

By Senator DiCeglie

18-00861A-24

20241098__

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; renaming the
4 Division of Investigative and Forensic Services in the
5 Department of Financial Services as the Division of
6 Criminal Investigations; deleting provisions relating
7 to duties of such division and to bureaus and offices
8 in such division; abolishing the Division of Public
9 Assistance Fraud; amending s. 121.0515, F.S.; revising
10 requirements for the Special Risk Class membership;
11 amending s. 215.5586, F.S.; revising legislative
12 intent; revising requirements for My Safe Florida Home
13 Program mitigation inspections and mitigation grants;
14 providing additional requirements for applications for
15 inspections and mitigation grants; deleting provisions
16 relating to matching fund grants; revising
17 improvements for which grants may be used; providing a
18 timeframe for finalizing construction and requesting a
19 final inspection or an extension; providing that grant
20 applications are deemed abandoned under a specified
21 circumstance; authorizing the department to request
22 additional information; providing that applications
23 are deemed withdrawn under a specified circumstance;
24 amending s. 284.44, F.S.; deleting provisions relating
25 to certain quarterly reports prepared by the Division
26 of Risk Management; amending s. 440.13, F.S.;
27 providing the reimbursement schedule requirements for
28 emergency services and care under workers'
29 compensation under certain circumstances; amending s.

18-00861A-24

20241098__

30 440.385, F.S.; providing requirements for certain
31 contracts entered into and purchases made by the
32 Florida Self-Insurers Guaranty Association,
33 Incorporated; providing duties of the department and
34 the association relating to these contracts and
35 purchases; amending s. 497.101, F.S.; revising the
36 requirements for appointing and nominating members of
37 the Board of Funeral, Cemetery, and Consumer Services;
38 revising the members' terms; revising the authority to
39 remove board members; providing for vacancy
40 appointments; providing that board members are subject
41 to the code of ethics under part III of ch. 112, F.S.;
42 providing requirements for board members' conduct;
43 specifying prohibited acts; providing penalties;
44 providing requirements for board meetings, books, and
45 records; requiring notices of board meetings;
46 providing requirements for board meetings; amending s.
47 497.153, F.S.; authorizing service by e-mail of
48 administrative complaints against certain licensees
49 under certain circumstances; amending s. 497.155,
50 F.S.; authorizing service of citations by e-mail under
51 certain circumstances; amending s. 624.155, F.S.;
52 deleting a cross-reference; amending s. 624.307, F.S.;
53 requiring eligible surplus lines insurers to respond
54 to the department or the Office of Insurance
55 Regulation after receipt of requests for documents and
56 information concerning consumer complaints; providing
57 penalties for failure to comply; requiring authorized
58 insurers and eligible surplus lines insurers to file

18-00861A-24

20241098__

59 e-mail addresses with the department and to designate
60 contact persons for specified purposes; authorizing
61 changes of designated contact information; amending s.
62 626.171, F.S.; requiring the department to make
63 provisions for certain insurance license applicants to
64 submit cellular telephone numbers for a specified
65 purpose; amending s. 626.221, F.S.; providing a
66 qualification for an all-lines adjuster license;
67 amending s. 626.601, F.S.; revising construction;
68 amending s. 626.7351, F.S.; providing a qualification
69 for a customer representative's license; amending s.
70 626.878, F.S.; providing duties and prohibited acts
71 for adjusters; amending s. 626.929, F.S.; specifying
72 that licensed and appointed general lines agents,
73 rather than general lines agents, may engage in
74 certain activities while also licensed and appointed
75 as surplus lines agents; authorizing general lines
76 agents that are also licensed as surplus lines agents
77 to make certain appointments; authorizing such agents
78 to originate specified business and accept specified
79 business; prohibiting such agents from being appointed
80 by a certain insurer or transacting certain insurance;
81 amending s. 627.351, F.S.; providing requirements for
82 certain contracts entered into and purchases made by
83 the Florida Joint Underwriting Association; providing
84 duties of the department and the association regarding
85 such contracts and purchases; amending s. 627.43141,
86 F.S.; providing requirements for a certain notice of
87 change in insurance renewal policy terms; amending s.

18-00861A-24

20241098__

88 627.70152, F.S.; deleting a cross-reference; amending
89 s. 631.59, F.S.; providing requirements for certain
90 contracts entered into and purchases made by the
91 Florida Insurance Guaranty Association, Incorporated;
92 providing duties of the department and the association
93 regarding such contracts and purchases; creating s.
94 631.6955, F.S.; requiring insurers subject to the
95 Florida Insurance Guaranty Association requirements to
96 prepare, implement, and maintain a data transfer plan;
97 providing requirements for data transfer plans;
98 providing duties and authority of the Commissioner of
99 Insurance Regulation regarding data transfer plans;
100 amending ss. 631.722, 631.821, and 631.921, F.S.;
101 providing requirements for certain contracts entered
102 into and purchases made by the Florida Life and Health
103 Insurance Guaranty Association, the board of directors
104 of the Florida Health Maintenance Organization
105 Consumer Assistance Plan, and the board of directors
106 of the Florida Workers' Compensation Insurance
107 Guaranty Association, respectively; providing duties
108 of the department and of the associations and boards
109 regarding such contracts and purchases; amending s.
110 633.124, F.S.; updating the edition of a manual for
111 the use of pyrotechnics; amending s. 633.202, F.S.;
112 revising the duties of the State Fire Marshal;
113 amending s. 633.206, F.S.; revising the requirements
114 for uniform firesafety standards established by the
115 department; amending s. 634.041, F.S.; specifying the
116 conditions under which service agreement companies do

18-00861A-24

20241098__

117 not have to establish and maintain unearned premium
118 reserves; amending s. 634.081, F.S.; specifying the
119 conditions under which service agreement companies'
120 licenses are not suspended or revoked under certain
121 circumstances; amending s. 634.3077, F.S.; specifying
122 requirements for certain contractual liability
123 insurance obtained by home warranty associations;
124 providing that such associations are not required to
125 establish unearned premium reserves or maintain
126 contractual liability insurance; authorizing such
127 associations to allow their premiums to exceed certain
128 limitations under certain circumstances; amending s.
129 634.317, F.S.; providing that agents and employees of
130 municipal and county government are exempt from sales
131 representative licenses and appointments under certain
132 circumstances; amending s. 648.25, F.S.; providing
133 definitions; amending s. 648.26, F.S.; revising the
134 circumstances under which investigatory records of the
135 department are confidential and exempt from public
136 records requirements; revising construction; amending
137 s. 648.30, F.S.; revising circumstances under which a
138 person or entity may act in the capacity of a bail
139 bond agent or bail bond agency and perform certain
140 functions, duties, and powers; amending s. 648.355,
141 F.S.; revising the requirements for limited surety
142 agents and professional bail bond agents license
143 applications; amending s. 648.43, F.S.; revising
144 requirements for bail bond agents to execute and
145 countersign transfer bonds; amending s. 717.101, F.S.;

18-00861A-24

20241098__

146 providing and revising definitions; amending s.
147 717.102, F.S.; providing a rebuttal to a presumption
148 of unclaimed property; providing requirements for such
149 rebuttal; amending s. 717.106, F.S.; conforming a
150 cross-reference; creating s. 717.1065, F.S.; providing
151 circumstances under which virtual currency held or
152 owing by banking organizations is not presumed
153 unclaimed; prohibiting virtual currency holders from
154 deducting certain charges from amounts of specified
155 instruments under certain circumstances; providing an
156 exception; amending s. 717.1101, F.S.; revising the
157 date on which stocks and other equity interests in
158 business associations are presumed unclaimed; amending
159 s. 717.112, F.S.; providing that certain intangible
160 property held by attorneys in fact and by agents in a
161 fiduciary capacity are presumed unclaimed under
162 certain circumstances; revising the requirements for
163 claiming such property; amending s. 717.117, F.S.;
164 deleting the paper option for reports by holders of
165 unclaimed funds and property; revising the
166 requirements for reporting the owners of unclaimed
167 property and funds; authorizing the department to
168 extend reporting dates under certain circumstances;
169 revising the circumstances under which the department
170 may impose and collect penalties; requiring holders of
171 inactive accounts to notify apparent owners; revising
172 the manner of sending such notices; providing
173 requirements for such notices; amending s. 717.119,
174 F.S.; requiring certain virtual currency to be

18-00861A-24

20241098__

175 remitted to the department; providing requirements for
176 the liquidation of such virtual currency; providing
177 that holders of such virtual currency are relieved of
178 all liability upon delivery of the virtual currency to
179 the department; prohibiting holders from assigning or
180 transferring certain obligations or from complying
181 with certain provisions; providing that certain
182 entities are responsible for meeting holders'
183 obligations and complying with certain provisions
184 under certain circumstances; providing construction;
185 amending s. 717.1201, F.S.; providing that good faith
186 payments and deliveries of property to the department
187 relieve holders of all liability; authorizing the
188 department to refund and redeliver certain money and
189 property under certain circumstances; amending s.
190 717.123, F.S.; revising the maximum amount that the
191 department shall retain from funds of unclaimed
192 property to make certain payment; amending s.
193 717.1242, F.S.; revising legislative intent; providing
194 circumstances under which the department is considered
195 an interested party in probate proceedings; revising
196 circumstances under which a party is required to pay
197 the department's costs and attorney fees; amending s.
198 717.1243, F.S.; revising applicability of certain
199 provisions relating to unclaimed small estate
200 accounts; amending s. 717.1245, F.S.; specifying the
201 fees, costs, and compensation that persons filing
202 petitions for writ of garnishment of unclaimed
203 property must pay; requiring such persons to file

