Chief Financial Officer a statement,
 352 under oath, reciting the number, date, and amount of the warrant
 353 lost or destroyed, the circumstances surrounding the loss or
 354 destruction of such warrant, and any additional information that
 355 the Chief Financial Officer shall request in regard to such
 356 warrant.

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

360 **Section 3. Subsection (1) of section 110.113, Florida**
 361 **Statutes, is amended to read:**

362 110.113 Pay periods for state officers and employees;
 363 salary payments by direct deposit.—

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

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

374 112.3135 Restriction on employment of relatives.—

375 (2)

376 (c) To aid the recruitment of firefighters within this
377 state, notwithstanding paragraph (a), a public official may
378 appoint, employ, promote, or advance, or advocate for the
379 appointment, employment, promotion, or advancement of a relative
380 as a firefighter as defined in s. 633.102 if such appointment,
381 employment, promotion, or advancement is part of a competitive
382 process provided for in a collective bargaining agreement.

383 **Section 5. Subsections (15) and (16) of section 215.422,**
384 **Florida Statutes, are amended to read:**

385 215.422 Payments, warrants, and invoices; processing time
386 limits; dispute resolution; agency or judicial branch
387 compliance.—

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

396 (16) Nothing contained in this section shall be construed
397 to be an appropriation. Any interest which becomes due and owing
398 pursuant to this section must be paid ~~shall only be payable~~ from
399 the appropriation charged for such goods or services. However,
400 if insufficient funds are available within the appropriation

401 charged for such goods or services, the agency must pay the
402 interest from a similar or appropriate appropriation category.

403 **Section 6. Subsections (4) through (10) of section**
404 **215.5586, Florida Statutes, are renumbered as subsections (5)**
405 **through (11), respectively, paragraphs (a) through (e) of**
406 **subsection (1), subsections (2) and (3), paragraph (a) of**
407 **present subsection (8), and present subsection (10) are amended,**
408 **and a new subsection (4) is added to that section, to read:**

409 215.5586 My Safe Florida Home Program.—There is
410 established within the Department of Financial Services the My
411 Safe Florida Home Program. The department shall provide fiscal
412 accountability, contract management, and strategic leadership
413 for the program, consistent with this section. This section does
414 not create an entitlement for property owners or obligate the
415 state in any way to fund the inspection or retrofitting of
416 residential property in this state. Implementation of this
417 program is subject to annual legislative appropriations. It is
418 the intent of the Legislature that, subject to the availability
419 of funds, the My Safe Florida Home Program provide licensed
420 inspectors to perform hurricane mitigation inspections of
421 eligible homes and grants to fund hurricane mitigation projects
422 on those homes. The department shall implement the program in
423 such a manner that the total amount of funding requested by
424 accepted applications, whether for inspections, grants, or other
425 services or assistance, does not exceed the total amount of

426 available funds. If, after applications are processed and
 427 approved, funds remain available, the department may accept
 428 applications up to the available amount. The program shall
 429 develop and implement a comprehensive and coordinated approach
 430 for hurricane damage mitigation pursuant to the requirements
 431 provided in this section.

432 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

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

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

449 (I) A detached residential property; or

450 (II) An attached residential property not exceeding three

451 stories. A townhouse as defined in s. 481.203;
 452 b.2. The A home for which the inspection is sought is ~~must~~
 453 ~~be site-built and owner-occupied.~~ ; and
 454 c.3. The applicant is homeowner ~~must have been~~ granted a
 455 homestead exemption on the home under chapter 196.
 456 (b)1. An application for a hurricane mitigation inspection
 457 must contain a signed or electronically verified statement made
 458 under penalty of perjury that the applicant has submitted only
 459 one inspection application on the home or that the application
 460 is allowed under subparagraph 2., and the application must have
 461 documents attached which demonstrate that the applicant meets
 462 the requirements of paragraph (a).
 463 2. An applicant may submit a subsequent hurricane
 464 mitigation inspection application for the same home only if:
 465 a. The original hurricane mitigation inspection
 466 application has been denied or withdrawn because of material
 467 errors or omissions in the application;
 468 b. The original hurricane mitigation inspection
 469 application was denied or withdrawn because the applicant ~~home~~
 470 did not meet the eligibility criteria for an inspection at the
 471 time of the previous application, and the applicant ~~homeowner~~
 472 reasonably believes that he or she is ~~the home~~ now ~~is~~ eligible
 473 for an inspection; ~~or~~
 474 c. The program's eligibility requirements for an
 475 inspection have changed since the original application date, and

476 | the applicant reasonably believes that her or she ~~the home~~ is
 477 | eligible under the new requirements; or-

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

482 | (c) An applicant meeting the requirements of paragraph (a)
 483 | may receive an inspection of the ~~a~~ home through ~~under~~ the
 484 | program without being eligible for a grant under subsection (2)
 485 | or applying for such grant.

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

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

499 | 1. A home inspection and report that summarizes the
 500 | inspection results and identifies recommended improvements an

501 applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane
 502 damage.

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

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

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

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

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

517 2. The home must be a dwelling with an insured value of
 518 \$700,000 or less. Applicants ~~Homeowners~~ who are low-income
 519 persons, as defined in s. 420.0004(11), are exempt from this
 520 requirement.

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

524 4. The ~~building permit application for initial~~
 525 ~~construction of the~~ home must have been built ~~made~~ before

526 January 1, 2008, as reflected on the county property appraiser's
527 website.

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

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

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

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

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

544 d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

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

575 (d) All hurricane mitigation performed under the program

576 must be based upon the securing of all required local permits
577 and inspections and must be performed by properly licensed
578 contractors.

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

582 1. Opening protection improvements, including:

583 a. Exterior doors ~~.~~

584 b. Garage doors ~~.~~

585 c. Windows ~~.~~ and

586 d. Skylights.

587 2. Roof improvements, including:

588 a. Reinforcing roof-to-wall connections.

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

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

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

596 (g) The department may require that improvements be made
597 to all openings, including exterior doors, garage doors,
598 windows, and skylights, as a condition of reimbursing an
599 applicant ~~a homeowner~~ approved for a grant. The department may
600 adopt, by rule, the maximum grant allowances for any improvement

601 allowable under paragraph (e) ~~or paragraph (f)~~.

602 (h) Low-income applicants ~~homeowners~~, as defined in s.
603 420.0004(11), who otherwise meet the applicable requirements of
604 this subsection are eligible for a grant of up to \$10,000 and
605 are not required to provide a matching amount to receive the
606 grant.

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

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

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

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

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

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

625 e. Last, all other applications.

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

630 a. Initially, from applicants prioritized under sub-
631 subparagraph 2.a.;

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

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

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

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

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

649 5. The program may accept a certification directly from an
650 applicant attesting to his or her age if the applicant provides

651 such certification in a signed or electronically verified
652 statement made under penalty of perjury.

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

659 (3) REQUESTS FOR INFORMATION.—The department may request
660 that an applicant provide additional information. An application
661 is deemed abandoned ~~withdrawn~~ by the applicant if the department
662 does not receive a response to its request for additional
663 information within 60 days after the notification of any
664 apparent error or omission.

665 (4) ABANDONED APPLICATIONS.—The department must notify an
666 applicant at least 5 business days before an application is
667 deemed abandoned. If the applicant responds to such notification
668 within 5 business days after receiving the notice and
669 demonstrates good cause for why the application should not be
670 deemed abandoned, the applicant may submit a subsequent grant
671 application or the department may determine the application is
672 not abandoned.

673 (9) ~~(8)~~ CONTRACT MANAGEMENT.—

674 (a) The department may contract with third parties for
675 grants management, inspection services, contractor services for

676 low-income applicants ~~homeowners~~, information technology,
677 educational outreach, and auditing services. Such contracts are
678 considered direct costs of the program and are not subject to
679 administrative cost limits. The department shall contract with
680 providers that have a demonstrated record of successful business
681 operations in areas directly related to the services to be
682 provided and shall ensure the highest accountability for use of
683 state funds, consistent with this section.

684 ~~(11)-(10)~~ REPORTS.—The department shall make an annual
685 report on the activities of the program that shall account for
686 the use of state funds and indicate the number of inspections
687 requested, the number of inspections performed, the number of
688 grant applications received, the number and value of grants
689 approved, and the estimated average annual amount of insurance
690 premium discounts and total estimated annual amount of insurance
691 premium discounts applicants ~~homeowners~~ received from insurers
692 as a result of mitigation funded through the program. The report
693 must be delivered to the President of the Senate and the Speaker
694 of the House of Representatives by February 1 of each year.

695 **Section 7. Subsection (3) of section 215.89, Florida**
696 **Statutes, is amended to read:**

697 215.89 Charts of account.—

698 ~~(3) REPORTING STRUCTURE.—~~

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

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

703 ~~(b) By January 15, 2014, the Chief Financial Officer,~~
704 ~~after consultation with affected state agencies, local~~
705 ~~governments, educational entities, entities of higher education,~~
706 ~~and the Auditor General, shall submit to the Governor, the~~
707 ~~President of the Senate, and the Speaker of the House of~~
708 ~~Representatives a report recommending a uniform charts of~~
709 ~~account which requires specific enterprise-wide information~~
710 ~~related to revenues and expenditures of state agencies, local~~
711 ~~governments, educational entities, and entities of higher~~
712 ~~education. The report must include the estimated cost of~~
713 ~~adopting and implementing a uniform enterprise-wide charts of~~
714 ~~account.~~

715 **Section 8. Subsections (1) and (5) of section 215.93,**
716 **Florida Statutes, are amended to read:**

717 215.93 Florida Financial Management Information System.—

718 (1) To provide the information necessary to carry out the
719 intent of the Legislature, there shall be a Florida Financial
720 Management Information System. The Florida Financial Management
721 Information System shall be fully implemented and shall be
722 upgraded as necessary to ensure the efficient operation of an
723 integrated financial management information system and to
724 provide necessary information for the effective operation of
725 state government. Upon the recommendation of the coordinating

726 council and approval of the board, the Florida Financial
 727 Management Information System may require data from any state
 728 agency information system or information subsystem or may
 729 request data from any judicial branch information system or
 730 information subsystem that the coordinating council and board
 731 have determined to have statewide financial management
 732 significance. Each functional owner information subsystem within
 733 the Florida Financial Management Information System shall be
 734 developed in such a fashion as to allow for timely, positive,
 735 preplanned, and prescribed data transfers between the Florida
 736 Financial Management Information System functional owner
 737 information subsystems and from other information systems. The
 738 principal unit of the system shall be the functional owner
 739 information subsystem, and the system shall include, but shall
 740 not be limited to, the following:

- 741 (a) Planning and Budgeting Subsystem.
- 742 ~~(b) Florida Accounting Information Resource Subsystem.~~
- 743 (b)(e) Financial Management Subsystem.
- 744 (c)~~(d)~~ Purchasing Subsystem.
- 745 (d)~~(e)~~ Personnel Information System.
- 746 (5) Functional owners are legally responsible for the
 747 security and integrity of all data records existing within or
 748 transferred from their information subsystems. Each agency and
 749 the judicial branch shall be responsible for the accuracy of the
 750 information entered into the Florida Financial Management

751 Information System. A request for a copy of a document or an
752 accounting record, whether by public records request or
753 subpoena, must be made to the state entity for which the
754 document or accounting record is recorded. The request may not
755 be made to the functional owner of the subsystem unless the
756 document or accounting record was recorded for such entity.

757 **Section 9. Subsections (4) through (7) of section 215.94,**
758 **Florida Statutes, are renumbered as subsections (3) through (6),**
759 **respectively, and subsection (2) and present subsection (3) of**
760 **that section are amended to read:**

761 215.94 Designation, duties, and responsibilities of
762 functional owners.—

763 (2) The Department of Financial Services shall be the
764 functional owner of the Financial Management ~~Florida Accounting~~
765 ~~Information Resource~~ Subsystem established pursuant to ss.
766 17.03, 215.86, 216.141, and 216.151 and further developed in
767 accordance with the provisions of ss. 215.90-215.96. The
768 subsystem shall include, but shall not be limited to, the
769 following functions:

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

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

774 ~~(3) The Chief Financial Officer shall be the functional~~
775 ~~owner of the Financial Management Subsystem. The Chief Financial~~

776 ~~Officer shall design, implement, and operate the subsystem in~~
777 ~~accordance with the provisions of ss. 215.90-215.96. The~~
778 ~~subsystem shall include, but shall not be limited to, functions~~
779 ~~for:~~

780 (c)~~(a)~~ Recording and reconciling credits and debits to
781 treasury fund accounts.

782 (d)~~(b)~~ Monitoring cash levels and activities in state bank
783 accounts.

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

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

787 **Section 10. Subsections (2) and (3) of section 215.96,**
788 **Florida Statutes, are amended to read:**

789 215.96 Coordinating council and design and coordination
790 staff.—

791 (2) The coordinating council shall consist of the Chief
792 Financial Officer; the Commissioner of Agriculture; the Attorney
793 General; the Secretary of Management Services; the state chief
794 information officer; the executive director of the Department of
795 Revenue; and the Director of Planning and Budgeting, Executive
796 Office of the Governor, or their designees. The Chief Financial
797 Officer, or his or her designee, shall be chair of the council,
798 and the design and coordination staff shall provide
799 administrative and clerical support to the council and the
800 board. ~~The design and coordination staff shall maintain the~~

801 Minutes of each meeting shall be ~~and make such minutes~~ available
 802 to any interested person. The Auditor General, the State Courts
 803 Administrator, a ~~an executive officer of the Florida Association~~
 804 ~~of~~ state agency administrative services director selected by the
 805 council Directors, and a ~~an executive officer of the Florida~~
 806 ~~Association of~~ state budget officer selected by the council
 807 ~~Officers~~, or their designees, shall serve without voting rights
 808 as ex officio members of the council. The chair may call
 809 meetings of the council as often as necessary to transact
 810 business; however, the council shall meet at least once a year.
 811 Action of the council shall be by motion, duly made, seconded
 812 and passed by a majority of the council voting in the
 813 affirmative for approval of items that are to be recommended for
 814 approval to the Financial Management Information Board.

815 (3) The coordinating council, assisted by the design and
 816 coordination staff, shall have the following duties, powers, and
 817 responsibilities pertaining to the Florida Financial Management
 818 Information System:

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

826 and expedite unresolved issues as appropriate.

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

840 (c) ~~(b)~~ To recommend to the board solutions, policy
841 alternatives, and legislative budget request issues that will
842 provide ~~ensure~~ a framework for the timely, positive, preplanned,
843 and prescribed data transfer between information subsystems ~~and~~
844 ~~to recommend to the board solutions, policy alternatives, and~~
845 ~~legislative budget request issues that ensure the availability~~
846 ~~of data and information that support state planning, policy~~
847 ~~development, management, evaluation, and performance monitoring.~~

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

850 ~~(d) To review the annual work plans of the functional~~

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

858 **Section 11. Paragraph (a) of subsection (4) of section**
859 **215.985, Florida Statutes, is amended to read:**

860 215.985 Transparency in government spending.—

861 (4) The Executive Office of the Governor, in consultation
862 with the appropriations committees of the Senate and the House
863 of Representatives, shall establish and maintain a website that
864 provides information relating to the approved operating budget
865 for each branch of state government and state agency.

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

867 1. Disbursement data for each appropriation by the account
868 value ~~object code~~ associated with each expenditure established
869 within the Financial Management ~~Florida Accounting Information~~
870 ~~Resource~~ Subsystem. Expenditure data must include the name of
871 the payee, the date of the expenditure, the amount of the
872 expenditure, and the voucher ~~statewide document~~ number. Such
873 data must be searchable by the name of the payee, the paying
874 agency, and fiscal year, and must be downloadable in a format
875 that allows offline analysis.

876 2. For each appropriation, any adjustments, including
877 vetoes, approved supplemental appropriations included in
878 legislation other than the General Appropriations Act, budget
879 amendments, other actions approved pursuant to chapter 216, and
880 other adjustments authorized by law.

881 3. Status of spending authority for each appropriation in
882 the approved operating budget, including released, unreleased,
883 reserved, and disbursed balances.

884 4. Position and rate information for positions provided in
885 the General Appropriations Act or approved through an amendment
886 to the approved operating budget and position information for
887 positions established in the legislative branch.

888 5. Allotments for planned expenditures of state
889 appropriations established by state agencies in the Financial
890 Management ~~Florida Accounting Information Resource~~ Subsystem,
891 and the current balances of such allotments.

892 6. Trust fund balance reports, including cash available,
893 investments, and receipts.

894 7. General revenue fund balance reports, including revenue
895 received and amounts disbursed.

896 8. Fixed capital outlay project data, including original
897 appropriation and disbursements throughout the life of the
898 project.

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

901 10. Links to state audits or reports related to the
902 expenditure and dispersal of state funds.

903 11. Links to program or activity descriptions for which
904 funds may be expended.

905 **Section 12. Subsections (1) and (2) and paragraph (f) of**
906 **subsection (3) of section 216.102, Florida Statutes, are amended**
907 **to read:**

908 216.102 Filing of financial information; handling by Chief
909 Financial Officer; penalty for noncompliance.—

910 (1) By September 30 of each year, each agency supported by
911 any form of taxation, licenses, fees, imposts, or exactions, the
912 judicial branch, and, for financial reporting purposes, each
913 component unit of the state as determined by the Chief Financial
914 Officer shall prepare, using generally accepted accounting
915 principles, and file with the Chief Financial Officer the
916 financial and other information necessary for the preparation of
917 annual financial statements for the State of Florida as of June
918 30. In addition, each such agency and the judicial branch shall
919 prepare financial statements showing the financial position and
920 results of agency or branch operations as of June 30 for
921 internal management purposes.

922 (a) Each state agency and the judicial branch shall record
923 the receipt and disbursement of funds from federal sources in a
924 form and format prescribed by the Chief Financial Officer. The
925 access to federal funds by the administering agencies or the

926 | judicial branch may not be authorized until:

927 | 1. The deposit has been recorded in the Financial
928 | Management ~~Florida Accounting Information Resource~~ Subsystem
929 | using proper, consistent codes that designate deposits as
930 | federal funds.

931 | 2. The deposit and appropriate recording required by this
932 | paragraph have been verified by the office of the Chief
933 | Financial Officer.

934 | (b) The Chief Financial Officer shall publish a statewide
935 | policy detailing the requirements for recording receipt and
936 | disbursement of federal funds into the Financial Management
937 | ~~Florida Accounting Information Resource~~ Subsystem and provide
938 | technical assistance to the agencies and the judicial branch to
939 | implement the policy.

940 | (2) Financial information must be contained within the
941 | Financial Management ~~Florida Accounting Information Resource~~
942 | Subsystem. Other information must be submitted in the form and
943 | format prescribed by the Chief Financial Officer.

944 | (a) Each component unit shall file financial information
945 | and other information necessary for the preparation of annual
946 | financial statements with the agency or branch designated by the
947 | Chief Financial Officer by the date specified by the Chief
948 | Financial Officer.

949 | (b) The state agency or branch designated by the Chief
950 | Financial Officer to receive financial information and other

951 information from component units shall include the financial
952 information in the Financial Management ~~Florida Accounting~~
953 ~~Information Resource~~ Subsystem and shall include the component
954 units' other information in its submission to the Chief
955 Financial Officer.

956 (3) The Chief Financial Officer shall:

957 (f) Consult with and elicit comments from the Executive
958 Office of the Governor on changes to the Financial Management
959 ~~Florida Accounting Information Resource~~ Subsystem which clearly
960 affect the accounting of federal funds, so as to ensure
961 consistency of information entered into the Federal Aid Tracking
962 System by state executive and judicial branch entities. While
963 efforts shall be made to ensure the compatibility of the
964 Financial Management ~~Florida Accounting Information Resource~~
965 Subsystem and the Federal Aid Tracking System, any successive
966 systems serving identical or similar functions shall preserve
967 such compatibility.

968

969 The Chief Financial Officer may furnish and publish in
970 electronic form the financial statements and the annual
971 comprehensive financial report required under paragraphs (a),
972 (b), and (c).

973 **Section 13. Subsection (3) of section 216.141, Florida**
974 **Statutes, is amended to read:**

975 216.141 Budget system procedures; planning and programming

976 | by state agencies.—

977 | (3) The Chief Financial Officer, as chief fiscal officer,
 978 | shall use the Financial Management Florida Accounting
 979 | ~~Information Resource~~ Subsystem developed pursuant to s.
 980 | 215.94(2) for account purposes in the performance of and
 981 | accounting for all of his or her constitutional and statutory
 982 | duties and responsibilities. However, state agencies and the
 983 | judicial branch continue to be responsible for maintaining
 984 | accounting records necessary for effective management of their
 985 | programs and functions.

986 | **Section 14. Section 284.08, Florida Statutes, is amended**
 987 | **to read:**

988 | 284.08 Purchase of insurance, excess insurance,
 989 | reinsurance, and services ~~Reinsurance on excess coverage and~~
 990 | ~~approval by Department of Management Services.—Notwithstanding~~
 991 | the requirements of s. 287.022(1), the Department of Financial
 992 | Services shall determine what property insurance ~~excess~~ coverage
 993 | is necessary and may purchase insurance, excess insurance, and
 994 | reinsurance as necessary to provide insurance coverages
 995 | authorized by this part ~~thereon upon approval by the Department~~
 996 | ~~of Management Services.~~ The Department of Financial Services may
 997 | contract with an insurance or reinsurance broker to market the
 998 | insurance program and facilitate the purchase of insurance,
 999 | excess insurance, and reinsurance on behalf of the department.

1000 | **Section 15. Section 284.33, Florida Statutes, is amended**

1001 **to read:**

1002 284.33 Purchase of insurance, reinsurance, excess
 1003 insurance, and services.-

1004 (1) Notwithstanding the requirements of s. 287.022(1), the
 1005 Department of Financial Services is authorized to purchase
 1006 ~~provide~~ insurance, ~~specific~~ excess insurance, and reinsurance
 1007 ~~aggregate excess insurance through the Department of Management~~
 1008 ~~Services, pursuant to the provisions of part I of chapter 287,~~
 1009 as necessary to provide insurance coverages authorized by this
 1010 part, consistent with market availability. The Department of
 1011 Financial Services may contract with an insurance or reinsurance
 1012 broker to market the insurance program and facilitate the
 1013 purchase of insurance, excess insurance, and reinsurance on
 1014 behalf of the department. ~~However,~~ The Department of Financial
 1015 Services may directly purchase annuities by using a structured
 1016 settlement insurance consulting firm selected by the department
 1017 to assist in the settlement of claims being handled by the
 1018 Division of Risk Management. The selection of the structured
 1019 settlement insurance services consultant shall be made by using
 1020 competitive sealed proposals. The consulting firm shall act as
 1021 an agent of record for the department in procuring the best
 1022 annuity products available to facilitate structured settlement
 1023 of claims, considering price, insurer financial strength, and
 1024 the best interests of the state risk management program.
 1025 Purchase of annuities by the department using a structured

1026 settlement method is excepted from competitive sealed bidding or
1027 proposal requirements. The Department of Financial Services is
1028 further authorized to purchase such risk management services,
1029 including, but not limited to, risk and claims control; safety
1030 management; and legal, investigative, and adjustment services,
1031 as may be required and pay claims. The department may contract
1032 with a service organization for such services and advance money
1033 to such service organization for deposit in a special checking
1034 account for paying claims made against the state under ~~the~~
1035 ~~provisions of~~ this part. The special checking account shall be
1036 maintained in this state in a bank or savings association
1037 organized under the laws of this state or of the United States.
1038 The department may replenish such account as often as necessary
1039 upon the presentation by the service organization of
1040 documentation for payments of claims equal to the amount of the
1041 requested reimbursement.

1042 (2) ~~Nothing contained in Chapter 287 may not shall~~ be
1043 construed as requiring written agreements for health and mental
1044 health services or drugs in the examinations, diagnoses, or
1045 treatments of sick or injured employees or other benefits as
1046 required by ~~the provisions of~~ chapter 440.