18-00861A-24

20241098__

204 claims with the department under a specified
205 circumstance; amending s. 717.129, F.S.; revising the
206 requirements and the tolling for the periods of
207 limitation relating to duties of holders of unclaimed
208 funds and property; amending s. 717.1301, F.S.;
209 revising the department's authorities on the
210 disposition of unclaimed funds and property for
211 specified purposes; prohibiting certain materials from
212 being disclosed or made public under certain
213 circumstances; revising the basis for the department's
214 cost assessment against holders of unclaimed funds and
215 property; amending s. 717.1311, F.S.; revising the
216 recordkeeping requirements for funds and property
217 holders; amending s. 717.1322, F.S.; revising acts
218 that are violations of specified provisions and
219 constitute grounds for administrative enforcement
220 actions and civil enforcement by the department;
221 providing that claimants' representatives, rather than
222 registrants, are subject to civil enforcement and
223 disciplinary actions for certain violations; amending
224 s. 717.1333, F.S.; conforming provisions to changes
225 made by the act; amending s. 717.134, F.S.; conforming
226 provisions to changes made by the act; amending s.
227 717.135, F.S.; revising the information that certain
228 agreements relating to unclaimed property must
229 disclose; applying certain provisions relating to such
230 agreements to purchasers; deleting a requirement for
231 Unclaimed Property Purchase Agreements; providing
232 nonapplicability; amending s. 717.1400, F.S.; deleting

18-00861A-24

20241098__

233 a circumstance under which certain persons must
234 register with the department; amending ss. 197.582 and
235 717.1382, F.S.; conforming a cross-reference;
236 providing a directive to the Division of Law Revision;
237 providing an effective date.

238

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

240

241 Section 1. Present paragraphs (g) through (n) of subsection
242 (2) of section 20.121, Florida Statutes, are redesignated as
243 paragraphs (f) through (m), respectively, and paragraph (e) and
244 present paragraph (f) of that subsection are amended, to read:

245 20.121 Department of Financial Services.—There is created a
246 Department of Financial Services.

247 (2) DIVISIONS.—The Department of Financial Services shall
248 consist of the following divisions and office:

249 (e) The Division of Criminal Investigations ~~Investigative~~
250 ~~and Forensic Services~~, which shall function as a criminal
251 justice agency for purposes of ss. 943.045-943.08. The division
252 may initiate and conduct investigations into any matter under
253 the jurisdiction of the Chief Financial Officer and Fire Marshal
254 within or outside of this state as it deems necessary. ~~If,~~
255 ~~during an investigation, the division has reason to believe that~~
256 ~~any criminal law of this state or the United States has or may~~
257 ~~have been violated, it shall refer any records tending to show~~
258 ~~such violation to state law enforcement and, if applicable,~~
259 ~~federal prosecutorial agencies and shall provide investigative~~
260 ~~assistance to those agencies as appropriate. The division shall~~
261 ~~include the following bureaus and office:~~

18-00861A-24

20241098__

262 ~~1. The Bureau of Forensic Services;~~
 263 ~~2. The Bureau of Fire, Arson, and Explosives~~
 264 ~~Investigations;~~
 265 ~~3. The Office of Fiscal Integrity, which shall have a~~
 266 ~~separate budget;~~
 267 ~~4. The Bureau of Insurance Fraud; and~~
 268 ~~5. The Bureau of Workers' Compensation Fraud.~~
 269 ~~(f) The Division of Public Assistance Fraud, which shall~~
 270 ~~function as a criminal justice agency for purposes of ss.~~
 271 ~~943.045-943.08. The division shall conduct investigations~~
 272 ~~pursuant to s. 414.411 within or outside of the state as it~~
 273 ~~deems necessary. If, during an investigation, the division has~~
 274 ~~reason to believe that any criminal law of the state has or may~~
 275 ~~have been violated, it shall refer any records supporting such~~
 276 ~~violation to state or federal law enforcement or prosecutorial~~
 277 ~~agencies and shall provide investigative assistance to those~~
 278 ~~agencies as required.~~

279 Section 2. Paragraph (f) of subsection (2) and paragraph
 280 (h) of subsection (3) of section 121.0515, Florida Statutes, are
 281 amended to read:

282 121.0515 Special Risk Class.—

283 (2) MEMBERSHIP.—

284 (f) Effective July 1, 2024 ~~2008~~, the member must be
 285 employed by the Department of Law Enforcement in the crime
 286 laboratory or by the Division of Criminal Investigations ~~State~~
 287 ~~Fire Marshal~~ in the forensic laboratory and meet the special
 288 criteria set forth in paragraph (3) (h).

289 (3) CRITERIA.—A member, to be designated as a special risk
 290 member, must meet the following criteria:

18-00861A-24

20241098__

291 (h) Effective July 1, 2024 ~~2008~~, the member must be
292 employed by the Department of Law Enforcement in the crime
293 laboratory or by the Division of Criminal Investigations ~~State~~
294 ~~Fire Marshal~~ in the forensic laboratory in one of the following
295 classes:

- 296 1. Forensic technologist (class code 8459);
- 297 2. Crime laboratory technician (class code 8461);
- 298 3. Crime laboratory analyst (class code 8463);
- 299 4. Senior crime laboratory analyst (class code 8464);
- 300 5. Crime laboratory analyst supervisor (class code 8466);
- 301 6. Forensic chief (class code 9602); or
- 302 7. Forensic services quality manager (class code 9603);

303 Section 3. Section 215.5586, Florida Statutes, is amended
304 to read:

305 215.5586 My Safe Florida Home Program.—There is established
306 within the Department of Financial Services the My Safe Florida
307 Home Program. The department shall provide fiscal
308 accountability, contract management, and strategic leadership
309 for the program, consistent with this section. This section does
310 not create an entitlement for property owners or obligate the
311 state in any way to fund the inspection or retrofitting of
312 residential property in this state. Implementation of this
313 program is subject to annual legislative appropriations. It is
314 the intent of the Legislature that, subject to the availability
315 of funds, the My Safe Florida Home Program provide licensed
316 inspectors to perform inspections for eligible homes ~~owners of~~
317 ~~site-built, single-family, residential properties~~ and grants to
318 fund hurricane mitigation projects for those homes ~~eligible~~
319 ~~applicants~~. The department shall implement the program in such a

18-00861A-24

20241098__

320 manner that the total amount of funding requested by accepted
321 applications, whether for inspections, grants, or other services
322 or assistance, does not exceed the total amount of available
323 funds. If, after applications are processed and approved, funds
324 remain available, the department may accept applications up to
325 the available amount. The program shall develop and implement a
326 comprehensive and coordinated approach for hurricane damage
327 mitigation that may include the following:

328 (1) HURRICANE MITIGATION INSPECTIONS.—

329 (a) To be eligible for a hurricane mitigation inspection,
330 all of the following criteria must be met:

331 1. The home must be a single-family, detached residential
332 property or a townhouse, as defined in s. 481.203.

333 2. The home must be site-built and owner-occupied.

334 3. The homeowner must have been granted a homestead
335 exemption on the home under chapter 196.

336 (b) An application for an inspection must contain a signed
337 or electronically verified statement made under penalty of
338 perjury that the applicant has submitted only a single
339 inspection application and must have attached documents
340 demonstrating that the applicant meets the requirements of
341 paragraph (a). An applicant may submit a new inspection
342 application if all of the following criteria are met:

343 1. The original application has already been denied or
344 withdrawn.

345 2. The program's eligibility requirements or applicant's
346 qualifications have changed since the original application date.

347 3. The applicant reasonably believes that the home will be
348 eligible under the new requirements or qualifications.

18-00861A-24

20241098__

349 (c) An applicant who meets the requirements of paragraph
350 (a) may apply for and receive an inspection without also
351 applying for a grant pursuant to subsection (2) and without
352 meeting the requirements of paragraph (2) (a).

353 (d) ~~(a)~~ Licensed inspectors are to provide home inspections
354 of eligible homes ~~site-built, single-family, residential~~
355 ~~properties for which a homestead exemption has been granted,~~ to
356 determine what mitigation measures are needed, what insurance
357 premium discounts may be available, and what improvements to
358 existing residential properties are needed to reduce the
359 property's vulnerability to hurricane damage. ~~An inspector may~~
360 ~~inspect a townhouse as defined in s. 481.203 to determine if~~
361 ~~opening protection mitigation as listed in paragraph (2) (c)~~
362 ~~would provide improvements to mitigate hurricane damage.~~

363 (e) ~~(b)~~ The Department of Financial Services shall contract
364 with wind certification entities to provide hurricane mitigation
365 inspections. The inspections provided to homeowners, at a
366 minimum, must include:

367 1. A home inspection and report that summarizes the results
368 and identifies recommended improvements a homeowner may take to
369 mitigate hurricane damage.

370 2. A range of cost estimates regarding the recommended
371 mitigation improvements.

372 3. Information regarding estimated premium discounts,
373 correlated to the current mitigation features and the
374 recommended mitigation improvements identified by the
375 inspection.

376 (f) ~~(e)~~ To qualify for selection by the department as a wind
377 certification entity to provide hurricane mitigation

18-00861A-24

20241098__

378 inspections, the entity must, at a minimum, meet the following
379 requirements:

380 1. Use hurricane mitigation inspectors who are licensed or
381 certified as:

382 a. A building inspector under s. 468.607;

383 b. A general, building, or residential contractor under s.
384 489.111;

385 c. A professional engineer under s. 471.015;

386 d. A professional architect under s. 481.213; or

387 e. A home inspector under s. 468.8314 and who have
388 completed at least 3 hours of hurricane mitigation training
389 approved by the Construction Industry Licensing Board, which
390 training must include hurricane mitigation techniques,
391 compliance with the uniform mitigation verification form, and
392 completion of a proficiency exam.

393 2. Use hurricane mitigation inspectors who also have
394 undergone drug testing and a background screening. The
395 department may conduct criminal record checks of inspectors used
396 by wind certification entities. Inspectors must submit a set of
397 fingerprints to the department for state and national criminal
398 history checks and must pay the fingerprint processing fee set
399 forth in s. 624.501. The fingerprints must be sent by the
400 department to the Department of Law Enforcement and forwarded to
401 the Federal Bureau of Investigation for processing. The results
402 must be returned to the department for screening. The
403 fingerprints must be taken by a law enforcement agency,
404 designated examination center, or other department-approved
405 entity.

406 3. Provide a quality assurance program including a

18-00861A-24

20241098__

407 reinspection component.

408 ~~(d) An application for an inspection must contain a signed~~
409 ~~or electronically verified statement made under penalty of~~
410 ~~perjury that the applicant has submitted only a single~~
411 ~~application for that home.~~

412 ~~(e) The owner of a site-built, single-family, residential~~
413 ~~property or townhouse as defined in s. 481.203, for which a~~
414 ~~homestead exemption has been granted, may apply for and receive~~
415 ~~an inspection without also applying for a grant pursuant to~~
416 ~~subsection (2) and without meeting the requirements of paragraph~~
417 ~~(2)(a).~~

418 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be
419 used ~~to encourage single-family, site-built, owner-occupied,~~
420 ~~residential property owners~~ to retrofit eligible homes based on
421 the recommendations made in a hurricane mitigation inspection
422 ~~their properties~~ to make the homes ~~them~~ less vulnerable to
423 hurricane damage.

424 (a) ~~For a homeowner~~ To be eligible for a grant, all of the
425 following criteria must be met:

426 1. The home must be a single-family, detached residential
427 property or a townhouse, as defined in s. 481.203.

428 2. The home must be site-built and owner-occupied.

429 ~~3.1.~~ The homeowner must have been granted a homestead
430 exemption on the home under chapter 196.

431 ~~4.2.~~ The home must be a dwelling with an insured value of
432 \$700,000 or less. Homeowners who are low-income persons, as
433 defined in s. 420.0004(11), are exempt from this requirement.

434 ~~5.3.~~ The home must undergo an acceptable hurricane
435 mitigation inspection as provided in subsection (1).

18-00861A-24

20241098__

436 ~~6.4.~~ The building permit application for initial
437 construction of the home must have been made before January 1,
438 2008.

439 ~~7.5.~~ The homeowner must agree to make his or her home
440 available for inspection once a mitigation project is completed.

441 (b)1. An application for a grant must contain a signed or
442 electronically verified statement made under penalty of perjury
443 that the applicant has submitted only a single grant application
444 and must have attached documents demonstrating that the
445 applicant meets the requirements of ~~this~~ paragraph (a).

446 2. An applicant may submit a new grant application if all
447 of the following criteria are met:

448 a. The original application has already been denied or
449 withdrawn.

450 b. The program's eligibility requirements or applicant's
451 qualifications have changed since the original application date.

452 c. The applicant reasonably believes that the home will be
453 eligible under the new requirements or qualifications.

454 (c)~~(b)~~ All grants must be matched on the basis of \$1
455 provided by the applicant for \$2 provided by the state up to a
456 maximum state contribution of \$10,000 toward the actual cost of
457 the mitigation project.

458 (d)~~(e)~~ The program shall require ~~create a process in which~~
459 ~~contractors agree to participate and homeowners select from a~~
460 ~~list of participating contractors. All mitigation work to must~~
461 be based upon the securing of all required local permits and
462 inspections, and the work must be performed by properly licensed
463 contractors. The program shall approve only a homeowner grant
464 application that includes an acknowledged statement from the

18-00861A-24

20241098__

465 homeowner containing the name and state license number of the
466 contractor the homeowner intends to use for the mitigation work.
467 The program must electronically verify that the contractor's
468 state license number is accurate and up to date before grant
469 approval ~~Hurricane mitigation inspectors qualifying for the~~
470 ~~program may also participate as mitigation contractors as long~~
471 ~~as the inspectors meet the department's qualifications and~~
472 ~~certification requirements for mitigation contractors.~~

473 ~~(d) Matching fund grants shall also be made available to~~
474 ~~local governments and nonprofit entities for projects that will~~
475 ~~reduce hurricane damage to single family, site built, owner-~~
476 ~~occupied, residential property. The department shall liberally~~
477 ~~construe those requirements in favor of availing the state of~~
478 ~~the opportunity to leverage funding for the My Safe Florida Home~~
479 ~~Program with other sources of funding.~~

480 (e) When recommended by a hurricane mitigation inspection,
481 grants for eligible homes may be used for the following
482 improvements:

- 483 1. Opening protection, including windows, skylights,
484 exterior doors, and garage doors.
485 2. Exterior doors, including garage doors.
486 3. Reinforcing roof-to-wall connections.
487 4. Improving the strength of roof-deck attachments.
488 5. Secondary Water Resistance (SWR) barrier for roof.

489 (f) When recommended by a hurricane mitigation inspection,
490 grants for townhouses, as defined in s. 481.203, may only be
491 used for opening protection.

492 (g) The department may require that improvements be made to
493 all openings, including exterior doors and garage doors, as a

18-00861A-24

20241098__

494 condition of reimbursing a homeowner approved for a grant. The
495 department may adopt, by rule, the maximum grant allowances for
496 any improvement allowable under paragraph (e) or this paragraph.

497 ~~(g) Grants may be used on a previously inspected existing~~
498 ~~structure or on a rebuild. A rebuild is defined as a site-built,~~
499 ~~single-family dwelling under construction to replace a home that~~
500 ~~was destroyed or significantly damaged by a hurricane and deemed~~
501 ~~unlivable by a regulatory authority. The homeowner must be a~~
502 ~~low-income homeowner as defined in paragraph (h), must have had~~
503 ~~a homestead exemption for that home before the hurricane, and~~
504 ~~must be intending to rebuild the home as that homeowner's~~
505 ~~homestead.~~

506 (h) Low-income homeowners, as defined in s. 420.0004(11),
507 who otherwise meet the requirements of this subsection
508 ~~paragraphs (a), (c), (e), and (g)~~ are eligible for a grant of up
509 to \$10,000 and are not required to provide a matching amount to
510 receive the grant. The program may accept a certification
511 directly from a low-income homeowner that the homeowner meets
512 the requirements of s. 420.0004(11) if the homeowner provides
513 such certification in a signed or electronically verified
514 statement made under penalty of perjury.

515 (i) The department shall develop a process that ensures the
516 most efficient means to collect and verify grant applications to
517 determine eligibility and may direct hurricane mitigation
518 inspectors to collect and verify grant application information
519 or use the Internet or other electronic means to collect
520 information and determine eligibility.

521 (j) Homeowners must finalize construction and request a
522 final inspection, or request an extension for an additional 6

18-00861A-24

20241098__

523 months, within 1 year after grant approval. If the homeowners
524 fail to comply, the application shall be deemed abandoned and
525 the grant money reverts back to the department.

526 (3) REQUESTS FOR INFORMATION.—The department may request
527 that the applicant provide additional information. An
528 application shall be deemed withdrawn by the applicant if the
529 department does not receive a response to its request for
530 additional information within 60 days after the notification of
531 any apparent errors or omissions.

532 (4)~~(3)~~ EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

533 (a) The department may undertake a statewide multimedia
534 public outreach and advertising campaign to inform consumers of
535 the availability and benefits of hurricane inspections and of
536 the safety and financial benefits of residential hurricane
537 damage mitigation. The department may seek out and use local,
538 state, federal, and private funds to support the campaign.

539 (b) The program may develop brochures for distribution to
540 Citizens Property Insurance Corporation, and other licensed
541 entities or nonprofits that work with the department to educate
542 the public on the benefits of the program ~~general contractors,~~
543 ~~roofing contractors, and real estate brokers and sales~~
544 ~~associates who are licensed under part I of chapter 475 which~~
545 ~~provide information on the benefits to homeowners of residential~~
546 ~~hurricane damage mitigation.~~ Citizens Property Insurance
547 Corporation is encouraged to distribute the brochure to
548 policyholders of the corporation. ~~Contractors are encouraged to~~
549 ~~distribute the brochures to homeowners at the first meeting with~~
550 ~~a homeowner who is considering contracting for home or roof~~
551 ~~repair or contracting for the construction of a new home. Real~~

18-00861A-24

20241098__

552 ~~estate brokers and sales associates are encouraged to distribute~~
553 ~~the brochure to clients before the purchase of a home. The~~
554 brochures may be made available electronically.