1047 **Section 16. Paragraph (a) of subsection (7) and paragraph**
1048 **(j) of subsection (12) of section 440.13, Florida Statutes, are**
1049 **amended to read:**

1050 440.13 Medical services and supplies; penalty for

1051 violations; limitations.—

1052 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

1053 (a) Any health care provider who elects to contest the
1054 disallowance or adjustment of payment by a carrier under
1055 subsection (6) must, within 60 ~~45~~ days after receipt of notice
1056 of disallowance or adjustment of payment, petition the
1057 department to resolve the dispute. The petitioner must serve, by
1058 the United States Postal Service certified mail or by common
1059 carrier with verifiable tracking methods, a copy of the petition
1060 on the carrier and on all affected parties listed on the notice
1061 of disallowance or adjustment ~~by certified mail~~. The petition
1062 must be accompanied by all documents and records that support
1063 the allegations contained in the petition. Failure of a
1064 petitioner to submit such documentation to the department
1065 results in dismissal of the petition.

1066 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
1067 REIMBURSEMENT ALLOWANCES.—

1068 (j) In addition to establishing the uniform schedule of
1069 maximum reimbursement allowances, the panel shall:

1070 1. Take testimony, receive records, and collect data to
1071 evaluate the adequacy of the workers' compensation fee schedule,
1072 nationally recognized fee schedules and alternative methods of
1073 reimbursement to health care providers and health care
1074 facilities for inpatient and outpatient treatment and care.

1075 2. Survey health care providers and health care facilities

1076 to determine the availability and accessibility of workers'
1077 compensation health care delivery systems for injured workers.

1078 3. Survey carriers to determine the estimated impact on
1079 carrier costs and workers' compensation premium rates by
1080 implementing changes to the carrier reimbursement schedule or
1081 implementing alternative reimbursement methods.

1082 4. Submit recommendations on or before January 15, 2031
1083 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President
1084 of the Senate and the Speaker of the House of Representatives on
1085 methods to improve the workers' compensation health care
1086 delivery system.

1087
1088 The department, as requested, shall provide data to the panel,
1089 including, but not limited to, utilization trends in the
1090 workers' compensation health care delivery system. The
1091 department shall provide the panel with an annual report
1092 regarding the resolution of medical reimbursement disputes and
1093 any actions pursuant to subsection (8). The department shall
1094 provide administrative support and service to the panel to the
1095 extent requested by the panel. The department may adopt rules
1096 pursuant to ss. 120.536(1) and 120.54 to implement this
1097 subsection. For prescription medication purchased under the
1098 requirements of this subsection, a dispensing practitioner shall
1099 not possess such medication unless payment has been made by the
1100 practitioner, the practitioner's professional practice, or the

1101 practitioner's practice management company or employer to the
1102 supplying manufacturer, wholesaler, distributor, or drug
1103 repackager within 60 days of the dispensing practitioner taking
1104 possession of that medication.

1105 **Section 17. Section 497.1411, Florida Statutes, is created**
1106 **to read:**

1107 497.1411 Disqualification of applicants and licenses;
1108 penalties against licensees; rulemaking.-

1109 (1) For purposes of this section, the term "applicant"
1110 means an individual applying for licensure or relicensure under
1111 this chapter, or an officer, director, majority owner, partner,
1112 manager, or other person who manages or controls an entity
1113 applying for licensure or relicensure under this chapter.

1114 (2) An applicant who has been found guilty of or has
1115 pleaded guilty or nolo contendere to any of the following
1116 offenses, regardless of adjudication, is permanently barred from
1117 licensure under this chapter:

1118 (a) A felony of the first degree.

1119 (b) A felony involving conduct prohibited under chapter
1120 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
1121 825, chapter 827, or chapter 847.

1122 (c) A felony involving moral turpitude.

1123 (3) An applicant who has been found guilty of, or has
1124 entered a plea of guilty or nolo contendere to an offense not
1125 subject to the permanent bar under subsection (2), regardless of

1126 adjudication, is subject to the following disqualifying periods:

1127 (a) A 10-year disqualifying period for any felony to which
1128 the permanent bar in subsection (2) does not apply.

1129 Notwithstanding subsection (4), an applicant who has completed
1130 at least one-half of the disqualifying period may apply for a
1131 probationary license for the remainder of the disqualifying
1132 period if, during that time, the applicant has not been found
1133 guilty of, or has not entered a plea of guilty or nolo
1134 contendere to, any offense.

1135 (b) A 5-year disqualifying period for all misdemeanors
1136 directly related to chapter 497.

1137 (4) The board shall adopt rules to administer this
1138 section. Such rules must provide additional disqualifying
1139 periods for applicants who have committed multiple criminal
1140 offenses and may provide additional factors for disqualification
1141 reasonably related to the applicant's criminal history. The
1142 rules must also establish mitigating and aggravating factors.
1143 However, mitigation may not reduce any disqualifying period to
1144 less than 5 years and may not be applied to reduce the 5-year
1145 disqualifying period provided in paragraph (3) (b).

1146 (5) For purposes of this section, a disqualifying period
1147 begins upon the applicant's final release from supervision or
1148 upon completion of the applicant's criminal sentence. The board
1149 may not approve issuance of a license to an applicant until the
1150 applicant provides proof that all related fines, court costs,

1151 fees, and court-ordered restitution have been paid.

1152 (6) After the disqualifying period has expired, the burden
1153 is on the applicant to demonstrate to the board that he or she
1154 has been rehabilitated, does not pose a risk to the public, is
1155 fit and trustworthy to engage in business regulated by this
1156 chapter, and is otherwise qualified for licensure.

1157 (7) Notwithstanding subsections (2) and (3), an applicant
1158 who has been found guilty of, or has pleaded guilty or nolo
1159 contendere to, a crime in subsection (2) or subsection (3), and
1160 who has subsequently been granted a pardon or the restoration of
1161 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
1162 State Constitution, or a pardon or the restoration of civil
1163 rights under the laws of another jurisdiction with respect to a
1164 conviction in that jurisdiction, is not barred or disqualified
1165 from licensure under this chapter; however, such a pardon or
1166 restoration of civil rights does not require the board to award
1167 such license.

1168 (8) (a) The board may grant an exemption from
1169 disqualification to any person disqualified from licensure under
1170 subsection (3) if:

1171 1. The applicant has paid in full any fee, fine, fund,
1172 lien, civil judgment, restitution, or cost of prosecution
1173 imposed by the court as part of the judgment and sentence for
1174 any disqualifying offense; and

1175 2. At least 2 years have elapsed since the applicant

1176 completed or has been lawfully released from confinement,
1177 supervision, or any nonmonetary condition imposed by the court
1178 for a disqualifying offense.

1179 (b) For the board to grant an exemption under this
1180 subsection, the applicant must clearly and convincingly
1181 demonstrate that he or she would not pose a risk to persons or
1182 property if licensed under this chapter, evidence of which must
1183 include, but need not be limited to, facts and circumstances
1184 surrounding the disqualifying offense, the time that has elapsed
1185 since the offense, the nature of the offense and harm caused to
1186 the victim, the applicant's history before and after the
1187 offense, and any other evidence or circumstances indicating that
1188 the applicant will not present a danger if licensed or
1189 certified.

1190 (c) The board has discretion whether to grant or deny an
1191 exemption under this subsection. The board's decision is subject
1192 to chapter 120.

1193 (9) The disqualification periods provided in this section
1194 do not apply to the renewal of a license or to a new application
1195 for licensure if the applicant has an active license as of July
1196 1, 2026, and the applicable criminal history was considered by
1197 the board on the prior approval of any active license held by
1198 the applicant. This section does not affect any criminal history
1199 disclosure requirements of this chapter.

1200 **Section 18. Subsection (9) and paragraph (c) of subsection**

1201 **(10) of section 497.142, Florida Statutes, are amended to read:**

1202 497.142 Licensing; fingerprinting and criminal background
1203 checks.—

1204 (9) If any applicant under this chapter has been, ~~within~~
1205 ~~the 10 years preceding the application under this chapter,~~
1206 convicted or found guilty of, or entered a plea of nolo
1207 contendere to, regardless of adjudication, any crime in any
1208 jurisdiction, the application may ~~shall~~ not be deemed complete
1209 until such time as the applicant provides such certified true
1210 copies of the court records evidencing the conviction, finding,
1211 or plea, as required in this section or as the licensing
1212 authority may by rule require.

1213 (10)

1214 (c) Crimes to be disclosed are:

1215 1. Any felony ~~or misdemeanor,~~ no matter when committed,
1216 ~~that was directly or indirectly related to or involving any~~
1217 ~~aspect of the practice or business of funeral directing,~~
1218 ~~embalming, direct disposition, cremation, funeral or cemetery~~
1219 ~~preneed sales, funeral establishment operations, cemetery~~
1220 ~~operations, or cemetery monument or marker sales or~~
1221 ~~installation.~~

1222 2. Any misdemeanor, no matter when committed, that was
1223 directly related to the practice or activities regulated under
1224 this chapter ~~Any other felony not already disclosed under~~
1225 ~~subparagraph 1. that was committed within the 20 years~~

1226 ~~immediately preceding the application under this chapter.~~

1227 3. Any other misdemeanor not already disclosed under
1228 subparagraph 2. ~~which subparagraph 1. that~~ was committed within
1229 the 5 years immediately preceding the application under this
1230 chapter.

1231 **Section 19. Section 626.171, Florida Statutes, is amended**
1232 **to read:**

1233 626.171 Application for license as an agent, customer
1234 representative, adjuster, or service representative, ~~or~~
1235 ~~reinsurance intermediary.~~

1236 (1) The department may not issue a license as agent,
1237 customer representative, adjuster, or service representative, ~~or~~
1238 ~~reinsurance intermediary~~ to any person except upon written
1239 application filed with the department, meeting the
1240 qualifications for the license applied for as determined by the
1241 department, and payment in advance of all applicable fees. The
1242 application must be made under the oath of the applicant and be
1243 signed by the applicant. An applicant may permit a third party
1244 to complete, submit, and sign an application on the applicant's
1245 behalf, but is responsible for ensuring that the information on
1246 the application is true and correct and is accountable for any
1247 misstatements or misrepresentations. The department shall accept
1248 the uniform application for resident and nonresident agent and
1249 adjuster licensing. The department may adopt revised versions of
1250 the uniform application by rule.

1251 (2) In the application, the applicant must include all of
 1252 the following ~~shall set forth~~:

1253 (a) The applicant's ~~His or her~~ full name, age, social
 1254 security number, residence address, business address, mailing
 1255 address, contact telephone numbers, including a business
 1256 telephone number, and e-mail address.

1257 (b) A statement indicating the method the applicant used
 1258 or is using to meet any required prelicensing education,
 1259 knowledge, experience, or instructional requirements for the
 1260 type of license applied for.

1261 (c) Whether the applicant ~~he or she~~ has been refused or
 1262 has voluntarily surrendered or has had suspended or revoked a
 1263 license to solicit insurance by the department or by the
 1264 supervising officials of any state.

1265 (d) Whether any insurer or any managing general agent
 1266 claims the applicant is indebted under any agency contract or
 1267 otherwise and, if so, the name of the claimant, the nature of
 1268 the claim, and the applicant's defense thereto, if any.

1269 (e) Proof that the applicant meets the requirements for
 1270 the type of license for which he or she is applying.

1271 (f) The applicant's gender (male or female).

1272 (g) The applicant's native language.

1273 (h) The highest level of education achieved by the
 1274 applicant.

1275 (i) The applicant's race or ethnicity (African American,

1276 white, American Indian, Asian, Hispanic, or other).

1277 (j) Such other or additional information as the department
1278 may deem proper to enable it to determine the character,
1279 experience, ability, and other qualifications of the applicant
1280 to hold himself or herself out to the public as an insurance
1281 representative.

1282
1283 However, the application must contain a statement that an
1284 applicant is not required to disclose his or her race or
1285 ethnicity, gender, or native language, that he or she will not
1286 be penalized for not doing so, and that the department will use
1287 this information exclusively for research and statistical
1288 purposes and to improve the quality and fairness of the
1289 examinations. The department may ~~shall~~ make provisions for
1290 applicants to voluntarily submit their cellular telephone
1291 numbers as part of the application process solely ~~on a voluntary~~
1292 ~~basis only~~ for the purpose of two-factor authentication of
1293 secure login credentials ~~only~~.

1294 (3) Each application must be accompanied by payment of any
1295 applicable fee.

1296 (4) An applicant for a license issued by the department
1297 under this chapter must submit a set of the individual
1298 applicant's fingerprints, or, if the applicant is not an
1299 individual, a set of the fingerprints of the sole proprietor,
1300 majority owner, partners, officers, and directors, to the

1301 department and must pay the fingerprint processing fee set forth
1302 in s. 624.501. Fingerprints must be processed in accordance with
1303 s. 624.34 and used to investigate the applicant's qualifications
1304 pursuant to s. 626.201. The fingerprints must be taken by a law
1305 enforcement agency or other department-approved entity. The
1306 department may not approve an application for licensure as an
1307 agent, customer ~~service~~ representative, adjuster, or service
1308 representative, ~~or reinsurance intermediary~~ if fingerprints have
1309 not been submitted.

1310 (5) The application for license filing fee prescribed in
1311 s. 624.501 is not subject to refund.

1312 (6) Members of the United States Armed Forces and their
1313 spouses, and veterans of the United States Armed Forces who have
1314 separated from service ~~within 24 months~~ before application for
1315 licensure, are exempt from the application filing fee prescribed
1316 in s. 624.501. Qualified individuals must provide a copy of a
1317 military identification card, military dependent identification
1318 card, military service record, military personnel file, veteran
1319 record, discharge paper or separation document that indicates
1320 such members are currently in good standing or such veterans
1321 were honorably discharged.

1322 (7) Pursuant to the federal Personal Responsibility and
1323 Work Opportunity Reconciliation Act of 1996, each party is
1324 required to provide his or her social security number in
1325 accordance with this section. Disclosure of social security

1326 numbers obtained through this requirement must be limited to the
1327 purpose of administration of the Title IV-D program for child
1328 support enforcement.

1329 **Section 20. Paragraph (c) of subsection (2) of section**
1330 **626.292, Florida Statutes, is amended to read:**

1331 626.292 Transfer of license from another state.—

1332 (2) To qualify for a license transfer, an individual
1333 applicant must meet the following requirements:

1334 (c) The individual must submit a completed application for
1335 this state which is received by the department within 90 days
1336 after the date the individual became a resident of this state,
1337 along with payment of the applicable fees set forth in s.

1338 624.501 and submission of the following documents:

1339 1. A certification issued by the appropriate official of
1340 the applicant's home state identifying the type of license and
1341 lines of authority under the license and stating that, ~~at the~~
1342 ~~time the license from the home state was canceled,~~ the applicant
1343 was in good standing in that state or that the state's Producer
1344 Database records, maintained by the National Association of
1345 Insurance Commissioners, its affiliates, or subsidiaries,
1346 indicate that the agent or all-lines adjuster is or was licensed
1347 in good standing for the line of authority requested. An
1348 applicant may hold a resident license in another state for 30
1349 days after the Florida resident license has been issued to
1350 facilitate the transfer of licensure between states.

1351 2. A set of the applicant's fingerprints in accordance
 1352 with s. 626.171(4).

1353 **Section 21. Subsection (1) of section 626.611, Florida**
 1354 **Statutes, is amended to read:**

1355 626.611 Grounds for compulsory refusal, suspension, or
 1356 revocation of agent's, title agency's, adjuster's, customer
 1357 representative's, service representative's, or managing general
 1358 agent's license or appointment.-

1359 (1) The department shall require license reexamination,
 1360 deny an application for, suspend, revoke, or refuse to renew or
 1361 continue the license or appointment of any applicant, agent,
 1362 title agency, adjuster, customer representative, service
 1363 representative, or managing general agent, and it shall suspend
 1364 or revoke the eligibility to hold a license or appointment of
 1365 any such person, if it finds that as to the applicant, licensee,
 1366 or appointee any one or more of the following applicable grounds
 1367 exist:

1368 (a) Lack of one or more of the qualifications for the
 1369 license or appointment as specified in this code.

1370 (b) Material misstatement, misrepresentation, or fraud in
 1371 obtaining the license or appointment or in attempting to obtain
 1372 the license or appointment.

1373 (c) Failure to pass to the satisfaction of the department
 1374 any examination required under this code, including cheating on
 1375 an examination required for licensure or violating test center

1376 or examination procedures published orally, in writing, or
 1377 electronically at the test site by authorized representatives of
 1378 the examination program administrator.

1379 (d) If the license or appointment is willfully used, or to
 1380 be used, to circumvent any of the requirements or prohibitions
 1381 of this code.

1382 (e) Willful misrepresentation of any insurance policy or
 1383 annuity contract or willful deception with regard to any such
 1384 policy or contract, done either in person or by any form of
 1385 dissemination of information or advertising.

1386 (f) If, as an adjuster, or agent licensed and appointed to
 1387 adjust claims under this code, he or she has materially
 1388 misrepresented to an insured or other interested party the terms
 1389 and coverage of an insurance contract with intent and for the
 1390 purpose of effecting settlement of claim for loss or damage or
 1391 benefit under such contract on less favorable terms than those
 1392 provided in and contemplated by the contract.

1393 (g) Demonstrated lack of fitness or trustworthiness to
 1394 engage in the business of insurance.

1395 (h) Demonstrated lack of reasonably adequate knowledge and
 1396 technical competence to engage in the transactions authorized by
 1397 the license or appointment.

1398 (i) Fraudulent or dishonest practices in the conduct of
 1399 business under the license or appointment.

1400 (j) Misappropriation, conversion, or unlawful withholding

1401 of moneys belonging to insurers or insureds or beneficiaries or
1402 to others and received in conduct of business under the license
1403 or appointment.

1404 (k) Unlawfully rebating, attempting to unlawfully rebate,
1405 or unlawfully dividing or offering to divide his or her
1406 commission with another.

1407 (l) Having obtained or attempted to obtain, or having used
1408 or using, a license or appointment as agent or customer
1409 representative for the purpose of soliciting or handling
1410 "controlled business" as defined in s. 626.730 with respect to
1411 general lines agents, s. 626.784 with respect to life agents,
1412 and s. 626.830 with respect to health agents.

1413 (m) Willful failure to comply with, or willful violation
1414 of, any proper order or rule of the department or willful
1415 violation of any provision of this code.

1416 (n) Having been found guilty of or having pleaded guilty
1417 or nolo contendere to a misdemeanor directly related to the
1418 financial services business, any felony, or any crime punishable
1419 by imprisonment of 1 year or more under the law of the United
1420 States of America or of any state thereof or under the law of
1421 any other country, without regard to whether a judgment of
1422 conviction has been entered by the court having jurisdiction of
1423 such cases.

1424 (o) Fraudulent or dishonest practice in submitting or
1425 aiding or abetting any person in the submission of an

1426 application for workers' compensation coverage under chapter 440
 1427 containing false or misleading information as to employee
 1428 payroll or classification for the purpose of avoiding or
 1429 reducing the amount of premium due for such coverage.

1430 (p) Sale of an unregistered security that was required to
 1431 be registered, pursuant to chapter 517.

1432 (q) In transactions related to viatical settlement
 1433 contracts as defined in s. 626.9911:

1434 1. Commission of a fraudulent or dishonest act.

1435 2. No longer meeting the requirements for initial
 1436 licensure.

1437 3. Having received a fee, commission, or other valuable
 1438 consideration for his or her services with respect to viatical
 1439 settlements that involved unlicensed viatical settlement
 1440 providers or persons who offered or attempted to negotiate on
 1441 behalf of another person a viatical settlement contract as
 1442 defined in s. 626.9911 and who were not licensed life agents.

1443 4. Dealing in bad faith with viators.

1444 **Section 22. Section 626.621, Florida Statutes, is amended**
 1445 **to read:**

1446 626.621 Grounds for discretionary refusal, suspension, or
 1447 revocation of agent's, adjuster's, customer representative's,
 1448 service representative's, or managing general agent's license or
 1449 appointment.—The department may, in its discretion, require a
 1450 license reexamination, deny an application for, suspend, revoke,

1451 or refuse to renew or continue the license or appointment of any
 1452 applicant, agent, adjuster, customer representative, service
 1453 representative, or managing general agent, and it may suspend or
 1454 revoke the eligibility to hold a license or appointment of any
 1455 such person, if it finds that as to the applicant, licensee, or
 1456 appointee any one or more of the following applicable grounds
 1457 exist under circumstances for which such denial, suspension,
 1458 revocation, or refusal is not mandatory under s. 626.611:

1459 (1) Any cause for which issuance of the license or
 1460 appointment could have been refused had it then existed and been
 1461 known to the department.

1462 (2) Violation of any provision of this code or of any
 1463 other law applicable to the business of insurance in the course
 1464 of dealing under the license or appointment.

1465 (3) Violation of any lawful order or rule of the
 1466 department, commission, or office.

1467 (4) Failure or refusal, upon demand, to pay over to any
 1468 insurer he or she represents or has represented any money coming
 1469 into his or her hands belonging to the insurer.

1470 (5) Violation of the provision against twisting, as
 1471 defined in s. 626.9541(1)(1).

1472 (6) In the conduct of business under the license or
 1473 appointment, engaging in unfair methods of competition or in
 1474 unfair or deceptive acts or practices, as prohibited under part
 1475 IX of this chapter, or having otherwise shown himself or herself

1476 to be a source of injury or loss to the public.

1477 (7) Willful overinsurance of any property or health
1478 insurance risk.

1479 (8) If a life agent, violation of the code of ethics.

1480 (9) Cheating on an examination required for licensure or
1481 violating test center or examination procedures published
1482 orally, in writing, or electronically at the test site by
1483 authorized representatives of the examination program
1484 administrator. Communication of test center and examination
1485 procedures must be clearly established and documented.

1486 (10) Failure to inform the department in writing within 30
1487 days after pleading guilty or nolo contendere to, or being
1488 convicted or found guilty of, any felony or a crime punishable
1489 by imprisonment of 1 year or more under the law of the United
1490 States or of any state thereof, or under the law of any other
1491 country without regard to whether a judgment of conviction has
1492 been entered by the court having jurisdiction of the case.

1493 (11) Knowingly aiding, assisting, procuring, advising, or
1494 abetting any person in the violation of or to violate a
1495 provision of the insurance code or any order or rule of the
1496 department, commission, or office.

1497 (12) Has been the subject of or has had a license, permit,
1498 appointment, registration, or other authority to conduct
1499 business subject to any decision, finding, injunction,
1500 suspension, prohibition, revocation, denial, judgment, final

1501 agency action, or administrative order by any court of competent
 1502 jurisdiction, administrative law proceeding, state agency,
 1503 federal agency, national securities, commodities, or option
 1504 exchange, or national securities, commodities, or option
 1505 association involving a violation of any federal or state
 1506 securities or commodities law or any rule or regulation adopted
 1507 thereunder, or a violation of any rule or regulation of any
 1508 national securities, commodities, or options exchange or
 1509 national securities, commodities, or options association.

1510 (13) Failure to comply with any civil, criminal, or
 1511 administrative action taken by the child support enforcement
 1512 program under Title IV-D of the Social Security Act, 42 U.S.C.
 1513 ss. 651 et seq., to determine paternity or to establish, modify,
 1514 enforce, or collect support.

1515 (14) Directly or indirectly accepting any compensation,
 1516 inducement, or reward from an inspector for the referral of the
 1517 owner of the inspected property to the inspector or inspection
 1518 company. This prohibition applies to an inspection intended for
 1519 submission to an insurer in order to obtain property insurance
 1520 coverage or establish the applicable property insurance premium.

1521 (15) Denial, suspension, or revocation of, or any other
 1522 adverse administrative action against, a license to practice or
 1523 conduct any regulated profession, business, or vocation by this
 1524 state, any other state, any nation, any possession or district
 1525 of the United States, any court, or any lawful agency thereof.

1526 (16) Taking an action that allows the personal financial
 1527 or medical information of a consumer or customer to be made
 1528 available or accessible to the general public, regardless of the
 1529 format in which the record is stored.

1530 (17) Initiating in-person or telephone solicitation after
 1531 9 p.m. or before 8 a.m. local time of the prospective customer
 1532 unless requested by the prospective customer.

1533 (18) Cancellation of the applicant's, licensee's, or
 1534 appointee's resident license in a state other than Florida.

1535 **Section 23. Subsection (1) of section 626.731, Florida**
 1536 **Statutes, is amended to read:**

1537 626.731 Qualifications for general lines agent's license.—

1538 (1) The department may ~~shall~~ not grant or issue a license
 1539 as general lines agent to any individual found by it to be
 1540 untrustworthy or incompetent or who does not meet each all of
 1541 the following qualifications:

1542 (a) The applicant is a natural person at least 18 years of
 1543 age.