555 (5)~~(4)~~ FUNDING.—The department may seek out and leverage
556 local, state, federal, or private funds to enhance the financial
557 resources of the program.

558 (6)~~(5)~~ RULES.—The Department of Financial Services shall
559 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the
560 program; implement the provisions of this section; including
561 rules governing hurricane mitigation inspections and grants,
562 mitigation contractors, and training of inspectors and
563 contractors; and carry out the duties of the department under
564 this section.

565 (7)~~(6)~~ HURRICANE MITIGATION INSPECTOR LIST.—The department
566 shall develop and maintain as a public record a current list of
567 hurricane mitigation inspectors authorized to conduct hurricane
568 mitigation inspections pursuant to this section.

569 (8)~~(7)~~ CONTRACT MANAGEMENT.—

570 (a) The department may contract with third parties for
571 grants management, inspection services, contractor services for
572 low-income homeowners, information technology, educational
573 outreach, and auditing services. Such contracts are considered
574 direct costs of the program and are not subject to
575 administrative cost limits. The department shall contract with
576 providers that have a demonstrated record of successful business
577 operations in areas directly related to the services to be
578 provided and shall ensure the highest accountability for use of
579 state funds, consistent with this section.

580 (b) The department shall implement a quality assurance and

18-00861A-24

20241098__

581 reinspection program that determines whether mitigation ~~initial~~
582 inspections and mitigation projects ~~home improvements~~ are
583 completed in a manner consistent with the intent of the program.
584 The department may use valid random sampling in order to perform
585 the quality assurance portion of the program.

586 (9) ~~(8)~~ INTENT.—It is the intent of the Legislature that
587 grants made to residential property owners under this section
588 shall be considered disaster-relief assistance within the
589 meaning of s. 139 of the Internal Revenue Code of 1986, as
590 amended.

591 (10) ~~(9)~~ REPORTS.—The department shall make an annual report
592 on the activities of the program that shall account for the use
593 of state funds and indicate the number of inspections requested,
594 the number of inspections performed, the number of grant
595 applications received, the number and value of grants approved,
596 and the estimated average annual amount of insurance premium
597 discounts and total estimated annual amount of insurance premium
598 discounts homeowners received from insurers as a result of
599 mitigation funded through the program. The report must be
600 delivered to the President of the Senate and the Speaker of the
601 House of Representatives by February 1 of each year.

602 Section 4. Subsection (6) of section 284.44, Florida
603 Statutes, is amended to read:

604 284.44 Salary indemnification costs of state agencies.—

605 ~~(6) The Division of Risk Management shall prepare quarterly~~
606 ~~reports to the Executive Office of the Governor and the chairs~~
607 ~~of the legislative appropriations committees indicating for each~~
608 ~~state agency the total amount of salary indemnification benefits~~
609 ~~paid to claimants and the total amount of reimbursements from~~

18-00861A-24

20241098__

610 ~~state agencies to the State Risk Management Trust Fund for~~
611 ~~initial costs for the previous quarter. These reports shall also~~
612 ~~include information for each state agency indicating the number~~
613 ~~of cases and amounts of initial salary indemnification costs for~~
614 ~~which reimbursement requirements were waived by the Executive~~
615 ~~Office of the Governor pursuant to this section.~~

616 Section 5. Paragraph (a) of subsection (12) of section
617 440.13, Florida Statutes, is amended to read:

618 440.13 Medical services and supplies; penalty for
619 violations; limitations.—

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

622 (a) A three-member panel is created, consisting of the
623 Chief Financial Officer, or the Chief Financial Officer's
624 designee, and two members to be appointed by the Governor,
625 subject to confirmation by the Senate, one member who, on
626 account of present or previous vocation, employment, or
627 affiliation, shall be classified as a representative of
628 employers, the other member who, on account of previous
629 vocation, employment, or affiliation, shall be classified as a
630 representative of employees. The panel shall determine statewide
631 schedules of maximum reimbursement allowances for medically
632 necessary treatment, care, and attendance provided by hospitals
633 and ambulatory surgical centers. The maximum reimbursement
634 allowances for inpatient hospital care shall be based on a
635 schedule of per diem rates, to be approved by the three-member
636 panel no later than March 1, 1994, to be used in conjunction
637 with a precertification manual as determined by the department,
638 including maximum hours in which an outpatient may remain in

18-00861A-24

20241098__

639 observation status, which shall not exceed 23 hours. All
640 compensable charges for hospital outpatient care shall be
641 reimbursed at 75 percent of usual and customary charges, except
642 as otherwise provided by this subsection. Annually, the three-
643 member panel shall adopt schedules of maximum reimbursement
644 allowances for hospital inpatient care, hospital outpatient
645 care, and ambulatory surgical centers. A hospital or an
646 ambulatory surgical center shall be reimbursed either the
647 agreed-upon contract price or the maximum reimbursement
648 allowance in the appropriate schedule. Reimbursement for
649 emergency services and care, as defined in s. 395.002, without a
650 maximum reimbursement allowance must be at 75 percent of the
651 hospital's charge, unless there is a contract, in which case the
652 contract governs reimbursement.

653
654 The department, as requested, shall provide data to the panel,
655 including, but not limited to, utilization trends in the
656 workers' compensation health care delivery system. The
657 department shall provide the panel with an annual report
658 regarding the resolution of medical reimbursement disputes and
659 any actions pursuant to subsection (8). The department shall
660 provide administrative support and service to the panel to the
661 extent requested by the panel. For prescription medication
662 purchased under the requirements of this subsection, a
663 dispensing practitioner shall not possess such medication unless
664 payment has been made by the practitioner, the practitioner's
665 professional practice, or the practitioner's practice management
666 company or employer to the supplying manufacturer, wholesaler,
667 distributor, or drug repackager within 60 days of the dispensing

18-00861A-24

20241098__

668 practitioner taking possession of that medication.

669 Section 6. Present subsections (9) through (13) of section
670 440.385, Florida Statutes, are redesignated as subsections (10)
671 through (14), respectively, and a new subsection (9) is added to
672 that section, to read:

673 440.385 Florida Self-Insurers Guaranty Association,
674 Incorporated.—

675 (9) CONTRACTS AND PURCHASES.—

676 (a) After July 1, 2024, all contracts entered into, and all
677 purchases made by, the association pursuant to this section
678 which are valued at or more than \$100,000 must first be approved
679 by the department. The department has 10 days to approve or deny
680 the contract or purchase upon electronic receipt of the approval
681 request. The contract or purchase is automatically approved if
682 the department is nonresponsive.

683 (b) All contracts and purchases valued at or more than
684 \$100,000 require competition through a formal bid solicitation
685 conducted by the association. The association must undergo a
686 formal bid solicitation process. The formal bid solicitation
687 process must include all of the following:

688 1. The time and date for the receipt of bids, the
689 proposals, and whether the association contemplates renewal of
690 the contract, including the price for each year for which the
691 contract may be renewed.

692 2. All the contractual terms and conditions applicable to
693 the procurement.

694 (c) Evaluation of bids by the association must include
695 consideration of the total cost for each year of the contract,
696 including renewal years, as submitted by the vendor. The

18-00861A-24

20241098__

697 association must award the contract to the most responsible and
698 responsive vendor. Any formal bid solicitation conducted by the
699 association must be made available, upon request, to the
700 department via electronic delivery.

701 Section 7. Present subsection (7) of section 497.101,
702 Florida Statutes, is redesignated as subsection (11),
703 subsections (1) through (4) are amended, and a new subsection
704 (7) and subsections (8), (9), and (10) are added to that
705 section, to read:

706 497.101 Board of Funeral, Cemetery, and Consumer Services;
707 membership; appointment; terms.—

708 (1) The Board of Funeral, Cemetery, and Consumer Services
709 is created within the Department of Financial Services and shall
710 consist of 10 members, 9 of whom shall be appointed by the
711 ~~Governor from nominations made by the Chief Financial Officer~~
712 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
713 ~~nominate one to three persons for each of the nine vacancies on~~
714 ~~the board, and the Governor shall fill each vacancy on the board~~
715 ~~by appointing one of the persons nominated by the Chief~~
716 ~~Financial Officer to fill that vacancy. If the Governor objects~~
717 ~~to each of the nominations for a vacancy, she or he shall inform~~
718 ~~the Chief Financial Officer in writing. Upon notification of an~~
719 ~~objection by the Governor, the Chief Financial Officer shall~~
720 ~~submit one to three additional nominations for that vacancy~~
721 ~~until the vacancy is filled. One member must be the State Health~~
722 ~~Officer or her or his designee.~~

723 (2) Two members of the board must be funeral directors
724 licensed under part III of this chapter who are associated with
725 a funeral establishment. One member of the board must be a

18-00861A-24

20241098__

726 funeral director licensed under part III of this chapter who is
727 associated with a funeral establishment licensed under part III
728 of this chapter which has a valid preneed license issued
729 pursuant to this chapter ~~and who owns or operates a cinerator~~
730 ~~facility approved under chapter 403 and licensed under part VI~~
731 ~~of this chapter~~. Two members of the board must be persons whose
732 primary occupation is associated with a cemetery company
733 licensed pursuant to this chapter. Two members of the board must
734 be consumers who are residents of this state, have never been
735 licensed as funeral directors or embalmers, are not connected
736 with a cemetery or cemetery company licensed pursuant to this
737 chapter, and are not connected with the death care industry or
738 the practice of embalming, funeral directing, or direct
739 disposition. One of the two consumer members must be at least 60
740 years of age. One member of the board must be a consumer who is
741 a resident of this state; is licensed as a certified public
742 accountant under chapter 473; has never been licensed as a
743 funeral director or an embalmer; is not a principal or an
744 employee of any licensee licensed under this chapter; and does
745 not otherwise have control, as defined in s. 497.005, over any
746 licensee licensed under this chapter. One member of the board
747 must be a principal of a monument establishment licensed under
748 this chapter as a monument builder. One member must be the State
749 Health Officer or her or his designee. There may not be two or
750 more board members who are principals or employees of the same
751 company or partnership or group of companies or partnerships
752 under common control.