1544 (b) The applicant is a United States citizen or legal
 1545 alien who possesses work authorization from the United States
 1546 Bureau of Citizenship and Immigration Services and is a bona
 1547 fide resident of this state. ~~An individual who is a bona fide~~
 1548 ~~resident of this state shall be deemed to meet the residence~~
 1549 ~~requirement of this paragraph, notwithstanding the existence at~~
 1550 ~~the time of application for license of a license in his or her~~

1551 ~~name on the records of another state as a resident licensee of~~
 1552 ~~such other state, if the applicant furnishes a letter of~~
 1553 ~~clearance satisfactory to the department that the resident~~
 1554 ~~licenses have been canceled or changed to a nonresident basis~~
 1555 ~~and that he or she is in good standing.~~

1556 (c) The applicant's place of business will be located in
 1557 this state and he or she will be actively engaged in the
 1558 business of insurance and will maintain a place of business, the
 1559 location of which is identifiable by and accessible to the
 1560 public.

1561 (d) The license is not being sought for the purpose of
 1562 writing or handling controlled business, in violation of s.
 1563 626.730.

1564 (e) The applicant is qualified as to knowledge,
 1565 experience, or instruction in the business of insurance and
 1566 meets the requirements provided in s. 626.732.

1567 (f) The applicant has passed any required examination for
 1568 license required under s. 626.221.

1569 **Section 24. Subsection (2) of section 626.785, Florida**
 1570 **Statutes, is amended to read:**

1571 626.785 Qualifications for license.—

1572 ~~(2) An individual who is a bona fide resident of this~~
 1573 ~~state shall be deemed to meet the residence requirement of~~
 1574 ~~paragraph (1)(b), notwithstanding the existence at the time of~~
 1575 ~~application for license of a license in his or her name on the~~

1576 ~~records of another state as a resident licensee of such other~~
 1577 ~~state, if the applicant furnishes a letter of clearance~~
 1578 ~~satisfactory to the department that the resident licenses have~~
 1579 ~~been canceled or changed to a nonresident basis and that he or~~
 1580 ~~she is in good standing.~~

1581 **Section 25. Section 626.831, Florida Statutes, is amended**
 1582 **to read:**

1583 626.831 Qualifications for license.—

1584 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
 1585 as health agent as to any individual found by it to be
 1586 untrustworthy or incompetent, or who does not meet all of the
 1587 following qualifications:

1588 (1)(a) ~~Is Must~~ be a natural person of at least 18 years of
 1589 age.

1590 (2)(b) ~~Is Must~~ be a United States citizen or legal alien
 1591 who possesses work authorization from the United States Bureau
 1592 of Citizenship and Immigration Services and is a bona fide
 1593 resident of this state.

1594 (3)(e) ~~Is Must~~ not be an employee of the United States
 1595 Department of Veterans Affairs or state service office, as
 1596 referred to in s. 626.833.

1597 (4)(d) ~~Has taken Must take~~ and passed ~~pass~~ any examination
 1598 for license required under s. 626.221.

1599 (5)(e) ~~Is Must~~ be qualified as to knowledge, experience,
 1600 or instruction in the business of insurance and meets ~~meet~~ the

1601 requirements relative thereto provided in s. 626.8311.

1602 ~~(2) An individual who is a bona fide resident of this~~
 1603 ~~state shall be deemed to meet the residence requirement of~~
 1604 ~~paragraph (1)(b), notwithstanding the existence at the time of~~
 1605 ~~application for license of a license in his or her name on the~~
 1606 ~~records of another state as a resident licensee of such other~~
 1607 ~~state, if the applicant furnishes a letter of clearance~~
 1608 ~~satisfactory to the department that the resident licenses have~~
 1609 ~~been canceled or changed to a nonresident basis and that he or~~
 1610 ~~she is in good standing.~~

1611 **Section 26. Subsection (24) is added to section 626.854,**
 1612 **Florida Statutes, to read:**

1613 626.854 "Public adjuster" defined; prohibitions.—The
 1614 Legislature finds that it is necessary for the protection of the
 1615 public to regulate public insurance adjusters and to prevent the
 1616 unauthorized practice of law.

1617 (24) A public adjuster, public adjuster apprentice, or
 1618 public adjusting firm must respond with specific information to
 1619 a written or electronic request for claims status from a
 1620 claimant or insured or their designated representative within 14
 1621 days after the date of the request and shall document in the
 1622 file the response or information provided.

1623 **Section 27. Subsection (4) of section 648.34, Florida**
 1624 **Statutes, is amended to read:**

1625 648.34 Bail bond agents; qualifications.—

1626 (4) The applicant shall furnish, with his or her
1627 application, a complete set of his or her fingerprints in
1628 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1629 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1630 not authorize an applicant to take the required examination
1631 until the department has received a report from the Department
1632 of Law Enforcement and the Federal Bureau of Investigation
1633 relative to the existence or nonexistence of a criminal history
1634 report based on the applicant's fingerprints.

1635 **Section 28. Subsection (2) of section 648.382, Florida**
1636 **Statutes, is amended to read:**

1637 648.382 Appointment of bail bond agents and bail bond
1638 agencies; effective date of appointment.—

1639 (2) Before any appointment, an appropriate officer or
1640 official of the appointing insurer must obtain all of the
1641 following information ~~submit~~:

1642 (a) A certified statement or affidavit to the department
1643 stating what investigation has been made concerning the proposed
1644 appointee and the proposed appointee's background and the
1645 appointing person's opinion to the best of his or her knowledge
1646 and belief as to the moral character and reputation of the
1647 proposed appointee. In lieu of such certified statement or
1648 affidavit, by authorizing the effectuation of an appointment for
1649 a licensee, the appointing entity certifies to the department
1650 that such investigation has been made and that the results of

1651 the investigation and the appointing person's opinion is that
1652 the proposed appointee is a person of good moral character and
1653 reputation and is fit to engage in the bail bond business.†

1654 (b) An affidavit under oath on a form prescribed by the
1655 department, signed by the proposed appointee, stating that
1656 premiums are not owed to any insurer and that the appointee will
1657 discharge all outstanding forfeitures and judgments on bonds
1658 previously written. If the appointee does not satisfy or
1659 discharge such forfeitures or judgments, the former insurer
1660 shall file a notice, with supporting documents, with the
1661 appointing insurer, the former agent or agency, and the
1662 department, stating under oath that the licensee has failed to
1663 timely satisfy forfeitures and judgments on bonds written and
1664 that the insurer has satisfied the forfeiture or judgment from
1665 its own funds. Upon receipt of such notification and supporting
1666 documents, the appointing insurer shall immediately cancel the
1667 licensee's appointment. The licensee may be reappointed only
1668 upon certification by the former insurer that all forfeitures
1669 and judgments on bonds written by the licensee have been
1670 discharged. The appointing insurer or former agent or agency
1671 may, within 10 days, file a petition with the department seeking
1672 relief from this paragraph. Filing of the petition stays the
1673 duty of the appointing insurer to cancel the appointment until
1674 the department grants or denies the petition.†

1675 (c) Any other information that the department reasonably

1676 requires concerning the proposed appointee. ~~and~~

1677 (d) Effective January 1, 2025, a certification that the
 1678 appointing entity obtained from each appointee the following
 1679 sworn statement:

1680
 1681 Pursuant to section 648.382(2)(b), Florida Statutes, I
 1682 do solemnly swear that I owe no premium to any insurer
 1683 or agency and that I will discharge all outstanding
 1684 forfeitures and judgments on bonds that have been
 1685 previously written. I acknowledge that failure to do
 1686 this will result in my active appointments being
 1687 canceled.

1688
 1689 An appointed bail bond agency must have the attestation under
 1690 this paragraph signed by its owner.

1691 **Section 29. Section 717.001, Florida Statutes, is amended**
 1692 **to read:**

1693 717.001 Short title.—This chapter may be cited as the
 1694 "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
 1695 Act."

1696 **Section 30. Present subsections (1) through (4), (5)**
 1697 **through (8), (10) through (13), (15) through (20), (21), (22)**
 1698 **through (28), and (31), (32), and (33) of section 717.101,**
 1699 **Florida Statutes, are redesignated as subsections (4) through**
 1700 **(7), (9) through (12), (13) through (16), (17) through (22),**

1701 (24), (26) through (32), and (33), (34), and (35), respectively,
1702 new subsections (1), (2), (3), (8), (23), and (25) are added to
1703 that section, and present subsections (1), (2), (5), (6), (8),
1704 (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and
1705 (30) of that section are amended, to read:

1706 717.101 Definitions.—As used in this chapter, unless the
1707 context otherwise requires:

1708 (1) "Abandoned property" means property held by a holder
1709 for which all of the following are true:

1710 (a) The apparent owner has shown no activity or indication
1711 of interest for the duration of the applicable dormancy period
1712 established under this chapter.

1713 (b) The holder has complied with the due diligence
1714 requirements set forth in this chapter, including the issuance
1715 of notice to the apparent owner, and has received no response or
1716 contact sufficient to demonstrate continued interest in the
1717 property.

1718 (2) "Abandoned Property Purchase Agreement" means the form
1719 adopted by the department pursuant to s. 717.135 which must be
1720 used, without modification or amendment, by a claimant
1721 representative to purchase abandoned property from an owner.

1722 (3) "Abandoned Property Recovery Agreement" means the form
1723 adopted by the department pursuant to s. 717.135 which must be
1724 used, without modification or amendment, by a claimant
1725 representative to obtain consent and authority to recover

1726 abandoned property on behalf of a person.

1727 (4)~~(1)~~ "Aggregate" means the amounts reported for owners
 1728 of abandoned ~~unclaimed~~ property of less than \$10 or where there
 1729 is no name for the individual or entity listed on the holder's
 1730 records, regardless of the amount to be reported.

1731 (5)~~(2)~~ "Apparent owner" means the person whose name
 1732 appears on the records of the holder as the owner of the
 1733 abandoned property, but whose status as the true owner entitled
 1734 to receive the property may be subject to change due to the
 1735 passage of time or changes in circumstances ~~person entitled to~~
 1736 ~~property held, issued, or owing by the holder.~~

1737 (8) "Authorized representative" means a person or entity
 1738 legally empowered to act on behalf of the apparent owner or his
 1739 or estate, including, but not limited to, an agent, a fiduciary,
 1740 a personal representative, a trustee, a legal heir, a guardian,
 1741 or any other individual or entity authorized by law or
 1742 agreement.

1743 (9)~~(5)~~ "Banking or financial organization" means any and
 1744 all banks, trust companies, private bankers, savings banks,
 1745 industrial banks, safe-deposit companies, savings and loan
 1746 associations, credit unions, savings associations, banking
 1747 organizations, international bank agencies, cooperative banks,
 1748 building and loan associations, and investment companies in this
 1749 state, organized under or subject to the laws of this state or
 1750 of the United States, including entities organized under 12

1751 U.S.C. s. 611, but does not include federal reserve banks. The
 1752 term also includes any corporation, business association, or
 1753 other organization that:

1754 (a) Is a wholly or partially owned subsidiary of any
 1755 banking, banking corporation, or bank holding company that
 1756 performs any or all of the functions of a banking organization;
 1757 or

1758 (b) Performs functions pursuant to the terms of a contract
 1759 with any banking organization.

1760 (10)~~(6)~~ "Business association" means any for-profit or
 1761 nonprofit corporation other than a public corporation; joint
 1762 stock company; investment company; unincorporated association or
 1763 association of two or more individuals for business purposes,
 1764 whether or not for profit; partnership; joint venture; limited
 1765 liability company; sole proprietorship; business trust; trust
 1766 company; land bank; safe-deposit company; safekeeping
 1767 depository; banking or financial organization; insurance
 1768 company; federally chartered entity; utility company; transfer
 1769 agent; or other business entity, whether or not for profit.

1770 (12)~~(8)~~ "Claimant ~~Claimant's~~ representative" means an
 1771 attorney who is a member in good standing with ~~of~~ The Florida
 1772 Bar, a certified public accountant licensed in this state, or a
 1773 private investigator ~~who is duly licensed to do business in this~~
 1774 ~~the state, who is~~ registered with the department, and authorized
 1775 to file claims on behalf of persons with the department ~~by the~~

1776 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1777 The term does not include a person acting in a representative or
1778 fiduciary capacity, such as a personal representative, guardian,
1779 trustee, or attorney, whose representation is not contingent
1780 upon the discovery or location of abandoned unclaimed property,
1781 and it expressly excludes locators, who engage in locating
1782 owners of abandoned property for a fee but are not registered
1783 with the department; ~~provided, however, that any agreement~~
1784 ~~entered into for the purpose of evading s. 717.135 is invalid~~
1785 ~~and unenforceable.~~

1786 ~~(9) "Credit balance" means an account balance in the~~
1787 ~~customer's favor.~~

1788 ~~(15)-(12)~~ (15) "Due diligence" means the use of reasonable and
1789 prudent methods under particular circumstances to locate
1790 apparent owners of presumed abandoned property ~~inactive accounts~~
1791 using the taxpayer identification number or social security
1792 number, if known, which may include, but are not limited to,
1793 using a nationwide database, cross-indexing with other records
1794 of the holder, mailing to the last known address unless the last
1795 known address is known to be inaccurate, providing written
1796 notice as described in this chapter by electronic mail if an
1797 apparent owner has elected such delivery, or engaging a licensed
1798 agency or company capable of conducting such search and
1799 providing updated addresses.

1800 ~~(14) "Financial organization" means a savings association,~~

1801 ~~savings and loan association, savings bank, industrial bank,~~
1802 ~~bank, banking organization, trust company, international bank~~
1803 ~~agency, cooperative bank, building and loan association, or~~
1804 ~~credit union.~~

1805 (18)~~(16)~~ "Holder" means a person who is in possession of
1806 property belonging to another or who owes a debt or an
1807 obligation to another person, including, but not limited to,
1808 financial institutions, insurance companies, corporations,
1809 partnerships, fiduciaries, and government agencies:

1810 ~~(a) A person who is in possession or control or has~~
1811 ~~custody of property or the rights to property belonging to~~
1812 ~~another; is indebted to another on an obligation; or is~~
1813 ~~obligated to hold for the account of, or to deliver or pay to,~~
1814 ~~the owner, property subject to this chapter; or~~

1815 ~~(b) A trustee in case of a trust.~~

1816 (20)~~(18)~~ "Intangible property" includes, by way of
1817 illustration and not limitation:

1818 (a) Moneys, checks, virtual currency, drafts, deposits,
1819 interest, dividends, and income.

1820 (b) Credit balances, customer overpayments, security
1821 deposits and other instruments as defined by chapter 679,
1822 refunds, unpaid wages, unused airline tickets, and unidentified
1823 remittances.

1824 (c) Stocks, and other intangible ownership interests in
1825 business associations except for:

1826 1. A non-freely transferable security; or
 1827 2. A security that is subject to a lien, legal hold, or
 1828 restriction evidenced on the records of the holder or imposed by
 1829 operation of law, if the lien, legal hold, or restriction
 1830 restricts the holder's or owner's ability to receive, transfer,
 1831 sell, or otherwise negotiate the security.

1832 (d) Moneys deposited to redeem stocks, bonds, bearer
 1833 bonds, original issue discount bonds, coupons, and other
 1834 securities, or to make distributions.

1835 (e) Amounts due and payable under the terms of insurance
 1836 policies.

1837 (f) Amounts distributable from a trust or custodial fund
 1838 established under a plan to provide any health, welfare,
 1839 pension, vacation, severance, retirement, death, stock purchase,
 1840 profit sharing, employee savings, supplemental unemployment
 1841 insurance, or similar benefit.

1842 ~~(21)-(19)~~ "Last known address" means a description of the
 1843 location of the apparent owner sufficient for the purpose of the
 1844 delivery of mail. For the purposes of identifying, reporting,
 1845 and remitting property to the department ~~which is presumed to be~~
 1846 ~~unclaimed~~, the term "last known address" includes any partial
 1847 description of the location of the apparent owner sufficient to
 1848 establish the apparent owner was a resident of this state at the
 1849 time of last contact with the apparent owner or at the time the
 1850 property became due and payable.

1851 (22)~~(20)~~ "Lawful charges" means charges against the
1852 property or the account in which the property is held ~~dormant~~
1853 ~~accounts~~ that are authorized by statute for the purpose of
1854 offsetting the costs of maintaining the property or the account
1855 in which the property is held ~~dormant account~~.

1856 (23) "Locator" means a private individual or business that
1857 locates owners of abandoned property in exchange for a fee,
1858 typically a percentage of the recovered property. Locators are
1859 not employees or agents of the state and are not registered with
1860 the department.

1861 (25) "Non-freely transferable security" means a security
1862 that cannot be delivered to the administrator by the Depository
1863 Trust Clearing Corporation or similar custodian of securities
1864 providing post-trade clearing and settlement services to
1865 financial markets or cannot be delivered because there is no
1866 agent to effect transfer. The term includes a worthless
1867 security.

1868 (26)~~(22)~~ "Owner" means the ~~a person, or the person's legal~~
1869 ~~representative,~~ entitled to receive or having a legal or
1870 equitable interest in the abandoned property. An owner
1871 establishes his or her entitlement by filing a valid claim with
1872 the department pursuant ~~or claim against property subject to~~
1873 ~~this chapter; a depositor in the case of a deposit; a~~
1874 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
1875 ~~payee in the case of a negotiable instrument or other intangible~~

1876 ~~property.~~

1877 ~~(29)(25) "Record" means information that is captured or~~
 1878 ~~maintained in any format, including written, printed,~~
 1879 ~~electronic, audio, visual, or other forms, and that can be made~~
 1880 ~~perceptible or understandable to a person, either directly or~~
 1881 ~~through technological means, including assistive technologies~~
 1882 ~~inscribed on a tangible medium or that is stored in an~~
 1883 ~~electronic or other medium and is retrievable in perceivable~~
 1884 ~~form.~~

1885 ~~(29) "Unclaimed Property Purchase Agreement" means the~~
 1886 ~~form adopted by the department pursuant to s. 717.135 which must~~
 1887 ~~be used, without modification or amendment, by a claimant's~~
 1888 ~~representative to purchase unclaimed property from an owner.~~

1889 ~~(30) "Unclaimed Property Recovery Agreement" means the~~
 1890 ~~form adopted by the department pursuant to s. 717.135 which must~~
 1891 ~~be used, without modification or amendment, by a claimant's~~
 1892 ~~representative to obtain an owner's consent and authority to~~
 1893 ~~recover unclaimed property on the owner's behalf.~~

1894 **Section 31. Section 717.102, Florida Statutes, is amended**
 1895 **to read:**

1896 717.102 Property presumed abandoned ~~unclaimed~~; general
 1897 rule.—

1898 (1) Except as otherwise provided by this chapter, all
 1899 intangible property, including any income or increment thereon
 1900 less any lawful charges, that is held, issued, or owing in the

1901 ordinary course of the holder's business and for which the
1902 apparent owner or authorized representative fails to demonstrate
1903 continued interest for more than the applicable dormancy period
1904 prescribed by this chapter shall be presumed abandoned ~~claim~~
1905 ~~such property for more than 5 years after the property becomes~~
1906 ~~payable or distributable is presumed unclaimed, except as~~
1907 ~~otherwise provided by this chapter. Unless otherwise specified~~
1908 ~~by law, the dormancy period shall be 5 years from the date the~~
1909 ~~property becomes payable or distributable. For the purposes of~~
1910 ~~this chapter, property shall be considered payable or~~
1911 ~~distributable once the holder's obligation to pay or deliver the~~
1912 ~~property arises, regardless of whether the apparent owner or~~
1913 ~~authorized representative has failed to demand or to present~~
1914 ~~documents required to receive payment.~~

1915 (2) ~~Property is payable or distributable for the purpose~~
1916 ~~of this chapter notwithstanding the owner's failure to make~~
1917 ~~demand or to present any instrument or document required to~~
1918 ~~receive payment.~~

1919 ~~(3)~~ A presumption that property is abandoned may be
1920 ~~unclaimed is~~ rebutted by the affirmative demonstration of
1921 continued interest by the apparent owner or authorized
1922 representative ~~an apparent owner's expression of interest in the~~
1923 ~~property. Such demonstration~~ ~~An owner's expression of~~ continued
1924 interest in property includes, but is not limited to, any of the
1925 following:

1926 (a) A record communicated by the apparent owner or
 1927 authorized representative to the holder or its agent ~~of the~~
 1928 ~~holder~~ concerning the property or the account in which the
 1929 property is held.†

1930 (b) An oral communication by the apparent owner or
 1931 authorized representative to the holder or its agent ~~of the~~
 1932 ~~holder~~ concerning the property or the account in which the
 1933 property is held, if the holder or its agent contemporaneously
 1934 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
 1935 ~~apparent owner's~~ communication.†

1936 (c) Presentment of a check or other instrument for ~~of~~
 1937 payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other
 1938 distributions related to the property. ~~distribution,~~ with
 1939 ~~respect to an account, underlying security, or interest in a~~
 1940 ~~business association;~~

1941 (d) Any account activity initiated ~~directed~~ by an apparent
 1942 owner or authorized representative ~~in the account in which the~~
 1943 ~~property is held~~, including accessing the account or directing
 1944 changes to information concerning the account, or to the amount
 1945 or type of property held, excluding routine automatic
 1946 transactions previously authorized, ~~a direction by the apparent~~
 1947 ~~owner~~ to increase, decrease, or otherwise change the amount or
 1948 type of property held in the account.†

1949 (e) Any ~~A~~ deposit into or withdrawal from the property or
 1950 the an account in which the property is held ~~at a financial~~

1951 ~~organization, excluding an automatic deposits, withdrawals, or~~
 1952 ~~reinvestments deposit or withdrawal~~ previously authorized by the
 1953 apparent owner or authorized representative. ~~an automatic~~
 1954 ~~reinvestment of dividends or interest, which does not constitute~~
 1955 ~~an expression of interest; or~~

1956 (f) Any other action by the apparent owner or authorized
 1957 representative which reasonably demonstrates to the holder that
 1958 the apparent owner or authorized representative is aware of and
 1959 maintains an interest in ~~knows that~~ the property ~~exists.~~

1960 ~~(3)(4)~~ If a holder learns or receives confirmation of an
 1961 apparent owner's death, the property shall be presumed abandoned
 1962 ~~unclaimed~~ 2 years after the date of death, unless an authorized
 1963 representative makes an affirmative demonstration ~~a fiduciary~~
 1964 ~~appointed to represent the estate of the apparent owner has made~~
 1965 ~~an expression~~ of interest in the property before the expiration
 1966 of the 2-year period. This subsection may not be construed to
 1967 extend the otherwise applicable dormancy period prescribed by
 1968 this chapter.