753 (3) Board members shall be appointed for terms of 4 years
754 and may be reappointed; however, a member may not serve for more

18-00861A-24

20241098__

755 than 8 consecutive years. and The State Health Officer shall
756 serve as long as that person holds that office. The designee of
757 the State Health Officer shall serve at the pleasure of the
758 Chief Financial Officer ~~Governor~~.

759 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
760 ~~the Senate~~ may remove any board member for malfeasance or
761 misfeasance, neglect of duty, incompetence, substantial
762 inability to perform official duties, commission of a crime, or
763 other substantial cause as determined by the Chief Financial
764 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
765 fitness to sit on the board. A board member shall be deemed to
766 have resigned her or his board membership, and that position
767 shall be deemed vacant, upon the failure of the member to attend
768 three consecutive meetings of the board or at least half of the
769 meetings of the board during any 12-month period, unless the
770 Chief Financial Officer determines that there was good and
771 adequate justification for the absences and that such absences
772 are not likely to continue. Any vacancy so created shall be
773 filled as provided in subsection (1).

774 (7) Members of the board are subject to the code of ethics
775 under part III of chapter 112. For purposes of applying part III
776 of chapter 112 to activities of the members of the board, those
777 persons are considered public officers, and the department is
778 considered their agency. A board member may not vote on any
779 measure that would inure to his or her special private gain or
780 loss and, in accordance with s. 112.3143(2), may not vote on any
781 measure that he or she knows would inure to the special private
782 gain or loss of any principal by which he or she is retained,
783 other than an agency as defined in s. 112.312; or that he or she

18-00861A-24

20241098__

784 knows would inure to the special private gain or loss of his or
785 her relative or business associate. Before the vote is taken,
786 such member shall publicly state to the board the nature of his
787 or her interest in the matter from which he or she is abstaining
788 from voting and, within 15 days after the vote occurs, disclose
789 the nature of his or her interest as a public record in a
790 memorandum filed with the person responsible for recording the
791 minutes of the meeting, who shall incorporate the memorandum in
792 the minutes.

793 (8) In accordance with ss. 112.3148 and 112.3149, a board
794 member may not knowingly accept, directly or indirectly, any
795 gift or expenditure from a person or entity, or an employee or
796 representative of such person or entity, which has a contractual
797 relationship with the department or the board, which is under
798 consideration for a contract, or which is licensed by the
799 department.

800 (9) A board member who fails to comply with subsection (7)
801 or subsection (8) is subject to the penalties provided under ss.
802 112.317 and 112.3173.

803 (10) (a) All meetings of the board are subject to the
804 requirements of s. 286.011, and all books and records of the
805 board are open to the public for reasonable inspection except as
806 otherwise provided by s. 497.172 or other applicable law.

807 (b) Except for emergency meetings, the board shall give
808 notice of any board meeting by publication on the association's
809 website at least 7 days before the meeting. The board shall
810 prepare and publish a meeting agenda on its website at least 7
811 days before the meeting. The agenda must contain the items to be
812 considered in order of presentation. After the agenda has been

18-00861A-24

20241098__

813 made available, a change may be made only for good cause, as
814 determined by the person designated to preside, and must be
815 stated in the record. Notification of such change must be at the
816 earliest practicable time.

817 Section 8. Paragraph (a) of subsection (4) of section
818 497.153, Florida Statutes, is amended to read:

819 497.153 Disciplinary procedures and penalties.—

820 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

821 (a) Service of an administrative complaint may be in person
822 by department staff or any person authorized to make service of
823 process under the Florida Rules of Civil Procedure. Service upon
824 a licensee may in the alternative be made by certified mail,
825 return receipt requested, to the last known address of record
826 provided by the licensee to the department. If service by
827 certified mail cannot be made at the last address provided by
828 the licensee to the department, service may be made by e-mail,
829 delivery receipt required, sent to the most recent e-mail
830 address provided by the licensee to the department in accordance
831 with s. 497.146.

832 Section 9. Paragraph (e) of subsection (1) of section
833 497.155, Florida Statutes, is amended to read:

834 497.155 Disciplinary citations and minor violations.—

835 (1) CITATIONS.—

836 (e) Service of a citation may be made by personal service
837 or certified mail, restricted delivery, to the subject at the
838 subject's last known address in accordance with s. 497.146. If
839 service by certified mail cannot be made at the last address
840 provided by the subject to the department, service may be made
841 by e-mail, delivery receipt required, sent to the most recent e-

18-00861A-24

20241098__

842 mail address provided by the subject to the department in
843 accordance with s. 497.146.

844 Section 10. Paragraph (a) of subsection (3) of section
845 624.155, Florida Statutes, is amended to read:

846 624.155 Civil remedy.—

847 (3) (a) As a condition precedent to bringing an action under
848 this section, the department and the authorized insurer must
849 have been given 60 days' written notice of the violation. Notice
850 to the authorized insurer must be provided by the department to
851 the e-mail address designated by the insurer ~~under s. 624.422.~~

852 Section 11. Present paragraphs (c) and (d) subsection (10)
853 of section 624.307, Florida Statutes, are redesignated as
854 paragraphs (d) and (e), respectively, a new paragraph (c) is
855 added to that subsection, and paragraph (b) of that subsection
856 is amended, to read:

857 624.307 General powers; duties.—

858 (10)

859 (b) Any person licensed or issued a certificate of
860 authority or made an eligible surplus lines insurer by the
861 department or the office shall respond, in writing or
862 electronically, to the division within 14 days after receipt of
863 a written request for documents and information from the
864 division concerning a consumer complaint. The response must
865 address the issues and allegations raised in the complaint and
866 include any requested documents concerning the consumer
867 complaint not subject to attorney-client or work-product
868 privilege. The division may impose an administrative penalty for
869 failure to comply with this paragraph of up to \$5,000 per
870 violation upon any entity licensed by the department or the

18-00861A-24

20241098__

871 office and up to \$1,000 per violation by any individual licensed
872 by the department or the office.

873 (c) Each insurer issued a certificate of authority or made
874 an eligible surplus lines insurer shall file with the department
875 an e-mail address to which requests for response to consumer
876 complaints shall be directed pursuant to paragraph (b). Such
877 insurer shall also designate a contact person for escalated
878 complaint issues and shall provide the name, e-mail address, and
879 telephone number of such person. A licensee of the department,
880 including an agency or a firm, may elect to designate an e-mail
881 address to which requests for response to consumer complaints
882 shall be directed pursuant to paragraph (b). If a licensee,
883 including an agency or a firm, elects not to designate an e-mail
884 address, the department shall direct requests for response to
885 consumer complaints to the e-mail of record for the licensee in
886 the department's licensing system. An insurer or a licensee,
887 including an agency or a firm, may change designated contact
888 information at any time by submitting the new information to the
889 department using the method designated by rule by the
890 department.

891 Section 12. Subsection (2) of section 626.171, Florida
892 Statutes, is amended to read:

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

896 (2) In the application, the applicant shall set forth:

897 (a) His or her full name, age, social security number,
898 residence address, business address, mailing address, contact
899 telephone numbers, including a business telephone number, and e-

18-00861A-24

20241098__

900 mail address.

901 (b) A statement indicating the method the applicant used or
902 is using to meet any required prelicensing education, knowledge,
903 experience, or instructional requirements for the type of
904 license applied for.

905 (c) Whether he or she has been refused or has voluntarily
906 surrendered or has had suspended or revoked a license to solicit
907 insurance by the department or by the supervising officials of
908 any state.

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

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

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

916 (g) The applicant's native language.

917 (h) The highest level of education achieved by the
918 applicant.

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

921 (j) Such other or additional information as the department
922 may deem proper to enable it to determine the character,
923 experience, ability, and other qualifications of the applicant
924 to hold himself or herself out to the public as an insurance
925 representative.

926

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

18-00861A-24

20241098__

929 ethnicity, gender, or native language, that he or she will not
930 be penalized for not doing so, and that the department will use
931 this information exclusively for research and statistical
932 purposes and to improve the quality and fairness of the
933 examinations. The department shall make provisions for
934 applicants to submit cellular telephone numbers as part of the
935 application process on a voluntary basis for purpose of two-
936 factor authentication of secure login credentials only.

937 Section 13. Paragraph (j) of subsection (2) of section
938 626.221, Florida Statutes, is amended to read:

939 626.221 Examination requirement; exemptions.—

940 (2) However, an examination is not necessary for any of the
941 following:

942 (j) An applicant for license as an all-lines adjuster who
943 has the designation of Accredited Claims Adjuster (ACA) from a
944 regionally accredited postsecondary institution in this state;
945 Certified All Lines Adjuster (CALA) from Kaplan Financial
946 Education; Associate in Claims (AIC) from the Insurance
947 Institute of America; Professional Claims Adjuster (PCA) from
948 the Professional Career Institute; Professional Property
949 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
950 Certified Adjuster (CA) from ALL LINES Training; Certified
951 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
952 Certified Professional (CACP) from WebCE, Inc.; Accredited
953 Insurance Claims Specialist (AICS) from Encore Claim Services;
954 Professional in Claims (PIC) from 2021 Training, LLC; Registered
955 Claims Adjuster (RCA) from American Insurance College; or
956 Universal Claims Certification (UCC) from Claims and Litigation
957 Management Alliance (CLM) whose curriculum has been approved by

18-00861A-24

20241098__

958 the department and which includes comprehensive analysis of
959 basic property and casualty lines of insurance and testing at
960 least equal to that of standard department testing for the all-
961 lines adjuster license. The department shall adopt rules
962 establishing standards for the approval of curriculum.

963 Section 14. Subsection (6) of section 626.601, Florida
964 Statutes, is amended to read:

965 626.601 Improper conduct; inquiry; fingerprinting.—

966 (6) The complaint and any information obtained pursuant to
967 the investigation by the department or office are confidential
968 and are exempt from s. 119.07 unless the department or office
969 files a formal administrative complaint, emergency order, or
970 consent order against the individual or entity. This subsection
971 does not prevent the department or office from disclosing the
972 complaint or such information as it deems necessary to conduct
973 the investigation, to update the complainant as to the status
974 and outcome of the complaint, to review the details of the
975 investigation with the individual or entity or its
976 representative, or to share such information with any law
977 enforcement agency or other regulatory body.

978 Section 15. Subsection (3) of section 626.7351, Florida
979 Statutes, is amended to read:

980 626.7351 Qualifications for customer representative's
981 license.—The department shall not grant or issue a license as
982 customer representative to any individual found by it to be
983 untrustworthy or incompetent, or who does not meet each of the
984 following qualifications:

985 (3) Within 4 years preceding the date that the application
986 for license was filed with the department, the applicant has

18-00861A-24

20241098__

987 earned the designation of Accredited Advisor in Insurance (AAI),
988 Associate in General Insurance (AINS), or Accredited Customer
989 Service Representative (ACSR) from the Insurance Institute of
990 America; the designation of Certified Insurance Counselor (CIC)
991 from the Society of Certified Insurance Service Counselors; the
992 designation of Certified Professional Service Representative
993 (CPSR) from the National Foundation for CPSR; the designation of
994 Certified Insurance Service Representative (CISR) from the
995 Society of Certified Insurance Service Representatives; the
996 designation of Certified Insurance Representative (CIR) from
997 All-Lines Training; the designation of Chartered Customer
998 Service Representative (CCSR) from American Insurance College;
999 the designation of Professional Customer Service Representative
1000 (PCSR) from the Professional Career Institute; the designation
1001 of Insurance Customer Service Representative (ICSR) from
1002 Statewide Insurance Associates LLC; the designation of
1003 Registered Customer Service Representative (RCSR) from a
1004 regionally accredited postsecondary institution in the state
1005 whose curriculum is approved by the department and includes
1006 comprehensive analysis of basic property and casualty lines of
1007 insurance and testing which demonstrates mastery of the subject;
1008 or a degree from an accredited institution of higher learning
1009 approved by the department when the degree includes a minimum of
1010 9 credit hours of insurance instruction, including specific
1011 instruction in the areas of property, casualty, and inland
1012 marine insurance. The department shall adopt rules establishing
1013 standards for the approval of curriculum.

1014 Section 16. Section 626.878, Florida Statutes, is amended
1015 to read:

18-00861A-24

20241098__

1016 626.878 Rules; code of ethics.—

1017 (1) An adjuster shall subscribe to the code of ethics
1018 specified in the rules of the department. The rules shall
1019 implement the provisions of this part and specify the terms and
1020 conditions of contracts, including a right to cancel, and
1021 require practices necessary to ensure fair dealing, prohibit
1022 conflicts of interest, and ensure preservation of the rights of
1023 the claimant to participate in the adjustment of claims.

1024 (2) A person licensed as an adjuster must identify himself
1025 or herself in any advertisement, solicitation, or written
1026 document based on the adjuster appointment type held.

1027 (3) An adjuster who has had his or her licensed revoked or
1028 suspended may not participate in any part of an insurance claim
1029 or in the insurance claims adjusting process, including
1030 estimating, completing, filing, negotiating, appraising,
1031 mediating, umpiring, or effecting settlement of a claim for loss
1032 or damage covered under an insurance contract. A person who
1033 provides these services while the person's license is revoked or
1034 suspended acts as an unlicensed adjuster.

1035 Section 17. Subsection (1) of section 626.929, Florida
1036 Statutes, is amended, and subsection (4) is added to that
1037 section, to read:

1038 626.929 Origination, acceptance, placement of surplus lines
1039 business.—

1040 (1) A licensed and appointed general lines agent while also
1041 licensed and appointed as a surplus lines agent under this part
1042 may originate surplus lines business and may accept surplus
1043 lines business from any other originating Florida-licensed
1044 general lines agent appointed and licensed as to the kinds of

18-00861A-24

20241098__

1045 insurance involved and may compensate such agent therefor.

1046 (4) A general lines agent while licensed as a surplus lines
1047 agent under this part may appoint these licenses with a single
1048 surplus license agent appointment pursuant to s. 624.501. Such
1049 agent may only originate surplus lines business and accept
1050 surplus lines business from other originating Florida-licensed
1051 general lines agents appointed and licensed as to the kinds of
1052 insurance involved and may compensate such agent therefor. Such
1053 agent may not be appointed by or transact general lines
1054 insurance on behalf of an admitted insurer.

1055 Section 18. Paragraphs (j) is added to subsection (4) of
1056 section 627.351, Florida Statutes, to read:

1057 627.351 Insurance risk apportionment plans.—

1058 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
1059 CONTRACTS AND PURCHASES.—

1060 (j)1. After July 1, 2024, all contracts entered into, and
1061 all purchases made by, the association pursuant to this
1062 subsection which are valued at or more than \$100,000 must first
1063 be approved by the department. The department has 10 days to
1064 approve or deny a contract or purchase upon electronic receipt
1065 of the approval request. The contract or purchase is
1066 automatically approved if the department is nonresponsive.

1067 2. All contracts and purchases valued at or more than
1068 \$100,000 require competition through a formal bid solicitation
1069 conducted by the association. The association must undergo a
1070 formal bid solicitation process by a minimum of three vendors.
1071 The formal bid solicitation process must include all of the
1072 following:

1073 a. The time and date for the receipt of bids, the

18-00861A-24

20241098__

1074 proposals, and whether the association contemplates renewal of
 1075 the contract, including the price for each year for which the
 1076 contract may be renewed.

1077 b. All the contractual terms and conditions applicable to
 1078 the procurement.

1079 3. Evaluation of bids by the association must include
 1080 consideration of the total cost for each year of the contract,
 1081 including renewal years, as submitted by the vendor. The
 1082 association must award the contract to the most responsible and
 1083 responsive vendor. Any formal bid solicitation conducted by the
 1084 association must be made available, upon request, to the
 1085 department by electronic delivery.

1086 Section 19. Subsection (2) of section 627.43141, Florida
 1087 Statutes, is amended to read:

1088 627.43141 Notice of change in policy terms.-

1089 (2) A renewal policy may contain a change in policy terms.
 1090 If such change occurs, the insurer shall give the named insured
 1091 advance written notice summarizing the change, which may be
 1092 enclosed in ~~along with~~ the written notice of renewal premium
 1093 required under ss. 627.4133 and 627.728 or sent separately
 1094 within the timeframe required under the Florida Insurance Code
 1095 for the provision of a notice of nonrenewal to the named insured
 1096 for that line of insurance. The insurer must also provide a
 1097 sample copy of the notice to the named insured's insurance agent
 1098 before or at the same time that notice is provided to the named
 1099 insured. Such notice shall be entitled "Notice of Change in
 1100 Policy Terms-" and shall be in bold type of not less than 14
 1101 points and included as a single page within the written notice.

1102 Section 20. Paragraph (a) of subsection (3) of section

18-00861A-24

20241098__

1103 627.70152, Florida Statutes, is amended to read:

1104 627.70152 Suits arising under a property insurance policy.-

1105 (3) NOTICE.-

1106 (a) As a condition precedent to filing a suit under a
1107 property insurance policy, a claimant must provide the
1108 department with written notice of intent to initiate litigation
1109 on a form provided by the department. Such notice must be given
1110 at least 10 business days before filing suit under the policy,
1111 but may not be given before the insurer has made a determination
1112 of coverage under s. 627.70131. Notice to the insurer must be
1113 provided by the department to the e-mail address designated by
1114 the insurer ~~under s. 624.422~~. The notice must state with
1115 specificity all of the following information:

1116 1. That the notice is provided pursuant to this section.

1117 2. The alleged acts or omissions of the insurer giving rise
1118 to the suit, which may include a denial of coverage.

1119 3. If provided by an attorney or other representative, that
1120 a copy of the notice was provided to the claimant.

1121 4. If the notice is provided following a denial of
1122 coverage, an estimate of damages, if known.

1123 5. If the notice is provided following acts or omissions by
1124 the insurer other than denial of coverage, both of the
1125 following:

1126 a. The presuit settlement demand, which must itemize the
1127 damages, attorney fees, and costs.