1969 **Section 32. Section 717.103, Florida Statutes, is amended**
 1970 **to read:**

1971 717.103 General rules for taking custody of intangible
 1972 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
 1973 chapter or by other statute of this state, intangible property
 1974 is subject to the custody of the department as abandoned
 1975 ~~unclaimed~~ property when ~~if~~ the conditions leading to a

1976 | presumption that the property is abandoned ~~unclaimed~~ as
 1977 | described in ss. 717.102 and 717.105-717.116 are satisfied and
 1978 | the holder has fulfilled all required due diligence obligations
 1979 | without receiving any response or claim from the apparent owner,
 1980 | and one or more of the following criteria apply:

1981 | (1) The last known address, as shown on the records of the
 1982 | holder, of the apparent owner is in this state.‡

1983 | (2) The records of the holder do not identify the name of
 1984 | the apparent owner, but do reflect ~~the identity of the person~~
 1985 | ~~entitled to the property, and it is established that the last~~
 1986 | known address of the apparent owner ~~person entitled to the~~
 1987 | ~~property~~ is in this state.‡

1988 | (3) The records of the holder do not reflect the last
 1989 | known address of the apparent owner, but ~~and~~ it is established
 1990 | that either of the following conditions apply:

1991 | (a) The last known address of the apparent owner ~~person~~
 1992 | ~~entitled to the property~~ is in this state.‡ ~~or~~

1993 | (b) The holder is domiciled in this state, ~~a domiciliary~~
 1994 | ~~or is~~ a government entity or ~~governmental~~ subdivision ~~or agency~~
 1995 | of this state, and has not previously paid the property to the
 1996 | state of the last known address of the apparent owner. ~~or other~~
 1997 | ~~person entitled to the property;~~

1998 | (4) The last known address, as shown on the records of the
 1999 | holder, of the apparent owner ~~or other person entitled to the~~
 2000 | ~~property~~ is in a jurisdiction state that does not have

2001 applicable ~~provide by law for the~~ escheat, abandoned, or
 2002 unclaimed property laws ~~eustodial taking of the property, or its~~
 2003 ~~escheat or unclaimed property law is not applicable to the~~
 2004 ~~property,~~ and the holder is domiciled in this state a
 2005 domiciliary or is a government entity ~~or governmental~~
 2006 ~~subdivision~~ or agency of this state.†

2007 (5) The last known address, as shown on the records of the
 2008 holder, of the apparent owner is in a foreign nation and the
 2009 holder is domiciled in this state ~~a domiciliary~~ or is a
 2010 government entity ~~or governmental subdivision or agency~~ of this
 2011 state.† ~~or~~

2012 (6) The transaction out of which the property arose
 2013 occurred in this state~~†~~ and both of the following are true:†

2014 (a)~~1.~~ The last known address of the apparent owner ~~or~~
 2015 ~~other person entitled to the property~~ is unknown.† ~~or~~

2016 ~~2.~~ ~~The last known address of the apparent owner or other~~
 2017 ~~person entitled to the property is in a state that does not~~
 2018 ~~provide by law for the escheat or custodial taking of the~~
 2019 ~~property, or its escheat or unclaimed property law is not~~
 2020 ~~applicable to the property; and~~

2021 (b) The holder is domiciled in a jurisdiction a
 2022 ~~domiciliary of a state that does not~~ have applicable ~~provide by~~
 2023 ~~law for the escheat, abandoned, or eustodial taking of the~~
 2024 ~~property, or its escheat or unclaimed property~~ laws ~~law is not~~
 2025 ~~applicable to the property.~~

2026 **Section 33.** Section 717.1035, Florida Statutes, is
2027 repealed.

2028 **Section 34. Section 717.104, Florida Statutes, is amended**
2029 **to read:**

2030 717.104 Traveler's checks and money orders.—

2031 (1) Subject to subsection (4), any sum payable on a
2032 traveler's check that has been outstanding for more than 15
2033 years after its issuance is presumed abandoned ~~unclaimed~~ unless
2034 the apparent owner or authorized representative, within 15
2035 years, has demonstrated a continued interest in the property in
2036 accordance with s. 717.102 ~~communicated in writing with the~~
2037 ~~issuer concerning it or otherwise indicated an interest as~~
2038 ~~evidenced by a memorandum or other record on file with the~~
2039 ~~issuer.~~

2040 (2) Subject to subsection (4), any sum payable on a money
2041 order or similar written instrument, other than a third party
2042 bank check, that has been outstanding for more than 7 years
2043 after its issuance is presumed abandoned ~~unclaimed~~ unless the
2044 apparent owner or authorized representative, within 7 years, has
2045 demonstrated a continued interest in the property in accordance
2046 with s. 717.102 ~~communicated in writing with the issuer~~
2047 ~~concerning it or otherwise indicated an interest as evidenced by~~
2048 ~~a memorandum or other record on file with the issuer.~~

2049 (3) A ~~No~~ holder may not deduct from the amount of any
2050 traveler's check or money order any charges imposed by reason of

2051 the failure to present those instruments for payment unless
2052 there is a valid and enforceable written contract between the
2053 holder ~~issuer~~ and the apparent owner of the property pursuant to
2054 which the holder ~~issuer~~ may impose those charges and the holder
2055 ~~issuer~~ regularly imposes those charges and does not regularly
2056 reverse or otherwise cancel those charges with respect to the
2057 property.

2058 (4) No sum payable on a traveler's check, money order, or
2059 similar written instrument, other than a third party bank check,
2060 described in subsections (1) and (2) may be subjected to the
2061 custody of this state as abandoned ~~unclaimed~~ property unless any
2062 of the following conditions are met:

2063 (a) The records of the holder ~~issuer~~ show that the
2064 traveler's check, money order, or similar written instrument was
2065 purchased in this state.~~;~~

2066 (b) The holder ~~issuer~~ has its principal place of business
2067 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
2068 state in which the traveler's check, money order, or similar
2069 written instrument was purchased.~~;~~ ~~or~~

2070 (c) The holder ~~issuer~~ has its principal place of business
2071 in this state; the holder's records ~~of the issuer~~ show the state
2072 in which the traveler's check, money order, or similar written
2073 instrument was purchased; and the ~~laws of the state of purchase~~
2074 does not provide applicable ~~do not provide for the escheat,~~
2075 abandoned, or unclaimed property laws ~~or custodial taking of the~~

2076 ~~property, or its escheat or unclaimed property law is not~~
 2077 ~~applicable to the property.~~

2078 (5) Notwithstanding any other provision of this chapter,
 2079 subsection (4) applies to sums payable on traveler's checks,
 2080 money orders, and similar written instruments presumed abandoned
 2081 ~~unclaimed~~ on or after February 1, 1965, except to the extent
 2082 that those sums have been paid over to a state prior to January
 2083 1, 1974.

2084 **Section 35. Section 717.1045, Florida Statutes, is amended**
 2085 **to read:**

2086 717.1045 Gift certificates and similar credit items.—
 2087 Notwithstanding s. 717.117, an unredeemed gift certificate or
 2088 credit memo as defined in s. 501.95 is not required to be
 2089 reported as abandoned ~~unclaimed~~ property.

2090 (1) The consideration paid for an unredeemed gift
 2091 certificate or credit memo is the property of the issuer of the
 2092 unredeemed gift certificate or credit memo.

2093 (2) An unredeemed gift certificate or credit memo is
 2094 subject only to any rights of a purchaser or owner thereof and
 2095 is not subject to a claim made by any state acting on behalf of
 2096 a purchaser or owner.

2097 (3) It is the intent of the Legislature that this section
 2098 apply to the custodial holding of unredeemed gift certificates
 2099 and credit memos.

2100 (4) However, a gift certificate or credit memo described

2101 in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
2102 property. The consideration paid for such a gift certificate or
2103 credit memo is the property of the owner of the gift certificate
2104 or credit memo.

2105 **Section 36. Section 717.105, Florida Statutes, is amended**
2106 **to read:**

2107 717.105 Checks, drafts, and similar instruments issued or
2108 certified by banking and financial organizations.—

2109 (1) Any sum payable on a check, draft, or similar
2110 instrument, except those subject to ss. 717.104 and 717.115, on
2111 which a banking or financial organization is directly liable,
2112 including, but not limited to, a cashier's check or a certified
2113 check, which has been outstanding for more than 5 years after it
2114 was payable or after its issuance if payable on demand, is
2115 presumed abandoned ~~unclaimed~~ unless the apparent owner or
2116 authorized representative, within 5 years, has communicated in
2117 writing with the banking or financial organization concerning it
2118 or otherwise demonstrated a continued interest in the property
2119 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
2120 ~~by a memorandum or other record on file with the banking or~~
2121 ~~financial organization.~~

2122 (2) A ~~No~~ holder may not deduct from the amount of any
2123 instrument subject to this section any charges imposed by reason
2124 of the failure to present the instrument for encashment unless
2125 there is a valid and enforceable written contract between the

2126 holder and the apparent owner of the instrument pursuant to
 2127 which the holder may impose those charges and does not regularly
 2128 reverse or otherwise cancel those charges with respect to the
 2129 instrument.

2130 **Section 37. Subsection (1), paragraphs (a) and (b) of**
 2131 **subsection (3), and subsections (4) and (5) of section 717.106,**
 2132 **Florida Statutes, are amended to read:**

2133 717.106 Bank deposits and funds in financial
 2134 organizations.—

2135 (1) Any demand, savings, or matured time deposit with a
 2136 banking or financial organization, including deposits that are
 2137 automatically renewable, and any funds paid toward the purchase
 2138 of shares, a mutual investment certificate, or any other
 2139 interest in a banking or financial organization is presumed
 2140 abandoned ~~unclaimed~~ unless the apparent owner or authorized
 2141 representative has, within 5 years, engaged in any of the
 2142 following activities:

2143 (a) Increased or decreased the amount of the deposit or
 2144 presented the passbook or other similar evidence of the deposit
 2145 for the crediting of interest.~~†~~

2146 (b) Communicated in writing or by documented telephone
 2147 contact with the banking or financial organization concerning
 2148 the property.~~†~~

2149 (c) Otherwise demonstrated a continued ~~indicated an~~
 2150 interest in the property as evidenced by a memorandum or other

2151 record on file with the banking or financial organization.†

2152 (d) Owned other property to which paragraph (a), paragraph
 2153 (b), or paragraph (c) is applicable and if the banking or
 2154 financial organization communicates in writing with the owner
 2155 with regard to the property that would otherwise be presumed
 2156 abandoned ~~unclaimed~~ under this subsection at the address to
 2157 which communications regarding the other property regularly are
 2158 sent.† ~~or~~

2159 (e) Had another relationship with the banking or financial
 2160 organization concerning which the apparent owner has:

2161 1. Communicated in writing with the banking or financial
 2162 organization; or

2163 2. Otherwise demonstrated a continued ~~indicated an~~
 2164 interest as evidenced by a memorandum or other record on file
 2165 with the banking or financial organization and if the banking or
 2166 financial organization communicates in writing with the apparent
 2167 owner or authorized representative with regard to the property
 2168 that would otherwise be presumed abandoned ~~unclaimed~~ under this
 2169 subsection at the address to which communications regarding the
 2170 other relationship regularly are sent.

2171 (3) A ~~No~~ holder may not impose with respect to property
 2172 described in subsection (1) any charges due to dormancy or
 2173 inactivity or cease payment of interest unless:

2174 (a) There is an enforceable written contract between the
 2175 holder and the apparent owner of the property pursuant to which

2176 | the holder may impose those charges or cease payment of
 2177 | interest.

2178 | (b) For property in excess of \$2, the holder, no more than
 2179 | 3 months prior to the initial imposition of those charges or
 2180 | cessation of interest, has given written notice to the apparent
 2181 | owner of the amount of those charges at the last known address
 2182 | of the apparent owner stating that those charges shall be
 2183 | imposed or that interest shall cease, but the notice provided in
 2184 | this section need not be given with respect to charges imposed
 2185 | or interest ceased before July 1, 1987.

2186 | (4) Any property described in subsection (1) that is
 2187 | automatically renewable is matured for purposes of subsection
 2188 | (1) upon the expiration of its initial time period except that,
 2189 | in the case of any renewal to which the apparent owner consents
 2190 | at or about the time of renewal by communicating in writing with
 2191 | the banking or financial organization or otherwise indicating
 2192 | consent as evidenced by a memorandum or other record on file
 2193 | prepared by an employee of the organization, the property is
 2194 | matured upon the expiration of the last time period for which
 2195 | consent was given. If, at the time provided for delivery in s.
 2196 | 717.119, a penalty or forfeiture in the payment of interest
 2197 | would result from the delivery of the property, the time for
 2198 | delivery is extended until the time when no penalty or
 2199 | forfeiture would result.

2200 | (5) If the documents establishing a deposit described in

2201 subsection (1) state the address of a beneficiary of the
 2202 deposit, and the account has a value of at least \$50, notice
 2203 shall be given to the beneficiary as provided for notice to the
 2204 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
 2205 shall apply to accounts opened on or after October 1, 1990.

2206 **Section 38. Subsection (1) of section 717.107, Florida**
 2207 **Statutes, is amended to read:**

2208 717.107 Funds owing under life insurance policies, annuity
 2209 contracts, and retained asset accounts; fines, penalties, and
 2210 interest; United States Social Security Administration Death
 2211 Master File.—

2212 (1) Funds held or owing under any life or endowment
 2213 insurance policy or annuity contract which has matured or
 2214 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
 2215 more than 5 years after the date of death of the insured, the
 2216 annuitant, or the retained asset account holder, but property
 2217 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
 2218 such property is not claimed for more than 2 years. The amount
 2219 presumed abandoned ~~unclaimed~~ shall include any amount due and
 2220 payable under s. 627.4615.

2221 **Section 39. Section 717.1071, Florida Statutes, is amended**
 2222 **to read:**

2223 717.1071 Lost owners of abandoned ~~unclaimed~~
 2224 demutualization, rehabilitation, or related reorganization
 2225 proceeds.—

2226 (1) Property distributable in the course of a
 2227 demutualization, rehabilitation, or related reorganization of an
 2228 insurance company is deemed abandoned 2 years after the date the
 2229 property is first distributable if, at the time of the first
 2230 distribution, the last known address of the apparent owner on
 2231 the books and records of the holder is known to be incorrect or
 2232 the distribution or statements are returned by the post office
 2233 as undeliverable; and the apparent owner or authorized
 2234 representative ~~owner~~ has not communicated in writing with the
 2235 holder or its agent regarding the interest or otherwise
 2236 communicated with the holder regarding the interest as evidenced
 2237 by a memorandum or other record on file with the holder or its
 2238 agent.

2239 (2) Property distributable in the course of
 2240 demutualization, rehabilitation, or related reorganization of a
 2241 mutual insurance company that is not subject to subsection (1)
 2242 shall be reportable as otherwise provided by this chapter.

2243 (3) Property subject to this section shall be reported and
 2244 delivered no later than May 1 as of the preceding December 31;
 2245 however, the initial report under this section shall be filed no
 2246 later than November 1, 2003, as of December 31, 2002.

2247 **Section 40. Section 717.108, Florida Statutes, is amended**
 2248 **to read:**

2249 717.108 Deposits held by utilities.—Any deposit, including
 2250 any interest thereon, made by a subscriber with a utility to

2251 secure payment or any sum paid in advance for utility services
 2252 to be furnished, less any lawful charges, that remains unclaimed
 2253 by the apparent owner for more than 1 year after termination of
 2254 the services for which the deposit or advance payment was made
 2255 is presumed abandoned ~~unclaimed~~.

2256 **Section 41. Section 717.109, Florida Statutes, is amended**
 2257 **to read:**

2258 717.109 Refunds held by business associations.—Except as
 2259 otherwise provided by law, any sum that a business association
 2260 has been ordered to refund by a court or administrative agency
 2261 which has been unclaimed by the apparent owner for more than 1
 2262 year after it became payable in accordance with the final
 2263 determination or order providing for the refund, regardless of
 2264 whether the final determination or order requires any person
 2265 entitled to a refund to make a claim for it, is presumed
 2266 abandoned ~~unclaimed~~.

2267 **Section 42. Section 717.1101, Florida Statutes, is amended**
 2268 **to read:**

2269 717.1101 Abandoned Unclaimed equity and debt of business
 2270 associations.—

2271 (1) (a) Stock, ~~or~~ other equity interests, or debt of
 2272 ~~interest in~~ a business association is presumed abandoned
 2273 ~~unclaimed~~ on the date of the earliest of any of the following:

2274 1. Three years after the date a communication, other than
 2275 communications required by s. 717.117, sent by the holder by

2276 first-class United States mail to the apparent owner is returned
 2277 to the holder undelivered by the United States Postal Service.
 2278 If such returned communication is resent within 1 month to the
 2279 apparent owner, the 3-year dormancy period does not begin until
 2280 the day the resent item is returned as undelivered.

2281 2. Five ~~Three~~ years after the most recent of any account
 2282 owner-generated activity or communication initiated by the
 2283 apparent owner or authorized representative which demonstrates
 2284 continued interest in the ~~related to the~~ account, as recorded
 2285 and maintained by ~~in~~ the holder. Routine automatic reinvestments
 2286 or other routine transactions previously authorized by the
 2287 apparent owner or authorized representative do not prevent,
 2288 interrupt, or reset the dormancy period and do not constitute an
 2289 affirmative demonstration of continued interest. ~~holder's~~
 2290 database and records systems sufficient enough to demonstrate
 2291 the owner's continued awareness or interest in the property;

2292 3.2. ~~Two~~ Three years after the date of the death of the
 2293 apparent owner, as evidenced by:

2294 a. Notice to the holder of the apparent owner's death by
 2295 an authorized representative ~~administrator, beneficiary,~~
 2296 ~~relative, or trustee, or by a personal representative or other~~
 2297 ~~legal representative of the owner's estate;~~

2298 b. Receipt by the holder of a copy of the death
 2299 certificate of the apparent owner;

2300 c. Confirmation by the holder of the apparent owner's

2301 death ~~through~~ though other means; or

2302 d. Other evidence from which the holder may reasonably
2303 conclude that the apparent owner is deceased. ~~;~~ ~~or~~

2304 ~~3. One year after the date on which the holder receives~~
2305 ~~notice under subparagraph 2. if the notice is received 2 years~~
2306 ~~or less after the owner's death and the holder lacked knowledge~~
2307 ~~of the owner's death during that period of 2 years or less.~~

2308 (b) If the holder does not send communication to the
2309 apparent owner of a security by first-class United States mail
2310 on an annual basis, the holder shall attempt to confirm the
2311 apparent owner's interest in the equity interest by sending the
2312 apparent owner an e-mail communication not later than 3 years
2313 after the apparent owner's or authorized representative's last
2314 demonstration of continued interest in the equity interest.
2315 However, the holder shall promptly attempt to contact the
2316 apparent owner by first-class United States mail if:

2317 1. The holder does not have information needed to send the
2318 apparent owner an e-mail communication or the holder believes
2319 that the apparent owner's e-mail address in the holder's records
2320 is not valid;

2321 2. The holder received notification that the e-mail
2322 communication was not received; or

2323 3. The apparent owner does not respond to the e-mail
2324 communication within 30 days after the communication was sent.

2325 (c) If first-class United States mail sent under paragraph

2326 (b) is returned to the holder undelivered by the United States
 2327 Postal Service, the equity interest is presumed abandoned in
 2328 accordance with paragraph (1) (a).

2329 (d) Unmatured or unredeemed debt, other than a bearer bond
 2330 or an original issue discount bond, is presumed abandoned 5
 2331 ~~unclaimed 3~~ years after the date of the most recent interest
 2332 payment unclaimed by the owner.

2333 (e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5
 2334 ~~unclaimed 3~~ years after the date of maturity or redemption.

2335 (f) ~~(d)~~ At the time property is presumed abandoned
 2336 ~~unclaimed~~ under paragraph (a) or paragraph (b), any other
 2337 property right accrued or accruing to the owner as a result of
 2338 the property interest and not previously presumed abandoned
 2339 ~~unclaimed~~ is also presumed abandoned unclaimed.

2340 (2) The running of the applicable dormancy period under
 2341 this section ~~such 3-year period~~ ceases if the apparent owner or
 2342 authorized representative demonstrates continued interest under
 2343 s. 717.102, including by any of the following actions ~~person~~:

2344 (a) ~~1.~~ Communicating ~~Communicates~~ in writing or by other
 2345 means with the association or its agent regarding the interest,
 2346 ~~or a~~ dividend, distribution, or other sum payable as a result of
 2347 the interest, as recorded by the association or its agent, ~~or~~

2348 ~~2. Otherwise communicates with the association regarding~~
 2349 ~~the interest or a dividend, distribution, or other sum payable~~
 2350 ~~as a result of the interest, as evidenced by a memorandum or~~

2351 ~~other record on file with the association or its agent.~~

2352 (b) Presenting ~~Presents~~ an instrument issued to pay
2353 interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any
2354 future dividend, distribution, or other sum payable ~~to the owner~~
2355 as a result of the interest is subsequently unclaimed ~~not~~
2356 ~~claimed by the owner~~, a new period in which the property is
2357 presumed abandoned ~~unclaimed~~ commences and relates back only to
2358 the time a subsequent dividend, distribution, or other sum
2359 became due and payable.

2360 (3) At the same time any interest is presumed abandoned
2361 ~~unclaimed~~ under this section, any dividend, distribution, or
2362 other sum then held for or owing to the owner as a result of the
2363 interest, is presumed abandoned ~~unclaimed~~.

2364 (4) Any dividend, profit, distribution, interest
2365 redemption, payment on principal, or other sum held or owing by
2366 a business association for or to a shareholder,
2367 certificateholder, member, bondholder, or other security holder,
2368 who has not claimed such amount or corresponded in writing with
2369 the business association concerning such amount, within 5 ~~3~~
2370 years after the date prescribed for payment or delivery, is
2371 presumed abandoned ~~unclaimed~~.

2372 **Section 43. Section 717.111, Florida Statutes, is amended**
2373 **to read:**

2374 717.111 Property of business associations held in course
2375 of dissolution.—All intangible property distributable in the

2376 course of a voluntary or involuntary dissolution of a business
 2377 association which is not claimed by the apparent owner for more
 2378 than 6 months after the date specified for final distribution is
 2379 presumed abandoned ~~unclaimed~~.

2380 **Section 44. Subsections (1) and (5) of section 717.112,**
 2381 **Florida Statutes, are amended to read:**

2382 717.112 Property held by agents and fiduciaries.—

2383 (1) All intangible property and any income or increment
 2384 thereon held in a fiduciary capacity for the benefit of another
 2385 person, including property held by an attorney in fact or an
 2386 agent, except as provided in ss. 717.1125 and 733.816, is
 2387 presumed abandoned ~~unclaimed~~ unless the apparent owner has
 2388 within 5 years after it has become payable or distributable
 2389 increased or decreased the principal, accepted payment of
 2390 principal or income, communicated in writing concerning the
 2391 property, or otherwise indicated an interest as evidenced by a
 2392 memorandum or other record on file with the fiduciary.

2393 (5) All intangible property, and any income or increment
 2394 thereon, issued by a government or governmental subdivision or
 2395 agency, public corporation, or public authority and held in an
 2396 agency capacity for the governmental subdivision, agency, public
 2397 corporation, or public authority for the benefit of the owner of
 2398 record, is presumed abandoned ~~unclaimed~~ unless the apparent
 2399 owner has, within 1 year after such property has become payable
 2400 or distributable, increased or decreased the principal, accepted

2401 payment of the principal or income, communicated concerning the
2402 property, or otherwise indicated an interest in the property as
2403 evidenced by a memorandum or other record on file with the
2404 fiduciary.

2405 **Section 45. Section 717.1125, Florida Statutes, is amended**
2406 **to read:**

2407 717.1125 Property held by fiduciaries under trust
2408 instruments.—All intangible property and any income or increment
2409 thereon held in a fiduciary capacity for the benefit of another
2410 person under a trust instrument is presumed abandoned ~~unclaimed~~
2411 unless the apparent owner has, within 2 years after it has
2412 become payable or distributable, increased or decreased the
2413 principal, accepted payment of principal or income, communicated
2414 concerning the property, or otherwise indicated an interest as
2415 evidenced by a memorandum or other record on file with the
2416 fiduciary. This section does not relieve a fiduciary of his or
2417 her duties under the Florida Trust Code.

2418 **Section 46. Section 717.113, Florida Statutes, is amended**
2419 **to read:**

2420 717.113 Property held by courts and public agencies.—All
2421 intangible property held for the apparent owner by any court,
2422 government or governmental subdivision or agency, public
2423 corporation, or public authority that has not been claimed by
2424 the apparent owner for more than 1 year after it became payable
2425 or distributable is presumed abandoned ~~unclaimed~~. Except as

2426 provided in s. 45.032(3)(c), money held in the court registry
2427 and for which no court order has been issued to determine an
2428 owner does not become payable or distributable and is not
2429 subject to reporting under this chapter. Notwithstanding the
2430 provisions of this section, funds deposited in the Minerals
2431 Trust Fund pursuant to s. 377.247 are presumed abandoned
2432 ~~unclaimed~~ only if the funds have not been claimed by the
2433 apparent owner for more than 5 years after the date of first
2434 production from the well.

2435 **Section 47. Section 717.115, Florida Statutes, is amended**
2436 **to read:**

2437 717.115 Wages.—Unpaid wages, including wages represented
2438 by unrepresented payroll checks, owing in the ordinary course of
2439 the holder's business that have not been claimed by the apparent
2440 owner for more than 1 year after becoming payable are presumed
2441 abandoned ~~unclaimed~~.

2442 **Section 48. Section 717.116, Florida Statutes, is amended**
2443 **to read:**

2444 717.116 Contents of safe-deposit box or other safekeeping
2445 repository.—All tangible and intangible property held by a
2446 banking or financial organization in a safe-deposit box or any
2447 other safekeeping repository in this state in the ordinary
2448 course of the holder's business, and proceeds resulting from the
2449 sale of the property permitted by law, that has not been claimed
2450 by the apparent owner or authorized representative for more than

2451 3 years after the lease or rental period on the box or other
2452 repository has expired are presumed abandoned ~~unclaimed~~.

2453 **Section 49. Section 717.117, Florida Statutes, is amended**
2454 **to read:**

2455 717.117 Holder due diligence and report of abandoned
2456 ~~unclaimed~~ property.—

2457 (1) Property is presumed abandoned upon expiration of the
2458 applicable dormancy period under this chapter. However, such
2459 property is not deemed abandoned for purposes of reporting or
2460 remittance to the department until the holder has conducted
2461 reasonable due diligence as required by this section, resulting
2462 in no indication of interest from the apparent owner or
2463 authorized representative.

2464 (2) Holders of property presumed abandoned that has a
2465 value of \$50 or more shall use due diligence to locate and
2466 notify the apparent owner that the holder is in possession of
2467 property subject to this chapter. At least 90 days, but not more
2468 than 180 days, before filing the report required by this
2469 section, a holder in possession of presumed abandoned property
2470 shall send written notice by first-class United States mail to
2471 the apparent owner's last known address as shown in the holder's
2472 records or from other available sources, or by e-mail if the
2473 apparent owner has elected for e-mail delivery, informing the
2474 apparent owner that the holder is in possession of property
2475 subject to this chapter, provided that the holder's records

2476 contain a mailing or e-mail address for the apparent owner which
2477 is not known by the holder to be inaccurate. The holder may
2478 provide notice by mail, by e-mail, or by both methods. If the
2479 holder's records indicate that the mailing address is
2480 inaccurate, notice may be provided by e-mail if the apparent
2481 owner has elected e-mail delivery.

2482 (3) If the value of the property is greater than \$1,000,
2483 the holder shall send a second written notice by certified
2484 United States mail, return receipt requested, to the apparent
2485 owner's last known address at least 60 days before filing the
2486 report required by this section, if the holder's records contain
2487 a mailing address for the apparent owner which is not known by
2488 the holder to be inaccurate. Reasonable costs paid to the United
2489 States Postal Service for certified mail, return receipt
2490 requested, may be deducted from the property as a service
2491 charge. A signed return receipt received in response to the
2492 certified mail notice constitutes an affirmative demonstration
2493 of continued interest as described in s. 717.102.

2494 (4) The written notice required under this section must
2495 include:

2496 (a) A heading that reads substantially as follows:
2497 "Notice: The State of Florida requires us to notify you that
2498 your property may be transferred to the custody of the Florida
2499 Department of Financial Services if you do not contact us before
2500 ...(insert date that is at least 30 days after the date of

2501 notice)...."

2502 (b) A description of the type, nature, and, unless the
 2503 property does not have a fixed value, value of the property that
 2504 is the subject of the notice.

2505 (c) A statement that the property will be turned over to
 2506 the custody of the department as abandoned property if no
 2507 response is received.

2508 (d) A statement that noncash property will be sold or
 2509 liquidated by the department.

2510 (e) A statement that, after the property is remitted to
 2511 the department, a claim must be filed with the department to
 2512 recover the property.

2513 (f) A statement that the property is currently in the
 2514 custody of the holder and that the apparent owner may prevent
 2515 transfer of the property by contacting the holder before the
 2516 deadline stated in the notice.

2517 (5) Every holder of abandoned ~~person holding funds or~~
 2518 ~~other~~ property, tangible or intangible, ~~presumed unclaimed and~~
 2519 subject to custody as ~~unclaimed property~~ under this chapter
 2520 shall submit a report to the department via electronic medium as
 2521 the department may prescribe by rule. The report must include:

2522 (a) Except for traveler's checks and money orders, the
 2523 name, social security number or taxpayer identification number,
 2524 date of birth, if known, and last known address, if any, of each
 2525 apparent ~~person appearing from the records of the holder to be~~

2526 ~~the~~ owner of any property which is abandoned ~~presumed unclaimed~~
 2527 and which has a value of \$10 or more.

2528 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
 2529 or more held or owing under any life or endowment insurance
 2530 policy or annuity contract, the identifying information provided
 2531 in paragraph (a) for both the insured or annuitant and the
 2532 beneficiary according to records of the insurance company
 2533 holding or owing the funds.

2534 (c) For all tangible property held in a safe-deposit box
 2535 or other safekeeping repository, a description of the property
 2536 and the place where the property is held and may be inspected by
 2537 the department, and any amounts owing to the holder. Contents of
 2538 a safe-deposit box or other safekeeping repository which consist
 2539 of documents or writings ~~of a private nature and~~ which have
 2540 little or no commercial value may ~~apparent value shall~~ not be
 2541 reported as abandoned property ~~presumed unclaimed~~.

2542 (d) The nature or type of property, any accounting or
 2543 identifying number associated with the property, a description
 2544 of the property, and the amount appearing from the records to be
 2545 due. Items of value of less than \$10 each may be reported in the
 2546 aggregate.

2547 (e) The date the property became payable, demandable, or
 2548 returnable, and the date of the last transaction with the
 2549 apparent owner with respect to the property.

2550 (f) Any other information the department may prescribe by

2551 rule as necessary for the administration of this chapter.

2552 (6)~~(2)~~ If the total value of all abandoned ~~presumed~~
2553 ~~unclaimed~~ property, whether tangible or intangible, held by a
2554 person is less than \$10, a zero balance report may be filed for
2555 that reporting period.

2556 (7)~~(3)~~ Credit balances, customer overpayments, security
2557 deposits, and refunds having a value of less than \$10 may not be
2558 reported as abandoned property ~~shall not be presumed unclaimed~~.

2559 (8) A security identified by the holder as non-freely
2560 transferable or worthless may not to be included in a report
2561 filed under this section. If the holder determines that a
2562 security is no longer non-freely transferable or worthless, the
2563 holder shall report and deliver the security on the next regular
2564 report date prescribed for delivery of securities by the holder
2565 under this chapter.

2566 (9)~~(4)~~ If the holder of abandoned property ~~presumed~~
2567 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2568 ~~property~~ is a successor holder or if the holder has changed the
2569 holder's name while in possession of the property, the holder
2570 shall file with the holder's report all known names and
2571 addresses of each prior holder of the property. Compliance with
2572 this subsection means the holder exercises reasonable and
2573 prudent efforts to determine the names of all prior holders.

2574 (10) The report must be signed by or on behalf of the
2575 holder and verified as to its completeness and accuracy, and the

2576 holder must state that it has complied with the due diligence
2577 requirements of this section.

2578 (11)-(5) The report must be filed before May 1 of each
2579 year. The report applies to the preceding calendar year. Upon
2580 written request by any person required to file a report, and
2581 upon a showing of good cause, the department may extend the
2582 reporting date. The department may impose and collect a penalty
2583 of \$10 per day up to a maximum of \$500 for the failure to timely
2584 report, if an extension was not provided or if the holder of the
2585 property failed to include in a report information required by
2586 this chapter which was in the holder's possession at the time of
2587 reporting. The penalty shall be remitted to the department
2588 within 30 days after the date of the notification to the holder
2589 that the penalty is due and owing. As necessary for proper
2590 administration of this chapter, the department may waive any
2591 penalty due with appropriate justification. The department must
2592 provide information contained in a report filed with the
2593 department to any person requesting a copy of the report or
2594 information contained in a report, to the extent the information
2595 requested is not confidential, within 45 days after the
2596 department determines that the report is accurate and acceptable
2597 and that the reported property is the same as the remitted
2598 property.

2599 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2600 ~~more shall use due diligence to locate and notify apparent~~

2601 ~~owners that the entity is holding unclaimed property available~~
2602 ~~for them to recover. Not more than 120 days and not less than 60~~
2603 ~~days prior to filing the report required by this section, the~~
2604 ~~holder in possession of property presumed unclaimed and subject~~
2605 ~~to custody as unclaimed property under this chapter shall send~~
2606 ~~written notice by first class United States mail to the apparent~~
2607 ~~owner at the apparent owner's last known address from the~~
2608 ~~holder's records or from other available sources, or via~~
2609 ~~electronic mail if the apparent owner has elected this method of~~
2610 ~~delivery, informing the apparent owner that the holder is in~~
2611 ~~possession of property subject to this chapter, if the holder~~
2612 ~~has in its records a mailing or electronic address for the~~
2613 ~~apparent owner which the holder's records do not disclose to be~~
2614 ~~inaccurate. These two means of contact are not mutually~~
2615 ~~exclusive; if the mailing address is determined to be~~
2616 ~~inaccurate, electronic mail may be used if so elected by the~~
2617 ~~apparent owner.~~

2618 ~~(7) The written notice to the apparent owner required~~
2619 ~~under this section must:~~

2620 ~~(a) Contain a heading that reads substantially as follows:~~
2621 ~~"Notice. The State of Florida requires us to notify you that~~
2622 ~~your property may be transferred to the custody of the Florida~~
2623 ~~Department of Financial Services if you do not contact us before~~
2624 ~~...(insert date that is at least 30 days after the date of~~
2625 ~~notice)...."~~

2626 ~~(b) Identify the type, nature, and, except for property~~
 2627 ~~that does not have a fixed value, value of the property that is~~
 2628 ~~the subject of the notice.~~

2629 ~~(c) State that the property will be turned over to the~~
 2630 ~~custody of the department as unclaimed property if no response~~
 2631 ~~to this letter is received.~~

2632 ~~(d) State that any property that is not legal tender of~~
 2633 ~~the United States may be sold or liquidated by the department.~~

2634 ~~(e) State that after the property is turned over to the~~
 2635 ~~department, an apparent owner seeking return of the property may~~
 2636 ~~file a claim with the department.~~

2637 ~~(f) State that the property is currently with a holder and~~
 2638 ~~provide instructions that the apparent owner must follow to~~
 2639 ~~prevent the holder from reporting and paying for the property or~~
 2640 ~~from delivering the property to the department.~~

2641 (12) ~~(8)~~ Any holder of intangible property may file with
 2642 the department a petition for determination that the property is
 2643 abandoned and unclaimed requesting the department to accept
 2644 custody of the property. The petition shall state any special
 2645 circumstances that exist, contain the information required by
 2646 subsection (9) ~~subsection (4)~~, and show that a diligent search
 2647 has been made to locate the apparent owner. If the department
 2648 finds that the proof of diligent search is satisfactory, it
 2649 shall give notice as provided in s. 717.118 and accept custody
 2650 of the property.

2651 (13)~~(9)~~ Upon written request by any entity or person
2652 required to file a report, stating such entity's or person's
2653 justification for such action, the department may place that
2654 entity or person in an inactive status as an abandoned ~~unclaimed~~
2655 property "holder."

2656 (14)~~(10)~~ (a) This section does not apply to the abandoned
2657 ~~unclaimed~~ patronage refunds as provided for by contract or
2658 through bylaw provisions of entities organized under chapter 425
2659 or that are exempt from ad valorem taxation pursuant to s.
2660 196.2002.

2661 (b) This section does not apply to intangible property
2662 held, issued, or owing by a business association subject to the
2663 jurisdiction of the United States Surface Transportation Board
2664 or its successor federal agency if the apparent owner of such
2665 intangible property is a business association. The holder of
2666 such property does not have any obligation to report, to pay, or
2667 to deliver such property to the department.

2668 (c) This section does not apply to credit balances,
2669 overpayments, refunds, or outstanding checks owed by a health
2670 care provider to a managed care payor with whom the health care
2671 provider has a managed care contract, provided that the credit
2672 balances, overpayments, refunds, or outstanding checks become
2673 due and owing pursuant to the managed care contract.

2674 (15)~~(11)~~ (a) As used in this subsection, the term "property
2675 identifier" means the descriptor used by the holder to identify

2676 the abandoned ~~unclaimed~~ property.

2677 (b) Social security numbers and property identifiers
 2678 contained in reports required under this section, held by the
 2679 department, are confidential and exempt from s. 119.07(1) and s.
 2680 24(a), Art. I of the State Constitution.

2681 (c) This exemption applies to social security numbers and
 2682 property identifiers held by the department before, on, or after
 2683 the effective date of this exemption.

2684 **Section 50. Section 717.118, Florida Statutes, is amended**
 2685 **to read:**

2686 717.118 Notification of apparent owners of abandoned
 2687 ~~unclaimed~~ property.—

2688 (1) It is specifically recognized that the state has an
 2689 obligation to make an effort to notify apparent owners in a
 2690 cost-effective manner that their abandoned property has been
 2691 reported and remitted to the department ~~of unclaimed property in~~
 2692 ~~a cost-effective manner~~. In order to provide all the citizens of
 2693 this state an effective and efficient program for the recovery
 2694 of abandoned personal ~~unclaimed~~ property, the department shall
 2695 use cost-effective means to make at least one active attempt to
 2696 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
 2697 valued at \$50 or more, abandoned tangible property, and
 2698 abandoned shares of stock for which ~~more than \$250~~ ~~with a~~
 2699 reported address or taxpayer identification number is available.
 2700 Such active attempt to notify apparent owners shall include any

2701 attempt by the department to directly contact the apparent
2702 owner. Other means of notification, such as publication of the
2703 names of apparent owners in the newspaper, on television, on the
2704 Internet, or through other promotional efforts and items in
2705 which the department does not directly attempt to contact the
2706 apparent owner are expressly declared to be passive attempts.
2707 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2708 agencies or entities of state government from notifying owners
2709 of the existence of abandoned ~~unclaimed~~ property or attempting
2710 to notify apparent owners of abandoned ~~unclaimed~~ property.

2711 (2) Notification provided directly to individual apparent
2712 owners shall contain ~~consist of~~ a description of the abandoned
2713 property and information regarding recovery of the ~~unclaimed~~
2714 property from the department. The form and content of the
2715 department's notice shall be tailored to the type of property
2716 reported and shall include any information necessary to
2717 reasonably inform the apparent owner of the consequences of
2718 failure to claim the property, including potential sale or
2719 disposition under s. 717.122.

2720 (3) The department shall maintain a publicly accessible,
2721 electronically searchable website that includes the names of
2722 apparent owners of abandoned property reported to the department
2723 and instructions for filing a claim. The website must list
2724 property valued at \$10 or more and provide instructions for
2725 filing a claim. Abandoned property valued at less than \$10

2726 remains recoverable from the department in accordance with this
 2727 chapter.

2728 (4) This section is not applicable to abandoned sums
 2729 payable on traveler's checks, money orders, and other written
 2730 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
 2731 abandoned property reported without the necessary identifying
 2732 information to establish ownership.

2733 **Section 51. Section 717.119, Florida Statutes, is amended**
 2734 **to read:**

2735 717.119 Payment or delivery of abandoned ~~unclaimed~~
 2736 property.—

2737 (1) Every person who is required to file a report under s.
 2738 717.117 shall simultaneously pay or deliver to the department
 2739 all abandoned ~~unclaimed~~ property required to be reported. Such
 2740 payment or delivery shall accompany the report as required in
 2741 this chapter for the preceding calendar year.

2742 (2) Payment of abandoned ~~unclaimed~~ funds may be made to
 2743 the department by electronic funds transfer.

2744 (3) If the apparent owner establishes the right to receive
 2745 the abandoned ~~unclaimed~~ property to the satisfaction of the
 2746 holder before the property has been delivered to the department
 2747 or it appears that for some other reason ~~the presumption~~ that
 2748 the property was erroneously classified as abandoned ~~is~~
 2749 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
 2750 property to the department. In lieu of delivery, the holder

2751 shall file a verified written explanation of the proof of claim
2752 or of the error in classification of ~~the presumption that the~~
2753 property as abandoned ~~was unclaimed.~~

2754 (4) All virtual currency reported under this chapter on
2755 the annual report filing required in s. 717.117 shall be
2756 remitted to the department with the report. The holder shall
2757 liquidate the virtual currency and remit the proceeds to the
2758 department. The liquidation must occur within 30 days before the
2759 filing of the report. Upon delivery of the virtual currency
2760 proceeds to the department, the holder is relieved of all
2761 liability of every kind in accordance with the provisions of s.
2762 717.1201 to every person for any losses or damages resulting to
2763 the person by the delivery to the department of the virtual
2764 currency proceeds.

2765 (5) All stock or other intangible ownership interest
2766 reported under this chapter on the annual report filing required
2767 in s. 717.117 shall be remitted to the department with the
2768 report. Upon delivery of the stock or other intangible ownership
2769 interest to the department, the holder and any transfer agent,
2770 registrar, or other person acting for or on behalf of a holder
2771 is relieved of all liability of every kind in accordance with
2772 the provisions of s. 717.1201 to every person for any losses or
2773 damages resulting to the person by the delivery to the
2774 department of the stock or other intangible ownership interest.

2775 (6) All intangible and tangible property held in a safe-

2776 deposit box or any other safekeeping repository reported under
2777 s. 717.117 shall not be delivered to the department until 120
2778 days after the report due date. The delivery of the property,
2779 through the United States mail or any other carrier, shall be
2780 insured by the holder at an amount equal to the estimated value
2781 of the property. Each package shall be clearly marked on the
2782 outside "Deliver Unopened." A holder's safe-deposit box contents
2783 shall be delivered to the department in a single shipment. In
2784 lieu of a single shipment, holders may provide the department
2785 with a single detailed shipping schedule that includes package
2786 tracking information for all packages being sent pursuant to
2787 this section.

2788 (a) Holders may remit the value of cash and coins found in
2789 abandoned ~~unclaimed~~ safe-deposit boxes to the department by
2790 cashier's check or by electronic funds transfer, unless the cash
2791 or coins have a value above face value. The department shall
2792 identify by rule those cash and coin items having a numismatic
2793 value. Cash and coin items identified as having a numismatic
2794 value shall be remitted to the department in their original
2795 form.

2796 (b) Any firearm or ammunition found in an abandoned
2797 ~~unclaimed~~ safe-deposit box or any other safekeeping repository
2798 shall be delivered by the holder to a law enforcement agency for
2799 property handling or disposal pursuant to s. 705.103(2)(b). If
2800 the firearm is sold by the law enforcement agency, ~~with~~ the

2801 balance of the proceeds shall be deposited into the State School
 2802 Fund ~~if the firearm is sold. However,~~ The department is
 2803 authorized to make a reasonable attempt to ascertain the
 2804 historical value to collectors of any firearm that has been
 2805 delivered to the department. Any firearm appearing to have
 2806 historical value to collectors may be sold by the department
 2807 pursuant to s. 717.122 to a person having a federal firearms
 2808 license. Any firearm which is not sold pursuant to s. 717.122
 2809 shall be delivered by the department to a law enforcement agency
 2810 in this state for proper handling or disposal. In accordance
 2811 with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the
 2812 law enforcement agency, ~~with~~ the balance of the proceeds shall
 2813 be deposited into the State School Fund ~~if the firearm is sold.~~
 2814 The department shall not be administratively, civilly, or
 2815 criminally liable for any firearm delivered by the department to
 2816 a law enforcement agency in this state for disposal.

2817 (c) If such property is not paid or delivered to the
 2818 department on or before the applicable payment or delivery date,
 2819 the holder shall pay to the department a penalty for each safe-
 2820 deposit box shipment received late. The penalty shall be \$100
 2821 for a safe-deposit box shipment container that is late 30 days
 2822 or less. Thereafter, the penalty shall be \$500 for a safe-
 2823 deposit box shipment container that is late for each additional
 2824 successive 30-day period. The penalty assessed against a holder
 2825 for a late safe-deposit box shipment container shall not exceed

2826 \$4,000 annually. The penalty shall be remitted to the department
 2827 within 30 days after the date of the notification to the holder
 2828 that the penalty is due and owing.

2829 (d) The department may waive any penalty due with
 2830 appropriate justification, as provided by rule.

2831 (e) If a will or trust instrument is included among the
 2832 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
 2833 repository delivered to the department, the department must
 2834 provide a copy of the will, trust, and any codicils or
 2835 amendments to such will or trust instrument, upon request, to
 2836 anyone who provides the department with a certified copy of the
 2837 death certificate ~~evidence of the death~~ of the testator or
 2838 settlor.

2839 (7) Any holder may request an extension in writing of up
 2840 to 60 days for the delivery of property if extenuating
 2841 circumstances exist for the late delivery of the property. Any
 2842 such extension the department may grant shall be in writing.

2843 (8) A holder may not assign or otherwise transfer its
 2844 obligation to report, pay, or deliver property or to comply with
 2845 the provisions of this chapter, other than to a parent,
 2846 subsidiary, or affiliate of the holder.

2847 (a) Unless otherwise agreed to by the parties to a
 2848 transaction, the holder's successor by merger or consolidation,
 2849 or any person or entity that acquires all or substantially all
 2850 of the holder's capital stock or assets, is responsible for

2851 fulfilling the holder's obligation to report, pay, or deliver
 2852 property or to comply with the duties of this chapter regarding
 2853 the transfer of property owed to the holder's successor and
 2854 being held for an owner resulting from the merger,
 2855 consolidation, or acquisition.

2856 (b) This subsection does not prohibit a holder from
 2857 contracting with a third party for the reporting of abandoned
 2858 ~~unclaimed~~ property, but the holder remains responsible to the
 2859 department for the complete, accurate, and timely reporting of
 2860 the property.

2861 **Section 52. Subsections (1), (2), and (4) of section**
 2862 **717.1201, Florida Statutes, are amended to read:**

2863 717.1201 Custody by state; holder liability; reimbursement
 2864 of holder paying claim; reclaiming for owner; payment of safe-
 2865 deposit box or repository charges.—

2866 (1) Upon the good faith payment or delivery of abandoned
 2867 ~~unclaimed~~ property to the department, the state assumes custody
 2868 and responsibility for the safekeeping of the property. Any
 2869 person who pays or delivers abandoned ~~unclaimed~~ property to the
 2870 department in good faith is relieved of all liability to the
 2871 extent of the value of the property paid or delivered for any
 2872 claim then existing or which thereafter may arise or be made
 2873 with ~~in~~ respect to the property.

2874 (a) A holder's substantial compliance with the due
 2875 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith

2876 payment or delivery of abandoned ~~unclaimed~~ property to the
 2877 department releases the holder from liability that may arise
 2878 from such payment or delivery, and such delivery and payment may
 2879 be pleaded as a defense in any suit or action brought by reason
 2880 of such delivery or payment. This section does not relieve a
 2881 fiduciary of his or her duties under the Florida Trust Code or
 2882 Florida Probate Code.

2883 (b) If the holder pays or delivers property to the
 2884 department in good faith and thereafter any other person claims
 2885 the property from the holder paying or delivering, or another
 2886 state claims the money or property under that state's laws
 2887 relating to escheat or abandoned or unclaimed property, the
 2888 department, upon written notice of the claim, shall defend the
 2889 holder against the claim and indemnify the holder against any
 2890 liability on the claim, except that a holder may not be
 2891 indemnified against penalties imposed by another state.

2892 (2) For the purposes of this section, a payment or
 2893 delivery of abandoned ~~unclaimed~~ property is made in good faith
 2894 if:

2895 (a) The payment or delivery was made in conjunction with
 2896 an accurate and acceptable report.

2897 (b) The payment or delivery was made in a reasonable
 2898 attempt to comply with this chapter and other applicable general
 2899 law.

2900 (c) The holder had a reasonable basis for believing, based

2901 on the facts then known, that the property was abandoned
 2902 ~~unclaimed~~ and subject to this chapter.

2903 (d) There is no showing that the records pursuant to which
 2904 the delivery was made did not meet reasonable commercial
 2905 standards of practice in the industry.

2906 (4) Any holder who has delivered property, including a
 2907 certificate of any interest in a business association, other
 2908 than money to the department pursuant to this chapter may
 2909 reclaim the property if still in the possession of the
 2910 department, without payment of any fee or other charges, upon
 2911 filing proof that the person entitled to the property ~~owner~~ has
 2912 claimed it ~~the property~~ from the holder.