1128 b. The disputed amount.

1129

1130 Documentation to support the information provided in this

1131 paragraph may be provided along with the notice to the insurer.

18-00861A-24

20241098__

1132 Section 21. Subsection (5) is added to section 631.59,
1133 Florida Statutes, to read:

1134 631.59 Duties and powers of department and office;
1135 association contracts and purchases.—

1136 (5) (a) After July 1, 2024, all contracts entered into, and
1137 all purchases made by, the association pursuant to this section
1138 which are valued at or more than \$100,000 must first be approved
1139 by the department. The department has 10 days to approve or deny
1140 the contract or purchase upon electronic receipt of the approval
1141 request. The contract or purchase is automatically approved if
1142 the department is nonresponsive.

1143 (b) All contracts and purchases valued at or more than
1144 \$100,000 require competition through a formal bid solicitation
1145 conducted by the association. The association must undergo a
1146 formal bid solicitation process. The formal bid solicitation
1147 process must include all of the following:

1148 1. The time and date for the receipt of bids, the
1149 proposals, and whether the association contemplates renewal of
1150 the contract, including the price for each year for which the
1151 contract may be renewed.

1152 2. All the contractual terms and conditions applicable to
1153 the procurement.

1154 (c) Evaluation of bids by the association must include
1155 consideration of the total cost for each year of the contract,
1156 including renewal years, as submitted by the vendor. The
1157 association must award the contract to the most responsible and
1158 responsive vendor. Any formal bid solicitation conducted by the
1159 association must be made available, upon request, to the
1160 department via electronic delivery.

18-00861A-24

20241098__

1161 Section 22. Section 631.6955, Florida Statutes, is created
1162 to read:

1163 631.6955 Florida Insurance Guaranty Fund data transfer
1164 plan.—

1165 (1) Each insurer that is subject to the Florida Insurance
1166 Guaranty Association requirements shall prepare, implement, and
1167 maintain a data transfer plan. Upon the occurrence of a company
1168 action level event, as described in s. 624.4085, the insurer
1169 shall file the data transfer plan with the Commissioner of
1170 Insurance Regulation.

1171 (2) The data transfer plan required by subsection (1) must
1172 outline specific procedures, actions, and safeguards that, at
1173 minimum, include all of the following:

1174 (a) The manner, methods, and formats in which the insurer
1175 maintains and preserves its claims and underwriting records.

1176 (b) The process by which the insurer will transfer all of
1177 its claims and underwriting records to the department and the
1178 association if an order of liquidation is issued pursuant to s.
1179 631.395.

1180 (c) Any other information deemed necessary by the
1181 Commissioner of Insurance Regulation.

1182 (3) If the insurer uses a third-party vendor to maintain
1183 and preserve its claims and underwriting records, the insurer
1184 shall include in its data transfer plan the process by which the
1185 third-party vendor will provide the insurer's claims and
1186 underwriting records without delay to the department and the
1187 association if an order of liquidation is issued pursuant to s.
1188 631.395.

1189 (4) The Commissioner of Insurance Regulation shall review

18-00861A-24

20241098__

1190 each data transfer plan submitted pursuant to this section to
1191 determine compliance with the requirements of this section and
1192 shall consult with the department and the association to confirm
1193 that the data transfer plans will integrate with the
1194 department's and the association's manner and means of
1195 maintaining records received from insurers that are subject to
1196 orders of liquidation.

1197 (5) The Commissioner of Insurance Regulation may do all of
1198 the following:

1199 (a) Investigate and examine the records and operations of
1200 insurers to determine if each insurer has implemented and
1201 complied with the data transfer plan requirements of this
1202 section.

1203 (b) Direct an insurer to test the processes set forth in
1204 its data transfer plan to ensure that the data can be
1205 effectively transferred.

1206 (c) Direct an insurer to modify its data transfer plan to
1207 comply with the requirements of this section.

1208 (d) Require an insurer to prefund the services required to
1209 initiate a data transfer.

1210 (e) Require an insurer to take action to remedy substantial
1211 noncompliance with the requirements of this section regarding
1212 data transfer plans.

1213 Section 23. Subsection (6) is added to section 631.722,
1214 Florida Statutes, to read:

1215 631.722 Powers and duties of department and office;
1216 association contracts and purchases.-

1217 (6) (a) After July 1, 2024, all contracts entered into, and
1218 all purchases made by, the association pursuant to this section

18-00861A-24

20241098__

1219 which are valued at or more than \$100,000 must first be approved
1220 by the department. The department has 10 days to approve or deny
1221 the contract or purchase upon electronic receipt of the approval
1222 request. The contract or purchase is automatically approved if
1223 the department is nonresponsive.

1224 (b) All contracts and purchases valued at or more than
1225 \$100,000 require competition through a formal bid solicitation
1226 conducted by the association. The association must undergo a
1227 formal bid solicitation process. The formal bid solicitation
1228 process must include all of the following:

1229 1. The time and date for the receipt of bids, the
1230 proposals, and whether the association contemplates renewal of
1231 the contract, including the price for each year for which the
1232 contract may be renewed.

1233 2. All the contractual terms and conditions applicable to
1234 the procurement.

1235 (c) Evaluation of bids by the association must include
1236 consideration of the total cost for each year of the contract,
1237 including renewal years, as submitted by the vendor. The
1238 association must award the contract to the most responsible and
1239 responsive vendor. Any formal bid solicitation conducted by the
1240 association must be made available, upon request, to the
1241 department via electronic delivery.

1242 Section 24. Subsection (5) is added to section 631.821,
1243 Florida Statutes, to read:

1244 631.821 Powers and duties of the department; board
1245 contracts and purchases.—

1246 (5) (a) After July 1, 2024, all contracts entered into, and
1247 all purchases made by, the board pursuant to this section which

18-00861A-24

20241098__

1248 are valued at or more than \$100,000 must first be approved by
1249 the department. The department has 10 days to approve or deny
1250 the contract or purchase upon electronic receipt of the approval
1251 request. The contract or purchase is automatically approved if
1252 the department is nonresponsive.

1253 (b) All contracts and purchases valued at or more than
1254 \$100,000 require competition through a formal bid solicitation
1255 conducted by the board. The board must undergo a formal bid
1256 solicitation process. The formal bid solicitation process must
1257 include all of the following:

1258 1. The time and date for the receipt of bids, the
1259 proposals, and whether the board contemplates renewal of the
1260 contract, including the price for each year for which the
1261 contract may be renewed.

1262 2. All the contractual terms and conditions applicable to
1263 the procurement.

1264 (c) Evaluation of bids by the board must include
1265 consideration of the total cost for each year of the contract,
1266 including renewal years, as submitted by the vendor. The plan
1267 must award the contract to the most responsible and responsive
1268 vendor. Any formal bid solicitation conducted by the board must
1269 be made available, upon request, to the department via
1270 electronic delivery.

1271 Section 25. Section 631.921, Florida Statutes, is amended
1272 to read:

1273 631.921 Department powers; board contracts and purchases.-

1274 (1) The corporation shall be subject to examination by the
1275 department. By March 1 of each year, the board of directors
1276 shall cause a financial report to be filed with the department

18-00861A-24

20241098

1277 for the immediately preceding calendar year in a form approved
1278 by the department.

1279 (2) (a) After July 1, 2024, all contracts entered into, and
1280 all purchases made by, the board pursuant to this section which
1281 are valued at or more than \$100,000 must first be approved by
1282 the department. The department has 10 days to approve or deny
1283 the contract or purchase upon electronic receipt of the approval
1284 request. The contract or purchase is automatically approved if
1285 the department is nonresponsive.

1286 (b) All contracts and purchases valued at or more than
1287 \$100,000 require competition through a formal bid solicitation
1288 conducted by the board. The board must undergo a formal bid
1289 solicitation process. The formal bid solicitation process must
1290 include all of the following:

1291 1. The time and date for the receipt of bids, the
1292 proposals, and whether the board contemplates renewal of the
1293 contract, including the price for each year for which the
1294 contract may be renewed.

1295 2. All the contractual terms and conditions applicable to
1296 the procurement.

1297 (c) Evaluation of bids by the board must include
1298 consideration of the total cost for each year of the contract,
1299 including renewal years, as submitted by the vendor. The
1300 association must award the contract to the most responsible and
1301 responsive vendor. Any formal bid solicitation conducted by the
1302 association must be made available, upon request, to the
1303 department via electronic delivery.

1304 Section 26. Paragraph (b) of subsection (3) of section
1305 633.124, Florida Statutes, is amended to read:

18-00861A-24

20241098__

1306 633.124 Penalty for violation of law, rule, or order to
1307 cease and desist or for failure to comply with corrective
1308 order.—

1309 (3)

1310 (b) A person who initiates a pyrotechnic display within any
1311 structure commits a felony of the third degree, punishable as
1312 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1313 1. The structure has a fire protection system installed in
1314 compliance with s. 633.334.

1315 2. The owner of the structure has authorized in writing the
1316 pyrotechnic display.

1317 3. If the local jurisdiction requires a permit for the use
1318 of a pyrotechnic display in an occupied structure, such permit
1319 has been obtained and all conditions of the permit complied with
1320 or, if the local jurisdiction does not require a permit for the
1321 use of a pyrotechnic display in an occupied structure, the
1322 person initiating the display has complied with National Fire
1323 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1324 Standard for the Use of Pyrotechnics before a Proximate
1325 Audience.