2913 **Section 53. Section 717.122, Florida Statutes, is amended**
 2914 **to read:**

2915 717.122 Public sale of abandoned ~~unclaimed~~ property.—

2916 (1) Except as provided in paragraph (2) (a), the department
 2917 after the receipt of abandoned ~~unclaimed~~ property shall sell it
 2918 to the highest bidder at public sale on the Internet or at a
 2919 specified physical location wherever in the judgment of the
 2920 department the most favorable market for the property involved
 2921 exists. The department may decline the highest bid and reoffer
 2922 the property for sale if in the judgment of the department the
 2923 bid is insufficient. The department shall have the discretion to
 2924 withhold from sale any abandoned ~~unclaimed~~ property that the
 2925 department deems to be of benefit to the people of the state. If

2926 in the judgment of the department the probable cost of sale
2927 exceeds the value of the property, it need not be offered for
2928 sale and may be disposed of as the department determines
2929 appropriate. Any sale at a specified physical location held
2930 under this section must be preceded by a single publication of
2931 notice, at least 3 weeks in advance of sale, in a newspaper of
2932 general circulation in the county in which the property is to be
2933 sold. The department shall proportionately deduct auction fees,
2934 preparation costs, and expenses from the amount posted to an ~~the~~
2935 ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
2936 contents are sold. No action or proceeding may be maintained
2937 against the department for or on account of any decision to
2938 decline the highest bid or withhold any abandoned ~~unclaimed~~
2939 property from sale.

2940 (2) (a) Securities listed on an established stock exchange
2941 must be sold at prices prevailing at the time of sale on the
2942 exchange. Other securities may be sold over the counter at
2943 prices prevailing at the time of sale or by any other method the
2944 department deems advisable. The department may authorize the
2945 agent or broker acting on behalf of the department to deduct
2946 fees from the proceeds of these sales at a rate agreed upon in
2947 advance by the agent or broker and the department. The
2948 department shall reimburse owners' accounts for these brokerage
2949 fees from the State School Fund unless the securities are sold
2950 at the owner's request.

2951 (b) Unless the department deems it to be in the public
2952 interest to do otherwise, all abandoned securities ~~presumed~~
2953 ~~unclaimed~~ and delivered to the department may be sold upon
2954 receipt. Any person making a claim pursuant to this chapter is
2955 entitled to receive either the securities delivered to the
2956 department by the holder, if they still remain in the hands of
2957 the department, or the proceeds received from sale, but no
2958 person has any claim under this chapter against the state, the
2959 holder, any transfer agent, any registrar, or any other person
2960 acting for or on behalf of a holder for any appreciation in the
2961 value of the property occurring after delivery by the holder to
2962 the state.

2963 (c) Certificates for abandoned ~~unclaimed~~ stock or other
2964 equity interest of business associations that cannot be canceled
2965 and registered in the department's name or that cannot be
2966 readily liquidated and converted into the currency of the United
2967 States may be sold for the value of the certificate, if any, in
2968 accordance with subsection (1) or may be destroyed in accordance
2969 with s. 717.128.

2970 (3) The purchaser of property at any sale conducted by the
2971 department pursuant to this chapter is entitled to ownership of
2972 the property purchased free from all claims of the owner or
2973 previous holder thereof and of all persons claiming through or
2974 under them. The department shall execute all documents necessary
2975 to complete the transfer of ownership.

2976 (4) The sale of abandoned ~~unclaimed~~ tangible personal
 2977 property is not subject to tax under chapter 212 when such
 2978 property is sold by or on behalf of the department pursuant to
 2979 this section.

2980 **Section 54. Section 717.123, Florida Statutes, is amended**
 2981 **to read:**

2982 717.123 Deposit of funds.—

2983 (1) All funds received under this chapter, including the
 2984 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
 2985 717.122, shall immediately ~~forthwith~~ be deposited by the
 2986 department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The
 2987 department shall retain, from funds received under this chapter,
 2988 an amount not exceeding \$15 million from which the department
 2989 shall make prompt payment of claims allowed by the department
 2990 and shall pay the costs incurred by the department in
 2991 administering and enforcing this chapter. All remaining funds
 2992 received by the department under this chapter shall be deposited
 2993 by the department into the State School Fund.

2994 (2) The department shall record the name and last known
 2995 address of each person appearing from the holder's reports to be
 2996 entitled to the abandoned ~~unclaimed~~ property in the total
 2997 amounts of \$5 or greater; the name and the last known address of
 2998 each insured person or annuitant; and with respect to each
 2999 policy or contract listed in the report of an insurance
 3000 corporation, its number, the name of the corporation, and the

3001 amount due.

3002 **Section 55. Section 717.1235, Florida Statutes, is amended**
 3003 **to read:**

3004 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
 3005 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
 3006 campaign for public office, for any campaign that must dispose
 3007 of surplus funds in its campaign account pursuant to s. 106.141,
 3008 after being reported to the department, shall be deposited with
 3009 the Chief Financial Officer to the credit of the State School
 3010 Fund.

3011 **Section 56. Section 717.124, Florida Statutes, is amended**
 3012 **to read:**

3013 717.124 Abandoned Unclaimed property claims.—

3014 (1) Any person, excluding another state, claiming an
 3015 interest in any property paid or delivered to the department
 3016 under this chapter may file with the department a claim on a
 3017 form prescribed by the department and verified by the claimant
 3018 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
 3019 ~~representative must be an attorney licensed to practice law in~~
 3020 ~~this state, a licensed Florida-certified public accountant, or a~~
 3021 ~~private investigator licensed under chapter 493.~~ The claimant
 3022 ~~claimant's~~ representative must be registered with the department
 3023 under this chapter. The claimant, or the claimant ~~claimant's~~
 3024 representative, shall provide the department with a legible copy
 3025 of a valid driver license of the claimant at the time the

3026 original claim form is filed. If the claimant has not been
 3027 issued a valid driver license at the time the original claim
 3028 form is filed, the department shall be provided with a legible
 3029 copy of a photographic identification of the claimant issued by
 3030 the United States, a state or territory of the United States, a
 3031 foreign nation, or a political subdivision or agency thereof or
 3032 other evidence deemed acceptable by the department by rule. In
 3033 lieu of photographic identification, a notarized sworn statement
 3034 by the claimant may be provided which affirms the claimant's
 3035 identity and states the claimant's full name and address. The
 3036 claimant must produce to the notary photographic identification
 3037 of the claimant issued by the United States, a state or
 3038 territory of the United States, a foreign nation, or a political
 3039 subdivision or agency thereof or other evidence deemed
 3040 acceptable by the department by rule. The notary shall indicate
 3041 the notary's full address on the notarized sworn statement. Any
 3042 claim filed without the required identification or the sworn
 3043 statement with the original claim form and the original
 3044 Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned
 3045 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

3046 (a) Within 90 days after receipt of a claim, the
 3047 department may return any claim that provides for the receipt of
 3048 fees and costs greater than that permitted under this chapter or
 3049 that contains any apparent errors or omissions. The department
 3050 may also request that the claimant or the claimant ~~claimant's~~

3051 representative provide additional information. The department
 3052 shall retain a copy or electronic image of the claim.

3053 (b) A claim is considered to have been withdrawn by a
 3054 claimant or the claimant ~~claimant's~~ representative if the
 3055 department does not receive a response to its request for
 3056 additional information within 60 days after the notification of
 3057 any apparent errors or omissions.

3058 (c) Within 90 days after receipt of the claim, or the
 3059 response of the claimant or the claimant ~~claimant's~~
 3060 representative to the department's request for additional
 3061 information, whichever is later, the department shall determine
 3062 each claim. Such determination shall contain a notice of rights
 3063 provided by ss. 120.569 and 120.57. The 90-day period shall be
 3064 extended by 60 days if the department has good cause to need
 3065 additional time or if the abandoned ~~unclaimed~~ property:

- 3066 1. Is owned by a person who has been a debtor in
 3067 bankruptcy;
- 3068 2. Was reported with an address outside of the United
 3069 States;
- 3070 3. Is being claimed by a person outside of the United
 3071 States; or
- 3072 4. Contains documents filed in support of the claim that
 3073 are not in the English language and have not been accompanied by
 3074 an English language translation.

3075 (2) A claim for a cashier's check or a stock certificate

3076 without the original instrument may require an indemnity bond
3077 equal to the value of the claim to be provided prior to issue of
3078 the stock or payment of the claim by the department.

3079 (3) The department may require an affidavit swearing to
3080 the authenticity of the claim, lack of documentation, and an
3081 agreement to allow the department to provide the name and
3082 address of the claimant to subsequent claimants coming forward
3083 with substantiated proof to claim the account. This shall apply
3084 to claims equal to or less than \$250. The exclusive remedy of a
3085 subsequent claimant to the property shall be against the person
3086 who received the property from the department.

3087 (4) (a) Except as otherwise provided in this chapter, if a
3088 claim is determined in favor of the claimant, the department
3089 shall deliver or pay over to the claimant the property or the
3090 amount the department actually received or the proceeds if it
3091 has been sold by the department, together with any additional
3092 amount required by s. 717.121.

3093 (b) If a claimant ~~an owner~~ authorizes a claimant
3094 representative ~~an attorney licensed to practice law in this~~
3095 ~~state, a Florida-certified public accountant, or a private~~
3096 ~~investigator licensed under chapter 493, and registered with the~~
3097 department under this chapter, to claim the abandoned ~~unclaimed~~
3098 property on the claimant's ~~owner's~~ behalf, the department is
3099 authorized to make distribution of the property or money in
3100 accordance with the Abandoned ~~Unclaimed~~ Property Recovery

3101 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
 3102 under s. 717.135. The original Abandoned ~~Unclaimed~~ Property
 3103 Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase
 3104 Agreement must be executed by the claimant or seller and must be
 3105 filed with the department.

3106 (c)1. Payments of approved claims for unclaimed cash
 3107 accounts must be made to the owner after deducting any fees and
 3108 costs authorized by the claimant under an Abandoned ~~Unclaimed~~
 3109 Property Recovery Agreement. The contents of a safe-deposit box
 3110 or shares of securities must be delivered directly to the
 3111 claimant.

3112 2. Payments of fees and costs authorized under an
 3113 Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved
 3114 claims must be made or issued to the law firm of the designated
 3115 attorney licensed to practice law in this state, the public
 3116 accountancy firm of the licensed Florida-certified public
 3117 accountant, or the designated employing private investigative
 3118 agency licensed by this state. Such payments shall be made by
 3119 electronic funds transfer and may be made on such periodic
 3120 schedule as the department may define by rule, provided the
 3121 payment intervals do not exceed 31 days. Payment made to an
 3122 attorney licensed in this state, a Florida-certified public
 3123 accountant, or a private investigator licensed under chapter
 3124 493, operating individually or as a sole practitioner, must be
 3125 to the attorney, certified public accountant, or private

3126 investigator.

3127 (5) The department shall not be administratively, civilly,
3128 or criminally liable for any property or funds distributed
3129 pursuant to this section, provided such distribution is made in
3130 good faith.

3131 (6) This section does not supersede the licensing
3132 requirements of chapter 493.

3133 (7) The department may allow an apparent owner to
3134 electronically submit a claim for abandoned ~~unclaimed~~ property
3135 to the department. If a claim is submitted electronically for
3136 \$2,000 or less, the department may use a method of identity
3137 verification other than a copy of a valid driver license, other
3138 government-issued photographic identification, or a sworn
3139 notarized statement. The department may adopt rules to implement
3140 this subsection.

3141 (8) Notwithstanding any other provision of this chapter,
3142 the department may develop and implement an identification
3143 verification and disbursement process by which an account valued
3144 at \$2,000 or less, after being received by the department and
3145 added to the abandoned ~~unclaimed~~ property database, may be
3146 disbursed to an apparent owner after the department has verified
3147 that the apparent owner is living and that the apparent owner's
3148 current address is correct. The department shall include with
3149 the payment a notification and explanation of the dollar amount,
3150 the source, and the property type of each account included in

3151 the disbursement. The department shall adopt rules to implement
 3152 this subsection.

3153 (9) (a) Notwithstanding any other provision of this
 3154 chapter, the department may develop and implement a verification
 3155 and disbursement process by which an account, after being
 3156 received by the department and added to the abandoned ~~unclaimed~~
 3157 property database, for which the apparent owner entity is:

- 3158 1. A state agency in this state or a subdivision or
 3159 successor agency thereof;
- 3160 2. A county government in this state or a subdivision
 3161 thereof;
- 3162 3. A public school district in this state or a subdivision
 3163 thereof;
- 3164 4. A municipality in this state or a subdivision thereof;
 3165 or
- 3166 5. A special taxing district or authority in this state,
 3167

3168 may be disbursed to the apparent owner entity or successor
 3169 entity. The department shall include with the payment a
 3170 notification and explanation of the dollar amount, the source,
 3171 and the property type of each account included in the
 3172 disbursement.

3173 (b) The department may adopt rules to implement this
 3174 subsection.

3175 (10) Notwithstanding any other provision of this chapter,

3176 the department may develop a process by which a claimant
3177 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
3178 electronically submit to the department an electronic image of a
3179 completed claim and claims-related documents under this chapter,
3180 including an Abandoned Unclaimed Property Recovery Agreement or
3181 Abandoned Unclaimed Property Purchase Agreement that has been
3182 signed and dated by a claimant or seller under s. 717.135, after
3183 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3184 ~~property~~ receives the original documents provided by the
3185 claimant or the seller for any claim. Each claim filed by a
3186 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
3187 ~~property~~ must include a statement by the claimant ~~claimant's~~
3188 representative ~~or the buyer of unclaimed property~~ attesting that
3189 all documents are true copies of the original documents and that
3190 all original documents are physically in the possession of the
3191 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
3192 ~~property~~. All original documents must be kept in the original
3193 form, by claim number, under the secure control of the claimant
3194 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
3195 must be available for inspection by the department in accordance
3196 with s. 717.1315. The department may adopt rules to implement
3197 this subsection.

3198 (11) This section applies to all abandoned unclaimed
3199 property reported and remitted to the Chief Financial Officer,
3200 including, but not limited to, property reported pursuant to ss.

3201 45.032, 732.107, 733.816, and 744.534.

3202 **Section 57. Section 717.12403, Florida Statutes, is**
 3203 **amended to read:**

3204 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
 3205 account in a financial institution held in the name of more than
 3206 one person.—

3207 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or
 3208 checking account in a financial institution is reported as an
 3209 "and" account in the name of two or more persons who are not
 3210 beneficiaries, it is presumed that each person must claim the
 3211 account in order for the claim to be approved by the department.
 3212 This presumption may be rebutted by showing that entitlement to
 3213 the account has been transferred to another person or by clear
 3214 and convincing evidence demonstrating that the account should
 3215 have been reported by the financial institution as an "or"
 3216 account.

3217 (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
 3218 account in a financial institution is reported as an "and"
 3219 account and one of the persons on the account is deceased, it is
 3220 presumed that the account is a survivorship account. This
 3221 presumption may be rebutted by showing that entitlement to the
 3222 account has been transferred to another person or by clear and
 3223 convincing evidence demonstrating that the account is not a
 3224 survivorship account.

3225 (2) If an abandoned ~~unclaimed~~ demand, savings, or checking

3226 account in a financial institution is reported as an "or"
 3227 account in the name of two or more persons who are not
 3228 beneficiaries, it is presumed that either person listed on the
 3229 account may claim the entire amount held in the account. This
 3230 presumption may be rebutted by showing that entitlement to the
 3231 account has been transferred to another person or by clear and
 3232 convincing evidence demonstrating that the account should have
 3233 been reported by the financial institution as an "and" account.

3234 (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
 3235 account in a financial institution is reported in the name of
 3236 two or more persons who are not beneficiaries without
 3237 identifying whether the account is an "and" account or an "or"
 3238 account, it is presumed that the account is an "or" account.
 3239 This presumption may be rebutted by showing that entitlement to
 3240 the account has been transferred to another person or by clear
 3241 and convincing evidence demonstrating that the account should
 3242 have been reported by the financial institution as an "and"
 3243 account.

3244 (4) The department shall be deemed to have made a
 3245 distribution in good faith if the department remits funds
 3246 consistent with this section.

3247 **Section 58. Subsection (2) of section 717.12404, Florida**
 3248 **Statutes, is amended to read:**

3249 717.12404 Claims on behalf of a business entity or trust.—

3250 (2) Claims on behalf of an active or ~~a~~ dissolved

3251 corporation, a business entity ~~other than an active corporation,~~
3252 or a trust must include a legible copy of a valid driver license
3253 of the person acting on behalf of the ~~dissolved~~ corporation,
3254 business entity ~~other than an active corporation,~~ or trust. If
3255 the person has not been issued a valid driver license, the
3256 department shall be provided with a legible copy of a
3257 photographic identification of the person issued by the United
3258 States, a foreign nation, or a political subdivision or agency
3259 thereof. In lieu of photographic identification, a notarized
3260 sworn statement by the person may be provided which affirms the
3261 person's identity and states the person's full name and address.
3262 The person must produce his or her photographic identification
3263 issued by the United States, a state or territory of the United
3264 States, a foreign nation, or a political subdivision or agency
3265 thereof or other evidence deemed acceptable by the department by
3266 rule. The notary shall indicate the notary's full address on the
3267 notarized sworn statement. Any claim filed without the required
3268 identification or the sworn statement with the original claim
3269 form and the original Abandoned ~~Unclaimed~~ Property Recovery
3270 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if
3271 applicable, is void.

3272 **Section 59. Section 717.12405, Florida Statutes, is**
3273 **amended to read:**

3274 717.12405 Claims by estates.—An estate or any person
3275 representing an estate or acting on behalf of an estate may

3276 claim abandoned ~~unclaimed~~ property only after the heir or
 3277 legatee of the decedent entitled to the property has been
 3278 located. Any estate, or any person representing an estate or
 3279 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
 3280 property before the heir or legatee of the decedent entitled to
 3281 the property has been located, is personally liable for the
 3282 abandoned ~~unclaimed~~ property and must immediately return the
 3283 full amount of the abandoned ~~unclaimed~~ property or the value
 3284 thereof to the department in accordance with s. 717.1341.

3285 **Section 60. Section 717.12406, Florida Statutes, is**
 3286 **amended to read:**

3287 717.12406 Joint ownership of abandoned ~~unclaimed~~
 3288 securities or dividends.—For the purpose of determining joint
 3289 ownership of abandoned ~~unclaimed~~ securities or dividends, the
 3290 term:

- 3291 (1) "TEN COM" means tenants in common.
- 3292 (2) "TEN ENT" means tenants by the entireties.
- 3293 (3) "JT TEN" or "JT" means joint tenants with the right of
 3294 survivorship and not as tenants in common.
- 3295 (4) "And" means tenants in common with each person
 3296 entitled to an equal pro rata share.
- 3297 (5) "Or" means that each person listed on the account is
 3298 entitled to all of the funds.

3299 **Section 61. Section 717.1241, Florida Statutes, is amended**
 3300 **to read:**

3301 717.1241 Conflicting claims.—

3302 (1) For purposes of this section, the term "conflicting
 3303 claim" means two or more claims received by the department for
 3304 the same abandoned property account or accounts in which two or
 3305 more claimants appear to be equally entitled to the property.
 3306 The term also includes circumstances in which the same claimant
 3307 has more than one claim pending for the same property, including
 3308 when the claimant is represented by more than one claimant
 3309 representative or submits both a personal claim and a claim
 3310 through a representative.

3311 (2) When conflicting claims have been received by the
 3312 department for the same abandoned ~~unclaimed~~ property account or
 3313 accounts, the property shall be remitted in accordance with the
 3314 claim filed by the person as follows, notwithstanding the
 3315 withdrawal of a claim:

3316 (a) To the person submitting the first claim received by
 3317 the ~~Division of Unclaimed Property of the~~ department that is
 3318 complete or made complete.

3319 (b) If a claimant's claim and a claimant ~~claimant's~~
 3320 representative's claim for the recovery of property are received
 3321 by the ~~Division of Unclaimed Property of the~~ department on the
 3322 same day and both claims are complete, to the claimant.

3323 (c) If a buyer's claim or a purchasing claimant
 3324 representative's claim and a claimant's claim or a claimant
 3325 ~~claimant's~~ representative's claim for the recovery of property

3326 are received by the ~~Division of Unclaimed Property of the~~
 3327 department on the same day and the claims are complete, to the
 3328 buyer.

3329 (d) As between two or more claimant representatives'
 3330 ~~claimant's representative's~~ claims received by the ~~Division of~~
 3331 ~~Unclaimed Property of~~ the department that are complete or made
 3332 complete on the same day, to the claimant ~~claimant's~~
 3333 representative who has agreed to receive the lowest fee. If the
 3334 two or more claimant ~~claimant's~~ representatives whose claims
 3335 received by ~~the Division of Unclaimed Property of~~ the department
 3336 were complete or made complete on the same day are charging the
 3337 same ~~lowest~~ fee, the fee shall be divided equally between the
 3338 claimant ~~claimant's~~ representatives.

3339 (e) If more than one buyer's claim received by the
 3340 ~~Division of Unclaimed Property of~~ the department is complete or
 3341 made complete on the same day, the department shall remit the
 3342 abandoned ~~unclaimed~~ property to the buyer who paid the highest
 3343 amount to the seller. If the buyers paid the same amount to the
 3344 seller, the department shall remit the abandoned ~~unclaimed~~
 3345 property to the buyers divided in equal amounts.

3346 (3) ~~(2)~~ The purpose of this section is solely to provide
 3347 guidance to the department regarding to whom it should remit the
 3348 abandoned ~~unclaimed~~ property and is not intended to extinguish
 3349 or affect any private cause of action that any person may have
 3350 against another person for breach of contract or other statutory

3351 or common-law remedy. A buyer's sole remedy, if any, shall be
 3352 against the claimant ~~claimant's~~ representative or the seller, or
 3353 both. A claimant ~~claimant's~~ representative's sole remedy, if
 3354 any, shall be against the buyer or the seller, or both. A
 3355 claimant's or seller's sole remedy, if any, shall be against the
 3356 buyer or the claimant ~~claimant's~~ representative, or both.
 3357 Nothing in this section forecloses the right of a person to
 3358 challenge the department's determination of completeness in a
 3359 proceeding under ss. 120.569 and 120.57.

3360 ~~(4)(3)~~ A claim is complete when entitlement to the
 3361 abandoned ~~unclaimed~~ property has been established.

3362 **Section 62. Subsection (1) of section 717.1242, Florida**
 3363 **Statutes, is amended to read:**

3364 717.1242 Restatement of jurisdiction of the circuit court
 3365 sitting in probate and the department.—

3366 (1) It is and has been the intent of the Legislature that,
 3367 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 3368 proceedings relating to the settlement of the estates of
 3369 decedents and other jurisdiction usually pertaining to courts of
 3370 probate. It is and has been the intent of the Legislature that,
 3371 pursuant to this chapter, the department determines the merits
 3372 of claims and entitlement to abandoned ~~unclaimed~~ property paid
 3373 or delivered to the department under this chapter. Consistent
 3374 with this legislative intent, any beneficiary, devisee, heir,
 3375 personal representative, or other interested person, as those

3376 terms are defined in the Florida Probate Code and the Florida
 3377 Trust Code, of an estate seeking to obtain property paid or
 3378 delivered to the department under this chapter must file a claim
 3379 with the department as provided in s. 717.124.

3380 **Section 63. Subsections (1) and (4) of section 717.1243,**
 3381 **Florida Statutes, are amended to read:**

3382 717.1243 Small estate accounts.—

3383 (1) A claim for abandoned ~~unclaimed~~ property made by a
 3384 beneficiary, as defined in s. 731.201, of a deceased owner need
 3385 not be accompanied by an order of a probate court if the
 3386 claimant files with the department an affidavit, signed by all
 3387 beneficiaries, stating that all the beneficiaries have amicably
 3388 agreed among themselves upon a division of the estate and that
 3389 all funeral expenses, expenses of the last illness, and any
 3390 other lawful claims have been paid, and any additional
 3391 information reasonably necessary to make a determination of
 3392 entitlement. If the owner died testate, the claim shall be
 3393 accompanied by a copy of the will.

3394 (4) This section applies only if all of the abandoned
 3395 ~~unclaimed~~ property held by the department on behalf of the owner
 3396 has an aggregate value of \$20,000 or less and no probate
 3397 proceeding is pending.

3398 **Section 64. Section 717.1244, Florida Statutes, is amended**
 3399 **to read:**

3400 717.1244 Determinations of abandoned ~~unclaimed~~ property

3401 claims.—In rendering a determination regarding the merits of an
3402 abandoned ~~unclaimed~~ property claim, the department shall rely on
3403 the applicable statutory, regulatory, common, and case law.
3404 Agency statements applying the statutory, regulatory, common,
3405 and case law to abandoned ~~unclaimed~~ property claims are not
3406 agency statements subject to s. 120.56(4).

3407 **Section 65. Section 717.1245, Florida Statutes, is amended**
3408 **to read:**

3409 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
3410 any person files a petition for writ of garnishment seeking to
3411 obtain property paid or delivered to the department under this
3412 chapter, the petitioner shall be ordered to pay the department
3413 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
3414 brought by the department to oppose, appeal, or collaterally
3415 attack the petition or writ if the department is the prevailing
3416 party in any such proceeding.

3417 **Section 66. Subsection (1) of section 717.125, Florida**
3418 **Statutes, is amended to read:**

3419 717.125 Claim of another state to recover property;
3420 procedure.—

3421 (1) At any time after property has been paid or delivered
3422 to the department under this chapter, another state may recover
3423 the property if:

3424 (a) The property was subjected to custody by this state
3425 because the records of the holder did not reflect the last known

3426 address of the apparent owner when the property was presumed
3427 abandoned ~~unclaimed~~ under this chapter, and the other state
3428 establishes that the last known address of the apparent owner or
3429 other person entitled to the property was in that state and
3430 under the laws of that state the property escheated to or was
3431 subject to a claim of abandonment or being unclaimed by that
3432 state;

3433 (b) The last known address of the apparent owner or other
3434 person entitled to the property, as reflected by the records of
3435 the holder, is in the other state and under the laws of that
3436 state the property has escheated to or become subject to a claim
3437 of abandonment by that state;

3438 (c) The records of the holder were erroneous in that they
3439 did not accurately reflect the actual owner of the property and
3440 the last known address of the actual owner is in the other state
3441 and under laws of that state the property escheated to or was
3442 subject to a claim of abandonment by that state;

3443 (d) The property was subject to custody by this state
3444 under s. 717.103(6) and under the laws of the state of domicile
3445 of the holder the property has escheated to or become subject to
3446 a claim of abandonment by that state; or

3447 (e) The property is the sum payable on a traveler's check,
3448 money order, or other similar instrument that was subjected to
3449 custody by this state under s. 717.104, and the instrument was
3450 purchased in the other state, and under the laws of that state

3451 the property escheated to or became subject to a claim of
 3452 abandonment by that state.

3453 **Section 67. Subsection (1) of section 717.126, Florida**
 3454 **Statutes, is amended to read:**

3455 717.126 Administrative hearing; burden of proof; proof of
 3456 entitlement; venue.—

3457 (1) Any person aggrieved by a decision of the department
 3458 may petition for a hearing as provided in ss. 120.569 and
 3459 120.57. In any proceeding for determination of a claim to
 3460 property paid or delivered to the department under this chapter,
 3461 the burden shall be upon the claimant to establish entitlement
 3462 to the property by a preponderance of evidence. Having the same
 3463 name as that reported to the department is not sufficient, in
 3464 the absence of other evidence, to prove entitlement to abandoned
 3465 ~~unclaimed~~ property.

3466 **Section 68. Section 717.1261, Florida Statutes, is amended**
 3467 **to read:**

3468 717.1261 Death certificates.—Any person who claims
 3469 entitlement to abandoned ~~unclaimed~~ property by means of the
 3470 death of one or more persons shall file a copy of the death
 3471 certificate of the decedent or decedents that has been certified
 3472 as being authentic by the issuing governmental agency.

3473 **Section 69. Section 717.1262, Florida Statutes, is amended**
 3474 **to read:**

3475 717.1262 Court documents.—Any person who claims

3476 entitlement to abandoned ~~unclaimed~~ property by reason of a court
3477 document shall file a certified copy of the court document with
3478 the department. A certified copy of each pleading filed with the
3479 court to obtain a court document establishing entitlement, filed
3480 within 180 days before the date the claim form was signed by the
3481 claimant or claimant ~~claimant's~~ representative, must also be
3482 filed with the department.

3483 **Section 70. Section 717.129, Florida Statutes, is amended**
3484 **to read:**

3485 717.129 Periods of limitation.—

3486 (1) The expiration before or after July 1, 1987, of any
3487 period of time specified by contract, statute, or court order,
3488 during which a claim for money or property may be made or during
3489 which an action or proceeding may be commenced or enforced to
3490 obtain payment of a claim for money or to recover property, does
3491 not prevent the money or property from being presumed abandoned
3492 ~~unclaimed~~ or affect any duty to file a report or to pay or
3493 deliver abandoned ~~unclaimed~~ property to the department as
3494 required by this chapter.

3495 (2) The department may not commence an action or
3496 proceeding to enforce this chapter with respect to the
3497 reporting, payment, or delivery of property or any other duty of
3498 a holder under this chapter more than 10 years after the duty
3499 arose. The period of limitation established under this
3500 subsection is tolled by the earlier of the department's or audit

3501 agent's delivery of a notice that a holder is subject to an
 3502 audit or examination under s. 717.1301 or the holder's written
 3503 election to enter into an abandoned ~~unclaimed~~ property voluntary
 3504 disclosure agreement.

3505 **Section 71. Subsections (3) and (4) of section 717.1301,**
 3506 **Florida Statutes, are amended to read:**

3507 717.1301 Investigations; examinations; subpoenas.—

3508 (3) The department may authorize a compliance review of a
 3509 report for a specified reporting year. The review must be
 3510 limited to the contents of the report filed, as required by s.
 3511 717.117 and subsection (2), and all supporting documents related
 3512 to the reports. If the review results in a finding of a
 3513 deficiency in abandoned ~~unclaimed~~ property due and payable to
 3514 the department, the department shall notify the holder in
 3515 writing of the amount of deficiency within 1 year after the
 3516 authorization of the compliance review. If the holder fails to
 3517 pay the deficiency within 90 days, the department may seek to
 3518 enforce the assessment under subsection (1). The department is
 3519 not required to conduct a review under this section before
 3520 initiating an audit.

3521 (4) Notwithstanding any other provision of law, in a
 3522 contract providing for the location or collection of abandoned
 3523 ~~unclaimed~~ property, the department may authorize the contractor
 3524 to deduct its fees and expenses for services provided under the
 3525 contract from the abandoned ~~unclaimed~~ property that the

3526 contractor has recovered or collected under the contract. The
 3527 department shall annually report to the Chief Financial Officer
 3528 the total amount collected or recovered by each contractor
 3529 during the previous fiscal year and the total fees and expenses
 3530 deducted by each contractor.

3531 **Section 72. Section 717.1315, Florida Statutes, is amended**
 3532 **to read:**

3533 717.1315 Retention of records by claimant ~~claimant's~~
 3534 representatives and buyers of abandoned ~~unclaimed~~ property.—

3535 (1) Every claimant ~~claimant's~~ representative and buyer of
 3536 abandoned ~~unclaimed~~ property shall keep and use in his or her
 3537 business such books, accounts, and records of the business
 3538 conducted under this chapter to enable the department to
 3539 determine whether such person is complying with this chapter and
 3540 the rules adopted by the department under this chapter. Every
 3541 claimant ~~claimant's~~ representative and buyer of abandoned
 3542 ~~unclaimed~~ property shall preserve such books, accounts, and
 3543 records, including every Abandoned ~~Unclaimed~~ Property Recovery
 3544 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
 3545 between the owner and such claimant ~~claimant's~~ representative or
 3546 buyer, for at least 3 years after the date of the initial
 3547 agreement.

3548 (2) A claimant ~~claimant's~~ representative or buyer of
 3549 abandoned ~~unclaimed~~ property, operating at two or more places of
 3550 business in this state, may maintain the books, accounts, and

3551 records of all such offices at any one of such offices, or at
 3552 any other office maintained by such claimant ~~claimant's~~
 3553 representative or buyer of abandoned ~~unclaimed~~ property, upon
 3554 the filing of a written notice with the department designating
 3555 in the written notice the office at which such records are
 3556 maintained.

3557 (3) A claimant ~~claimant's~~ representative or buyer of
 3558 abandoned ~~unclaimed~~ property shall make all books, accounts, and
 3559 records available at a convenient location in this state upon
 3560 request of the department.

3561 **Section 73. Subsections (2) and (3) of section 717.132,**
 3562 **Florida Statutes, are amended to read:**

3563 717.132 Enforcement; cease and desist orders; fines.—

3564 (2) In addition to any other powers conferred upon it to
 3565 enforce and administer the provisions of this chapter, the
 3566 department may issue and serve upon a person an order to cease
 3567 and desist and to take corrective action whenever the department
 3568 finds that such person is violating, has violated, or is about
 3569 to violate any provision of this chapter, any rule or order
 3570 promulgated under this chapter, or any written agreement entered
 3571 into with the department. For purposes of this subsection, the
 3572 term "corrective action" includes refunding excessive charges,
 3573 requiring a person to return abandoned ~~unclaimed~~ property,
 3574 requiring a holder to remit abandoned ~~unclaimed~~ property, and
 3575 requiring a holder to correct a report that contains errors or

3576 omissions. Any such order shall contain a notice of rights
 3577 provided by ss. 120.569 and 120.57.

3578 (3) In addition to any other powers conferred upon it to
 3579 enforce and administer the provisions of this chapter, the
 3580 department or a court of competent jurisdiction may impose fines
 3581 against any person found to have violated any provision of this
 3582 chapter, any rule or order promulgated under this chapter, or
 3583 any written agreement entered into with the department in an
 3584 amount not to exceed \$2,000 for each violation. All fines
 3585 collected under this subsection shall be deposited as received
 3586 in the Abandoned ~~Unclaimed~~ Property Trust Fund.

3587 **Section 74. Paragraphs (c), (d), and (j) of subsection**
 3588 **(1), subsections (2) and (3), paragraph (b) of subsection (4),**
 3589 **and subsection (5) of section 717.1322, Florida Statutes, are**
 3590 **amended to read:**

3591 717.1322 Administrative and civil enforcement.—

3592 (1) The following acts are violations of this chapter and
 3593 constitute grounds for an administrative enforcement action by
 3594 the department in accordance with the requirements of chapter
 3595 120 and for civil enforcement by the department in a court of
 3596 competent jurisdiction:

3597 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
 3598 concealment of any matter required to be stated or furnished to
 3599 the department or to an owner or apparent owner under this
 3600 ~~chapter, regardless of reliance by or damage to the owner or~~

3601 ~~apparent owner.~~

3602 (d) ~~Willful~~ Imposition of illegal or excessive charges in
 3603 any abandoned ~~unclaimed~~ property transaction.

3604 (j) Requesting or receiving compensation for notifying a
 3605 person of his or her abandoned ~~unclaimed~~ property or assisting
 3606 another person in filing a claim for abandoned ~~unclaimed~~
 3607 property, ~~unless the person is an attorney licensed to practice~~
 3608 ~~law in this state, a Florida-certified public accountant, or a~~
 3609 ~~private investigator licensed under chapter 493, or entering~~
 3610 into, or making a solicitation to enter into, an agreement to
 3611 file a claim for abandoned ~~unclaimed~~ property owned by another,
 3612 unless such person is a registered claimant representative
 3613 ~~registered with the department under this chapter and an~~
 3614 ~~attorney licensed to practice law in this state in the regular~~
 3615 ~~practice of her or his profession, a Florida-certified public~~
 3616 ~~accountant who is acting within the scope of the practice of~~
 3617 ~~public accounting as defined in chapter 473, or a private~~
 3618 ~~investigator licensed under chapter 493.~~ This paragraph does not
 3619 apply to a person who has been granted a durable power of
 3620 attorney to convey and receive all of the real and personal
 3621 property of the owner, is the court-appointed guardian of the
 3622 owner, has been employed as an attorney or qualified
 3623 representative to contest the department's denial of a claim, or
 3624 has been employed as an attorney to probate the estate of the
 3625 owner or an heir or legatee of the owner.

3626 (2) Upon a finding by the department that any person has
 3627 committed any of the acts set forth in subsection (1), the
 3628 department may enter an order doing any of the following:

3629 (a) Revoking for a minimum of 5 years or suspending for a
 3630 maximum of 5 years a registration previously granted under this
 3631 chapter during which time the registrant may not reapply for a
 3632 registration under this chapter.~~.~~

3633 (b) Placing a claimant representative ~~registrant~~ or an
 3634 applicant for a registration on probation for a period of time
 3635 and subject to such conditions as the department may specify.~~.~~

3636 (c) Placing permanent restrictions or conditions upon
 3637 issuance or maintenance of a registration under this chapter;

3638 (d) Issuing a reprimand.~~.~~

3639 (e) Imposing an administrative fine not to exceed \$2,000
 3640 for each such act.~~.~~~~or~~

3641 (f) Prohibiting any person from being a director, officer,
 3642 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
 3643 ~~percent~~ or greater interest in an employer of a claimant
 3644 representative ~~registrant~~.

3645 (3) A claimant ~~claimant's~~ representative is subject to
 3646 civil enforcement and the disciplinary actions specified in
 3647 subsection (2) for violations of subsection (1) by an agent or
 3648 employee of the claimant representative's ~~registrant's~~ employer
 3649 if the claimant ~~claimant's~~ representative knew or should have
 3650 known that such agent or employee was violating any provision of

3651 | this chapter.

3652 | (4)

3653 | (b) The disciplinary guidelines shall specify a meaningful
3654 | range of designated penalties based upon the severity or
3655 | repetition of specific offenses, or both. It is the legislative
3656 | intent that minor violations be distinguished from more serious
3657 | violations; that such guidelines consider the amount of the
3658 | claim involved, the complexity of locating the owner, the steps
3659 | taken to ensure the accuracy of the claim by the person filing
3660 | the claim, the acts of commission and omission of the claimant
3661 | ~~ultimate owners~~ in establishing themselves as rightful owners of
3662 | the funds, the acts of commission or omission of the agent or
3663 | employee of a claimant representative or its ~~an~~ employer in the
3664 | filing of the claim, the actual knowledge of the agent,
3665 | employee, employer, or owner in the filing of the claim, the
3666 | departure, if any, by the agent or employee from the internal
3667 | controls and procedures established by the claimant
3668 | representative or its employer with regard to the filing of a
3669 | claim, the number of defective claims previously filed by the
3670 | agent, employee, employer, or owner; that such guidelines
3671 | provide reasonable and meaningful notice of likely penalties
3672 | that may be imposed for proscribed conduct; and that such
3673 | penalties be consistently applied by the department.

3674 | (5) The department may seek any appropriate civil legal
3675 | remedy available to it by filing a civil action in a court of

3676 competent jurisdiction against any person who has, directly or
 3677 through a claimant ~~claimant's~~ representative, wrongfully
 3678 submitted a claim as the ~~ultimate~~ owner of property and
 3679 improperly received funds from the department in violation of
 3680 this chapter.

3681 **Section 75. Subsections (1) and (3) of section 717.133,**
 3682 **Florida Statutes, are amended to read:**

3683 717.133 Interstate agreements and cooperation; joint and
 3684 reciprocal actions with other states.—

3685 (1) The department may enter into agreements with other
 3686 states to exchange information needed to enable this or another
 3687 state to audit or otherwise determine abandoned ~~unclaimed~~
 3688 property that it or another state may be entitled to subject to
 3689 a claim of custody. The department may require the reporting of
 3690 information needed to enable compliance with agreements made
 3691 pursuant to this section and prescribe the form.

3692 (3) At the request of another state, the department may
 3693 bring an action in the name of the other state in any court of
 3694 competent jurisdiction to enforce the abandoned ~~unclaimed~~
 3695 property laws of the other state against a holder in this state
 3696 of property subject to escheat or a claim of abandonment by the
 3697 other state, if the other state has agreed to pay expenses
 3698 incurred in bringing the action.

3699 **Section 76. Subsection (2) of section 717.1333, Florida**
 3700 **Statutes, is amended to read:**

3701 717.1333 Evidence; estimations; audit reports and
 3702 worksheets, investigator reports and worksheets, other related
 3703 documents.—

3704 (2) If the records of the holder that are available for
 3705 the periods subject to this chapter are insufficient to permit
 3706 the preparation of a report of the abandoned ~~unclaimed~~ property
 3707 due and owing by a holder, or if the holder fails to provide
 3708 records after being requested to do so, the amount due to the
 3709 department may be reasonably estimated.

3710 **Section 77. Paragraph (a) of subsection (1) and**
 3711 **subsections (2) and (4) of section 717.1341, Florida Statutes,**
 3712 **are amended to read:**

3713 717.1341 Invalid claims, recovery of property, interest
 3714 and penalties.—

3715 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
 3716 ~~unclaimed~~ property that the person is not entitled to receive.
 3717 Any person who receives, or assists another person to receive,
 3718 abandoned ~~unclaimed~~ property that the person is not entitled to
 3719 receive is strictly, jointly, personally, and severally liable
 3720 for the abandoned ~~unclaimed~~ property and shall immediately
 3721 return the property, or the reasonable value of the property if
 3722 the property has been damaged or disposed of, to the department
 3723 plus interest at the rate set in accordance with s. 55.03(1).
 3724 Assisting another person to receive abandoned ~~unclaimed~~ property
 3725 includes executing a claim form on the person's behalf.

3726 (2) The department may maintain a civil or administrative
 3727 action:

3728 (a) To recover abandoned ~~unclaimed~~ property that was paid
 3729 or remitted to a person who was not entitled to the abandoned
 3730 ~~unclaimed~~ property or to offset amounts owed to the department
 3731 against amounts owed to an owner representative;

3732 (b) Against a person who assists another person in
 3733 receiving, or attempting to receive, abandoned ~~unclaimed~~
 3734 property that the person is not entitled to receive; or

3735 (c) Against a person who attempts to receive abandoned
 3736 ~~unclaimed~~ property that the person is not entitled to receive.

3737 (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly
 3738 conspire to file, or knowingly assist in filing, a claim for
 3739 abandoned ~~unclaimed~~ property the person is not entitled to
 3740 receive. Any person who violates this subsection regarding
 3741 abandoned ~~unclaimed~~ property of an aggregate value:

3742 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
 3743 the first degree, punishable as provided in s. 775.082, s.
 3744 775.083, or s. 775.084;

3745 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
 3746 ~~of~~ a felony of the second degree, punishable as provided in s.
 3747 775.082, s. 775.083, or s. 775.084;

3748 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~
 3749 a felony of the third degree, punishable as provided in s.
 3750 775.082, s. 775.083, or s. 775.084;

3751 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
 3752 misdemeanor of the first degree, punishable as provided in s.
 3753 775.082 or s. 775.083; or

3754 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
 3755 second degree, punishable as provided in s. 775.082 or s.
 3756 775.083.

3757 **Section 78. Section 717.135, Florida Statutes, is amended**
 3758 **to read:**

3759 717.135 Recovery agreements and purchase agreements for
 3760 claims filed by a claimant ~~claimant's~~ representative; fees and
 3761 costs or total net gain.—

3762 (1) In order to protect the interests of owners of
 3763 abandoned ~~unclaimed~~ property, the department shall adopt by rule
 3764 a form entitled "Abandoned Unclaimed Property Recovery
 3765 Agreement" and a form entitled "Abandoned Unclaimed Property
 3766 Purchase Agreement."

3767 (2) The Abandoned Unclaimed Property Recovery Agreement
 3768 and the Abandoned Unclaimed Property Purchase Agreement must
 3769 include and disclose all of the following:

3770 (a) The total dollar amount of abandoned ~~unclaimed~~
 3771 property accounts claimed or sold.

3772 (b) The total percentage of all authorized fees and costs
 3773 to be paid to the claimant ~~claimant's~~ representative or the
 3774 percentage of the value of the property to be paid as net gain
 3775 to the purchasing claimant ~~claimant's~~ representative.

3776 (c) The total dollar amount to be deducted and received
3777 from the claimant as fees and costs by the claimant ~~claimant's~~
3778 representative or the total net dollar amount to be received by
3779 the purchasing claimant ~~claimant's~~ representative.

3780 (d) The net dollar amount to be received by the claimant
3781 or the seller.

3782 (e) For each account claimed, the abandoned ~~unclaimed~~
3783 property account number.

3784 (f) For the Abandoned ~~Unclaimed~~ Property Purchase
3785 Agreement, a statement that the amount of the purchase price
3786 will be remitted to the seller by the purchaser within 30 days
3787 after the execution of the agreement by the seller.

3788 (g) The name, address, e-mail address, phone number, and
3789 license number of the claimant ~~claimant's~~ representative.

3790 (h)1. The manual signature of the claimant or seller and
3791 the date signed, affixed on the agreement by the claimant or
3792 seller.

3793 2. Notwithstanding any other provision of this chapter to
3794 the contrary, the department may allow ~~an apparent owner, who is~~
3795 ~~also~~ the claimant or seller, to sign the agreement
3796 electronically. All electronic signatures on the Abandoned
3797 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3798 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3799 agreement by the claimant or seller using the specific,
3800 exclusive eSignature product and protocol authorized by the

3801 department.

3802 (i) The social security number or taxpayer identification
 3803 number of the claimant or seller, if a number has been issued to
 3804 the claimant or seller.

3805 (j) The total fees and costs, or the total discount in the
 3806 case of a purchase agreement, which may not exceed 30 percent of
 3807 the claimed amount. In the case of a recovery agreement, if the
 3808 total fees and costs exceed 30 percent, the fees and costs shall
 3809 be reduced to 30 percent and the net balance shall be remitted
 3810 directly by the department to the claimant. In the case of a
 3811 purchase agreement, if the total net gain of the claimant
 3812 ~~claimant's~~ representative exceeds 30 percent, the claim will be
 3813 denied.

3814 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
 3815 form, proof that the purchaser has made payment must be filed
 3816 with the department along with the claim. If proof of payment is
 3817 not provided, the claim is void.

3818 (4) A claimant ~~claimant's~~ representative must use the
 3819 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
 3820 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
 3821 entering into an agreement or a contract with a claimant or
 3822 seller to file a claim with the department.

3823 (5) Fees and costs may be owed or paid to, or received by,
 3824 a claimant ~~claimant's~~ representative only after a filed claim
 3825 has been approved and if the claimant's representative used an

3826 agreement authorized by this section.

3827 (6) A claimant ~~claimant's~~ representative may not use or
3828 distribute any other agreement of any type, conveyed by any
3829 method, with respect to the claimant or seller which relates,
3830 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
3831 held by the department or the Chief Financial Officer other than
3832 the agreements authorized by this section. Any engagement,
3833 authorization, recovery, or fee agreement that is not authorized
3834 by this section is void. A claimant ~~claimant's~~ representative is
3835 subject to administrative and civil enforcement under s.
3836 717.1322 if he or she uses an agreement that is not authorized
3837 by this section and if the agreement is used to apply, directly
3838 or indirectly, to abandoned ~~unclaimed~~ property held by this
3839 state. This subsection does not prohibit lawful nonagreement,
3840 noncontractual, or advertising communications between or among
3841 the parties.

3842 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement
3843 may not contain language that makes the agreement irrevocable or
3844 that creates an assignment of any portion of abandoned ~~unclaimed~~
3845 property held by the department.

3846 (8) When a claim is approved, the department may pay any
3847 additional account that is owned by the claimant but has not
3848 been claimed at the time of approval, provided that a subsequent
3849 claim has not been filed or is not pending for the claimant at
3850 the time of approval.

3851 (9) This section does not supersede s. 717.1241.

3852 ~~(10) This section does not apply to the sale and purchase~~
 3853 ~~of Florida-held unclaimed property accounts through a bankruptcy~~
 3854 ~~estate representative or other person or entity authorized~~
 3855 ~~pursuant to Title XI of the United States Code or an order of a~~
 3856 ~~bankruptcy court to act on behalf or for the benefit of the~~
 3857 ~~debtor, its creditors, and its bankruptcy estate.~~

3858 **Section 79. Section 717.1356, Florida Statutes, is created**
 3859 **to read:**

3860 717.1356 Purchase of abandoned property.-

3861 (1) Agreements for the purchase of abandoned property
 3862 reported to the department shall be valid only if all of the
 3863 following conditions are met:

3864 (a) The agreement is entitled "Florida Abandoned Property
 3865 Purchase Agreement" and is in writing, in minimum 12-point type.

3866 (b) The agreement includes the social security number or
 3867 taxpayer identification number of the seller, if a number has
 3868 been issued to the seller; a valid e-mail address, mailing
 3869 address, and telephone number for the seller; and is manually
 3870 signed and dated by the seller with the signature notarized.

3871 (c) The agreement discloses with specificity the nature
 3872 and value of the abandoned property, including the name of the
 3873 apparent owner as shown by the records of the department, the
 3874 name of the holder who remitted the property, the date of last
 3875 contact, and the property category. With respect to the value of

3876 the abandoned property, the agreement must contain the
3877 following:

3878 1. The total dollar amount of all abandoned property to be
3879 sold.

3880 2. The total percentage of the value of the abandoned
3881 property to be paid as net gain to the purchaser.

3882 3. The total net dollar amount to be received by the
3883 purchaser.

3884 4. The net dollar amount to be received by the seller.

3885 (d) The agreement states the abandoned property account
3886 number for each abandoned property account sold.

3887 (e) The purchase price does not discount the total value
3888 of all abandoned property subject to the sale by more than 30
3889 percent.

3890 (f) The agreement states that the amount of the purchase
3891 price will be remitted to the seller by the purchaser within 30
3892 days after the execution of the agreement by the seller.

3893 (g) The agreement includes the name, address, e-mail
3894 address, and phone number of the purchaser.

3895 (h) The agreement states that the abandoned property is
3896 currently in the department's custody and that the seller can
3897 claim the property directly from the department on its
3898 electronically searchable website without being charged a fee.
3899 The agreement must provide the department's website address.

3900 (2) A seller may cancel a purchase agreement without

3901 penalty or obligation within 15 business days after the date on
 3902 which the agreement was executed. The agreement must contain the
 3903 following language in minimum 12-point type: "You may cancel
 3904 this agreement for any reason without penalty or obligation to
 3905 you within 15 days after the date of this agreement by providing
 3906 notice to . . .(name of purchaser). . ., submitted in writing
 3907 and sent by certified mail, return receipt requested, or other
 3908 form of mailing that provides proof thereof, at the address or
 3909 e-mail address specified in the agreement."

3910 (3) A copy of an executed Florida Abandoned Property
 3911 Purchase Agreement must be filed with the purchaser's claim,
 3912 along with proof that the purchaser has made payment in full,
 3913 and all other required documentation. If proof of payment is not
 3914 provided, the department may not approve the claim.

3915 (4) A purchase agreement under this section that discounts
 3916 the value of abandoned property by more than the amount
 3917 authorized in paragraph (1)(e) is enforceable only by the
 3918 seller.

3919 **Section 80. Section 717.138, Florida Statutes, is amended**
 3920 **to read:**

3921 717.138 Rulemaking authority.—The department shall
 3922 administer and provide for the enforcement of this chapter. The
 3923 department has authority to adopt rules pursuant to ss.
 3924 120.536(1) and 120.54 to implement the provisions of this
 3925 chapter. The department may adopt rules to allow for electronic

3926 filing of fees, forms, and reports required by this chapter. The
3927 authority to adopt rules pursuant to this chapter applies to all
3928 abandoned ~~unclaimed~~ property reported and remitted to the Chief
3929 Financial Officer, including, but not limited to, property
3930 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
3931 and 744.534.

3932 **Section 81. Section 717.1382, Florida Statutes, is amended**
3933 **to read:**

3934 717.1382 United States savings bond; abandoned ~~unclaimed~~
3935 property; escheatment; procedure.—

3936 (1) Notwithstanding any other provision of law, a United
3937 States savings bond in possession of the department or
3938 registered to a person with a last known address in the state,
3939 including a bond that is lost, stolen, or destroyed, is presumed
3940 ~~abandoned and unclaimed~~ 5 years after the bond reaches maturity
3941 and no longer earns interest and shall be reported and remitted
3942 to the department by the financial institution or other holder
3943 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
3944 ~~(5)~~ and 717.119, if the department is not in possession of the
3945 bond.

3946 (2) (a) After a United States savings bond is abandoned ~~and~~
3947 ~~unclaimed~~ in accordance with subsection (1), the department may
3948 commence a civil action in a court of competent jurisdiction in
3949 Leon County for a determination that the bond shall escheat to
3950 the state. Upon determination of escheatment, all property

3951 rights to the bond or proceeds from the bond, including all
3952 rights, powers, and privileges of survivorship of an owner, co-
3953 owner, or beneficiary, shall vest solely in the state.

3954 (b) Service of process by publication may be made on a
3955 party in a civil action pursuant to this section. A notice of
3956 action shall state the name of any known owner of the bond, the
3957 nature of the action or proceeding in short and simple terms,
3958 the name of the court in which the action or proceeding is
3959 instituted, and an abbreviated title of the case.

3960 (c) The notice of action shall require a person claiming
3961 an interest in the bond to file a written defense with the clerk
3962 of the court and serve a copy of the defense by the date fixed
3963 in the notice. The date must not be less than 28 or more than 60
3964 days after the first publication of the notice.

3965 (d) The notice of action shall be published once a week
3966 for 4 consecutive weeks in a newspaper of general circulation
3967 published in Leon County. Proof of publication shall be placed
3968 in the court file.

3969 (e)1. If no person files a claim with the court for the
3970 bond and if the department has substantially complied with the
3971 provisions of this section, the court shall enter a default
3972 judgment that the bond, or proceeds from such bond, has
3973 escheated to the state.

3974 2. If a person files a claim for one or more bonds and,
3975 after notice and hearing, the court determines that the claimant

3976 is not entitled to the bonds claimed by such claimant, the court
 3977 shall enter a judgment that such bonds, or proceeds from such
 3978 bonds, have escheated to the state.

3979 3. If a person files a claim for one or more bonds and,
 3980 after notice and hearing, the court determines that the claimant
 3981 is entitled to the bonds claimed by such claimant, the court
 3982 shall enter a judgment in favor of the claimant.

3983 (3) The department may redeem a United States savings bond
 3984 escheated to the state pursuant to this section or, in the event
 3985 that the department is not in possession of the bond, seek to
 3986 obtain the proceeds from such bond. Proceeds received by the
 3987 department shall be deposited in accordance with s. 717.123.

3988 **Section 82. Section 717.139, Florida Statutes, is amended**
 3989 **to read:**

3990 717.139 Uniformity of application and construction.—

3991 (1) The Legislature finds that laws governing abandoned
 3992 property serve a vital public purpose by protecting the property
 3993 rights of owners, facilitating the return abandoned property to
 3994 its owners, preventing private escheatment, and ensuring that
 3995 abandoned assets are preserved and safeguarded from waste or
 3996 misuse. It is the public policy of the state to protect the
 3997 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
 3998 ~~declared to be in the best interests of owners of unclaimed~~
 3999 ~~property that such owners receive the full amount of any~~
 4000 ~~unclaimed property without any fee.~~

4001 (2) This chapter shall be applied and construed as to
 4002 effectuate its general purpose of protecting the interest of
 4003 missing owners of abandoned property, while providing that the
 4004 benefit of all ~~unclaimed~~ and abandoned property shall go to all
 4005 the people of the state, and to make uniform the law with
 4006 respect to the subject of this chapter among states enacting it.
 4007 It is the intent of the Legislature that property reported under
 4008 this chapter remains the property of the owner and that the
 4009 State of Florida acts solely as a custodian, not as the owner,
 4010 of such property. Title to abandoned property may not transfer
 4011 to the state except as expressly provided by law and only after
 4012 all reasonable efforts to identify and return the property to
 4013 its rightful owner have been exhausted.

4014 **Section 83. Section 717.1400, Florida Statutes, is amended**
 4015 **to read:**

4016 717.1400 Registration.—

4017 (1) In order to file claims as a claimant ~~claimant's~~
 4018 representative, receive a distribution of fees and costs for
 4019 approved claims from the department, and obtain information
 4020 regarding abandoned ~~unclaimed~~ property dollar amounts and
 4021 numbers of reported shares of stock held by the department, an
 4022 individual must meet all of the following requirements:

4023 (a) Be one of the following:

4024 1. A Florida-licensed private investigator holding a Class
 4025 "C" individual license under chapter 493;

4026 2. A Florida-certified public account; or
 4027 3. A Florida-licensed attorney.
 4028 (b) Have obtained a certificate of registration from ~~Must~~
 4029 ~~register with~~ the department.

4030 (2) An application for registration as a claimant
 4031 representative must be submitted in writing on a form prescribed
 4032 by the department and must be accompanied by all of the
 4033 following:

4034 (a) A legible color copy of the applicant's current driver
 4035 license showing the full name and current address of such
 4036 person. If a current driver license is not available, another
 4037 form of photo identification must be provided which shows the
 4038 full name and current address of such person.

4039 (b) If the applicant is a private investigator:

4040 1. ~~on such form as the department prescribes by rule and~~
 4041 ~~must be verified by the applicant. To register with the~~
 4042 ~~department, a private investigator must provide:~~

4043 ~~(a)~~ A legible copy of the applicant's Class "A" business
 4044 license under chapter 493 or that of the applicant's firm or
 4045 employer which holds a Class "A" business license under chapter
 4046 493; ~~and-~~

4047 2. ~~(b)~~ A legible copy of the applicant's Class "C"
 4048 individual license issued under chapter 493.

4049 (c) If the applicant is a certified public account, the
 4050 applicant's Florida Board of Accountancy number.

4051 (d) If the applicant is a licensed attorney, the
4052 applicant's Florida Bar number.

4053 (e)-(e) The business address, and telephone number, tax
4054 identification number, and state of domicile or incorporation of
4055 the applicant's ~~private~~ investigative firm or employer.

4056 (f)-(d) The names of agents, or employees, or independent
4057 contractors, if any, who are designated or authorized to act on
4058 behalf of the applicant ~~private investigator~~, together with a
4059 legible color copy of their photo identification issued by an
4060 agency of the United States, or a state, or a political
4061 subdivision thereof.

4062 (g) A statement that the applicant has not, during the 5-
4063 year period immediately preceding the submission of the
4064 application, violated any part of the Florida Disposition of
4065 Abandoned Personal Property Act.

4066 (h) A statement that the applicant has not been convicted
4067 of, or plead guilty to, a felony or any offense involving moral
4068 turpitude; dishonesty; deceit; or breach of fiduciary duty,
4069 including theft, attempted theft, falsification, tampering with
4070 records, securing writings by deception, fraud, forgery, or
4071 perjury.

4072 (i)-(e) Sufficient information to enable the department to
4073 disburse funds by electronic funds transfer.

4074 (j) The applicant's notarized signature immediately
4075 following an acknowledgment that any false or perjured statement

4076 subjects the applicant to criminal liability under the laws of
4077 this state

4078 ~~(f) The tax identification number of the private~~
4079 ~~investigator's firm or employer which holds a Class "A" business~~
4080 ~~license under chapter 493.~~

4081 ~~(2) In order to file claims as a claimant's~~
4082 ~~representative, receive a distribution of fees and costs from~~
4083 ~~the department, and obtain unclaimed property dollar amounts and~~
4084 ~~numbers of reported shares of stock held by the department, a~~
4085 ~~Florida-certified public accountant must register with the~~
4086 ~~department on such form as the department prescribes by rule and~~
4087 ~~must be verified by the applicant. To register with the~~
4088 ~~department, a Florida-certified public accountant must provide:~~

4089 ~~(a) The applicant's Florida Board of Accountancy number.~~

4090 ~~(b) A legible copy of the applicant's current driver~~
4091 ~~license showing the full name and current address of such~~
4092 ~~person. If a current driver license is not available, another~~
4093 ~~form of identification showing the full name and current address~~
4094 ~~of such person or persons shall be filed with the department.~~

4095 ~~(c) The business address and telephone number of the~~
4096 ~~applicant's public accounting firm or employer.~~

4097 ~~(d) The names of agents or employees, if any, who are~~
4098 ~~designated to act on behalf of the Florida-certified public~~
4099 ~~accountant, together with a legible copy of their photo~~
4100 ~~identification issued by an agency of the United States, or a~~

4101 ~~state, or a political subdivision thereof.~~

4102 ~~(e) Sufficient information to enable the department to~~
4103 ~~disburse funds by electronic funds transfer.~~

4104 ~~(f) The tax identification number of the accountant's~~
4105 ~~public accounting firm employer.~~

4106 ~~(3) In order to file claims as a claimant's~~
4107 ~~representative, receive a distribution of fees and costs from~~
4108 ~~the department, and obtain unclaimed property dollar amounts and~~
4109 ~~numbers of reported shares of stock held by the department, an~~
4110 ~~attorney licensed to practice in this state must register with~~
4111 ~~the department on such form as the department prescribes by rule~~
4112 ~~and must be verified by the applicant. To register with the~~
4113 ~~department, such attorney must provide:~~

4114 ~~(a) The applicant's Florida Bar number.~~

4115 ~~(b) A legible copy of the applicant's current driver~~
4116 ~~license showing the full name and current address of such~~
4117 ~~person. If a current driver license is not available, another~~
4118 ~~form of identification showing the full name and current address~~
4119 ~~of such person or persons shall be filed with the department.~~

4120 ~~(c) The business address and telephone number of the~~
4121 ~~applicant's firm or employer.~~

4122 ~~(d) The names of agents or employees, if any, who are~~
4123 ~~designated to act on behalf of the attorney, together with a~~
4124 ~~legible copy of their photo identification issued by an agency~~
4125 ~~of the United States, or a state, or a political subdivision~~

4126 ~~thereof.~~

4127 ~~(e) Sufficient information to enable the department to~~
4128 ~~disburse funds by electronic funds transfer.~~

4129 ~~(f) The tax identification number of the attorney's firm~~
4130 ~~or employer.~~

4131 ~~(4)~~ Information and documents already on file with the
4132 department before the effective date of this provision need not
4133 be resubmitted in order to complete the registration.

4134 (4)~~(5)~~ If a material change in the status of a
4135 registration occurs, the claimant representative ~~a registrant~~
4136 must, within 30 days, provide the department with the updated
4137 documentation and information in writing. Material changes
4138 include, but are not limited to, the following, ~~a~~ a designated
4139 agent or employee ceasing to act on behalf of the designating
4140 person, a surrender, suspension, or revocation of a license, or
4141 a license renewal.

4142 (a) If a designated agent or employee ceases to act on
4143 behalf of the person who has designated the agent or employee to
4144 act on such person's behalf, the designating person must, within
4145 30 days, inform the department ~~the Division of Unclaimed~~
4146 ~~Property~~ in writing of the termination of agency or employment.

4147 (b) If a registrant surrenders the registrant's license or
4148 the license is suspended or revoked, the registrant must, within
4149 30 days, inform the division in writing of the surrender,
4150 suspension, or revocation.

4151 (c) If a private investigator's Class "C" individual
4152 license under chapter 493 or a private investigator's employer's
4153 Class "A" business license under chapter 493 is renewed, the
4154 private investigator must provide a copy of the renewed license
4155 to the department within 30 days after the receipt of the
4156 renewed license by the private investigator or the private
4157 investigator's employer.

4158 (5)-(6) An applicant's claimant representative's A
4159 ~~registrant's~~ firm or employer may not have a name that might
4160 lead another person to conclude that the claimant
4161 representative's ~~registrant's~~ firm or employer is affiliated or
4162 associated with the United States, or an agency thereof, or a
4163 state or an agency or political subdivision of a state. The
4164 department shall deny an application for registration or revoke
4165 a registration if the applicant's or claimant representative's
4166 ~~registrant's~~ firm or employer has a name that might lead another
4167 person to conclude that the firm or employer is affiliated or
4168 associated with the United States, or an agency thereof, or a
4169 state or an agency or political subdivision of a state. Names
4170 that might lead another person to conclude that the firm or
4171 employer is affiliated or associated with the United States, or
4172 an agency thereof, or a state or an agency or political
4173 subdivision of a state, include, but are not limited to, the
4174 words United States, Florida, state, bureau, division,
4175 department, or government.

4176 (6)-(7) The licensing and other requirements of this
 4177 section must be maintained as a condition of registration with
 4178 the department.

4179 (7) To maintain active registration under this section, a
 4180 claimant representative must file and obtain payment on at least
 4181 10 claims per calendar year following the date of initial
 4182 registration.

4183 (a) If a claimant representative fails to meet this
 4184 requirement, the department must notify the claimant
 4185 representative in writing and provide 30 days to demonstrate
 4186 compliance or good cause for noncompliance.

4187 (b) If the claimant representative does not cure the
 4188 deficiency or demonstrate good cause within the time provided,
 4189 the department must revoke the registration.

4190 (c) A claimant representative whose registration is
 4191 revoked under this subsection may not reapply for registration
 4192 under this section for a period of 1 year following the
 4193 effective date of the revocation.

4194 **Section 84. Subsection (1) of section 1001.281, Florida**
 4195 **Statutes, is amended to read:**

4196 1001.281 Operating Trust Fund.—

4197 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
 4198 created within the Department of Education.

4199 **Section 85. Subsection (1) of section 1001.282, Florida**
 4200 **Statutes, is amended to read:**

4201 1001.282 Administrative Trust Fund.—

4202 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
 4203 is created within the Department of Education.

4204 **Section 86. Paragraph (a) of subsection (2) of section**
 4205 **197.582, Florida Statutes, is amended to read:**

4206 197.582 Disbursement of proceeds of sale.—

4207 (2)(a) If the property is purchased for an amount in
 4208 excess of the statutory bid of the certificateholder, the
 4209 surplus must be paid over and disbursed by the clerk as set
 4210 forth in subsections (3), (5), and (6). If the opening bid
 4211 included the homestead assessment pursuant to s. 197.502(6)(c),
 4212 that amount must be treated as surplus and distributed in the
 4213 same manner. The clerk shall distribute the surplus to the
 4214 governmental units for the payment of any lien of record held by
 4215 a governmental unit against the property, including any tax
 4216 certificates not incorporated in the tax deed application and
 4217 omitted taxes, if any. If there remains a balance of
 4218 undistributed funds, the balance must be retained by the clerk
 4219 for the benefit of persons described in s. 197.522(1)(a), except
 4220 those persons described in s. 197.502(4)(h), as their interests
 4221 may appear. The clerk shall mail notices to such persons
 4222 notifying them of the funds held for their benefit at the
 4223 addresses provided in s. 197.502(4). Such notice constitutes
 4224 compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~.
 4225 Any service charges and costs of mailing notices shall be paid

4226 out of the excess balance held by the clerk. Notice must be
 4227 provided in substantially the following form:

4228

4229 NOTICE OF SURPLUS FUNDS

4230 FROM TAX DEED SALE

4231

4232 CLERK OF COURT

4233 COUNTY, FLORIDA

4234

4235 Tax Deed #.....

4236 Certificate #.....

4237 Property Description:

4238 Pursuant to chapter 197, Florida Statutes, the above
 4239 property was sold at public sale on ...(date of sale)..., and a
 4240 surplus of \$...(amount)... (subject to change) will be held by
 4241 this office for 120 days beginning on the date of this notice to
 4242 benefit the persons having an interest in this property as
 4243 described in section 197.502(4), Florida Statutes, as their
 4244 interests may appear (except for those persons described in
 4245 section 197.502(4)(h), Florida Statutes).

4246 To the extent possible, these funds will be used to satisfy
 4247 in full each claimant with a senior mortgage or lien in the
 4248 property before distribution of any funds to any junior mortgage
 4249 or lien claimant or to the former property owner. To be
 4250 considered for funds when they are distributed, you must file a

4251 | notarized statement of claim with this office within 120 days of
 4252 | this notice. If you are a lienholder, your claim must include
 4253 | the particulars of your lien and the amounts currently due. Any
 4254 | lienholder claim that is not filed within the 120-day deadline
 4255 | is barred.

4256 | A copy of this notice must be attached to your statement of
 4257 | claim. After the office examines the filed claim statements, it
 4258 | will notify you if you are entitled to any payment.

4259 | Dated:

4260 | Clerk of Court

4261 | **Section 87. Paragraph (t) of subsection (1) of section**
 4262 | **626.9541, Florida Statutes, is amended to read:**

4263 | 626.9541 Unfair methods of competition and unfair or
 4264 | deceptive acts or practices defined.—

4265 | (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 4266 | ACTS.—The following are defined as unfair methods of competition
 4267 | and unfair or deceptive acts or practices:

4268 | (t) *Certain life insurance relations with funeral*
 4269 | *directors prohibited.*—

4270 | 1. No life insurer shall permit any funeral director or
 4271 | direct disposer to act as its representative, adjuster, claim
 4272 | agent, special claim agent, or agent for such insurer in
 4273 | soliciting, negotiating, or effecting contracts of life
 4274 | insurance on any plan or of any nature issued by such insurer or
 4275 | in collecting premiums for holders of any such contracts except

4276 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

4277 2. No life insurer shall:

4278 a. Affix, or permit to be affixed, advertising matter of
4279 any kind or character of any licensed funeral director or direct
4280 disposer to such policies of insurance.

4281 b. Circulate, or permit to be circulated, any such
4282 advertising matter with such insurance policies.

4283 c. Attempt in any manner or form to influence
4284 policyholders of the insurer to employ the services of any
4285 particular licensed funeral director or direct disposer.

4286 3. No such insurer shall maintain, or permit its agent to
4287 maintain, an office or place of business in the office,
4288 establishment, or place of business of any funeral director or
4289 direct disposer in this state.

4290 **Section 88. For the purpose of incorporating the amendment**
4291 **made by this act to section 717.101, Florida Statutes, in a**
4292 **reference thereto, paragraph (a) of subsection (6) of section**
4293 **772.13, Florida Statutes, is reenacted to read:**

4294 772.13 Civil remedy for terrorism or facilitating or
4295 furthering terrorism.—

4296 (6) (a) In any postjudgment execution proceedings to
4297 enforce a judgment entered against a terrorist party under this
4298 section or under 18 U.S.C. s. 2333 or a substantially similar
4299 law of the United States or of any state or territory of the
4300 United States, including postjudgment execution proceedings

4301 against any agency or instrumentality of the terrorist party not
4302 named in the judgment pursuant to s. 201(a) of the Terrorism
4303 Risk Insurance Act, 28 U.S.C. s. 1610:

4304 1. There is no right to a jury trial under s. 56.18 or s.
4305 77.08;

4306 2. A defendant or a person may not use the resources of
4307 the courts of this state in furtherance of a defense or an
4308 objection to postjudgment collection proceedings if the
4309 defendant or person purposely leaves the jurisdiction of this
4310 state or the United States, declines to enter or reenter this
4311 state or the United States to submit to its jurisdiction, or
4312 otherwise evades the jurisdiction of the court in which a
4313 criminal case is pending against the defendant or person. This
4314 subparagraph applies to any entity that is owned or controlled
4315 by a person to whom this paragraph applies;

4316 3. Creditor process issued under chapter 56 or chapter 77
4317 may be served upon any person or entity over whom the court has
4318 personal jurisdiction. Writs of garnishment issued under s.
4319 77.01 and proceedings supplementary under s. 56.29 apply to
4320 intangible assets wherever located, without territorial
4321 limitation, including bank accounts as defined in s.
4322 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4323 other intangible property as defined in s. 717.101. The situs of
4324 any intangible assets held or maintained by or in the
4325 possession, custody, or control of a person or entity so served

4326 shall be deemed to be in this state for the purposes of a
4327 proceeding under chapter 56 or chapter 77. Service of a writ or
4328 notice to appear under this section shall provide the court with
4329 in rem jurisdiction over any intangible assets regardless of the
4330 location of the assets;

4331 4. Notwithstanding s. 678.1121, the interest of a debtor
4332 in a financial asset or security entitlement may be reached by a
4333 creditor by legal process upon the securities intermediary with
4334 whom the debtor's securities account is maintained, or, if that
4335 is a foreign entity, legal process under chapter 56 or chapter
4336 77 may be served upon the United States securities custodian or
4337 intermediary that has reported holding, maintaining, possessing,
4338 or controlling the blocked financial assets or security
4339 entitlements to the Office of Foreign Assets Control of the
4340 United States Department of the Treasury, and such financial
4341 assets or security entitlements shall be subject to execution,
4342 garnishment, and turnover by the United States securities
4343 custodian or intermediary; and

4344 5. Notwithstanding s. 670.502(4), when an electronic funds
4345 transfer is not completed within 5 banking days and is canceled
4346 pursuant to s. 670.211(4) because a United States intermediary
4347 financial institution has blocked the transaction in compliance
4348 with a United States sanctions program, and a terrorist party or
4349 any agency or instrumentality thereof was either the originator
4350 or the intended beneficiary, then the blocked funds shall be

CS/CS/HB 1221

2026

4351 | deemed owned by the terrorist party or its agency or
4352 | instrumentality and shall be subject to execution and
4353 | garnishment.

4354 | **Section 89.** This act shall take effect upon becoming a
4355 | law.