1326 Section 27. Subsection (2) of section 633.202, Florida
1327 Statutes, is amended to read:

1328 633.202 Florida Fire Prevention Code.—

1329 (2) The State Fire Marshal shall adopt the current edition
1330 of the National Fire Protection Association's Standard 1, Fire
1331 Prevention Code but may not adopt a building, mechanical,
1332 accessibility, or plumbing code. The State Fire Marshal shall
1333 adopt the current edition of the Life Safety Code, NFPA 101,
1334 current editions, by reference. The State Fire Marshal may

18-00861A-24

20241098__

1335 modify the selected codes and standards as needed to accommodate
1336 the specific needs of the state. Standards or criteria in the
1337 selected codes shall be similarly incorporated by reference. The
1338 State Fire Marshal shall incorporate within sections of the
1339 Florida Fire Prevention Code provisions that address uniform
1340 firesafety standards as established in s. 633.206. The State
1341 Fire Marshal shall incorporate within sections of the Florida
1342 Fire Prevention Code provisions addressing regional and local
1343 concerns and variations.

1344 Section 28. Paragraph (b) of subsection (1) of section
1345 633.206, Florida Statutes, is amended to read:

1346 633.206 Uniform firesafety standards.—The Legislature
1347 hereby determines that to protect the public health, safety, and
1348 welfare it is necessary to provide for firesafety standards
1349 governing the construction and utilization of certain buildings
1350 and structures. The Legislature further determines that certain
1351 buildings or structures, due to their specialized use or to the
1352 special characteristics of the person utilizing or occupying
1353 these buildings or structures, should be subject to firesafety
1354 standards reflecting these special needs as may be appropriate.

1355 (1) The department shall establish uniform firesafety
1356 standards that apply to:

1357 (b) All new, existing, and proposed hospitals, nursing
1358 homes, assisted living facilities, adult family-care homes,
1359 correctional facilities, public schools, transient public
1360 lodging establishments, public food service establishments,
1361 mobile food dispensing vehicles, elevators, migrant labor camps,
1362 mobile home parks, lodging parks, recreational vehicle parks,
1363 recreational camps, residential and nonresidential child care

18-00861A-24

20241098__

1364 facilities, facilities for the developmentally disabled, motion
1365 picture and television special effects productions, tunnels,
1366 energy storage systems, and self-service gasoline stations, of
1367 which standards the State Fire Marshal is the final
1368 administrative interpreting authority.

1369

1370 In the event there is a dispute between the owners of the
1371 buildings specified in paragraph (b) and a local authority
1372 requiring a more stringent uniform firesafety standard for
1373 sprinkler systems, the State Fire Marshal shall be the final
1374 administrative interpreting authority and the State Fire
1375 Marshal's interpretation regarding the uniform firesafety
1376 standards shall be considered final agency action.

1377 Section 29. Paragraph (b) of subsection (8) of section
1378 634.041, Florida Statutes, is amended to read:

1379 634.041 Qualifications for license.—To qualify for and hold
1380 a license to issue service agreements in this state, a service
1381 agreement company must be in compliance with this part, with
1382 applicable rules of the commission, with related sections of the
1383 Florida Insurance Code, and with its charter powers and must
1384 comply with the following:

1385 (8)

1386 (b) A service agreement company does not have to establish
1387 and maintain an unearned premium reserve if it secures and
1388 maintains contractual liability insurance in accordance with the
1389 following:

1390 1. Coverage of 100 percent of the claim exposure is
1391 obtained from an insurer or insurers approved by the office,
1392 which hold ~~holds~~ a certificate of authority under s. 624.401 to

18-00861A-24

20241098__

1393 do business within this state, or secured through a risk
1394 retention groups ~~group~~, which are ~~is~~ authorized to do business
1395 within this state under s. 627.943 or s. 627.944. Such insurers
1396 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1397 as regards policyholders of at least \$15 million.

1398 2. If the service agreement company does not meet its
1399 contractual obligations, the contractual liability insurance
1400 policy binds its issuer to pay or cause to be paid to the
1401 service agreement holder all legitimate claims and cancellation
1402 refunds for all service agreements issued by the service
1403 agreement company while the policy was in effect. This
1404 requirement also applies to those service agreements for which
1405 no premium has been remitted to the insurer.

1406 3. If the issuer of the contractual liability policy is
1407 fulfilling the service agreements covered by the contractual
1408 liability policy and the service agreement holder cancels the
1409 service agreement, the issuer must make a full refund of
1410 unearned premium to the consumer, subject to the cancellation
1411 fee provisions of s. 634.121(3). The sales representative and
1412 agent must refund to the contractual liability policy issuer
1413 their unearned pro rata commission.

1414 4. The policy may not be canceled, terminated, or
1415 nonrenewed by the insurer or the service agreement company
1416 unless a 90-day written notice thereof has been given to the
1417 office by the insurer before the date of the cancellation,
1418 termination, or nonrenewal.

1419 5. The service agreement company must provide the office
1420 with the claims statistics.

1421 6. A policy issued in compliance with this paragraph may

18-00861A-24

20241098__

1422 either pay 100 percent of claims as they are incurred, or pay
1423 100 percent of claims due in the event of the failure of the
1424 service agreement company to pay such claims when due.

1425
1426 All funds or premiums remitted to an insurer by a motor vehicle
1427 service agreement company under this part shall remain in the
1428 care, custody, and control of the insurer and shall be counted
1429 as an asset of the insurer; provided, however, this requirement
1430 does not apply when the insurer and the motor vehicle service
1431 agreement company are affiliated companies and members of an
1432 insurance holding company system. If the motor vehicle service
1433 agreement company chooses to comply with this paragraph but also
1434 maintains a reserve to pay claims, such reserve shall only be
1435 considered an asset of the covered motor vehicle service
1436 agreement company and may not be simultaneously counted as an
1437 asset of any other entity.

1438 Section 30. Subsection (5) of section 634.081, Florida
1439 Statutes, is amended to read:

1440 634.081 Suspension or revocation of license; grounds.—

1441 (5) The office shall suspend or revoke the license of a
1442 company if it finds that the ratio of gross written premiums
1443 written to net assets exceeds 10 to 1 unless the company has in
1444 excess of \$750,000 in net assets and is utilizing contractual
1445 liability insurance which cedes 100 percent of the service
1446 agreement company's claims liabilities to the contractual
1447 liability insurers ~~insurer~~ or is utilizing contractual liability
1448 insurance which reimburses the service agreement company for 100
1449 percent of its paid claims. However, if a service agreement
1450 company has been licensed by the office in excess of 10 years,

18-00861A-24

20241098__

1451 is in compliance with all applicable provisions of this part,
1452 and has net assets at all times in excess of \$3 million that
1453 comply with the provisions of part II of chapter 625, such
1454 company may not exceed a ratio of gross written premiums written
1455 to net assets of 15 to 1.

1456 Section 31. Present subsection (5) of section 634.3077,
1457 Florida Statutes, is redesignated as subsection (6), a new
1458 subsection (5) is added to that section, and subsection (3) of
1459 that section is amended, to read:

1460 634.3077 Financial requirements.—

1461 (3) An association may ~~shall~~ not be required to set up an
1462 unearned premium reserve if it has purchased contractual
1463 liability insurance which demonstrates to the satisfaction of
1464 the office that 100 percent of its claim exposure is covered by
1465 such insurance. Such contractual liability insurance shall be
1466 obtained from an insurer or insurers that hold ~~holds~~ a
1467 certificate of authority to do business within the state or from
1468 an insurer or insurers approved by the office as financially
1469 capable of meeting the obligations incurred pursuant to the
1470 policy. For purposes of this subsection, the contractual
1471 liability policy shall contain the following provisions:

1472 (a) In the event that the home warranty association is
1473 unable to fulfill its obligation under its contracts issued in
1474 this state for any reason, including insolvency, bankruptcy, or
1475 dissolution, the contractual liability insurer will pay losses
1476 and unearned premiums under such plans directly to persons
1477 making claims under such contracts.

1478 (b) The insurer issuing the policy shall assume full
1479 responsibility for the administration of claims in the event of

18-00861A-24

20241098__

1480 the inability of the association to do so.

1481 (c) The policy may not be canceled or not renewed by ~~either~~
1482 the insurer or the association unless 60 days' written notice
1483 thereof has been given to the office by the insurer before the
1484 date of such cancellation or nonrenewal.

1485 (d) The contractual liability insurance policy shall insure
1486 all home warranty contracts that were issued while the policy
1487 was in effect whether or not the premium has been remitted to
1488 the insurer.

1489 (5) An association licensed under this part is not required
1490 to establish an unearned premium reserve or maintain contractual
1491 liability insurance and may allow its premiums to exceed the
1492 ratio to net assets limitation of this section if the
1493 association complies with the following:

1494 (a) The association or, if the association is a direct or
1495 indirect wholly owned subsidiary of a parent corporation, its
1496 parent corporation has, and maintains at all times, a minimum
1497 net worth of at least \$100 million and provides the office with
1498 the following:

1499 1. A copy of the association's annual audited financial
1500 statements or the audited consolidated financial statements of
1501 the association's parent corporation, prepared by an independent
1502 certified public accountant in accordance with generally
1503 accepted accounting principles, which clearly demonstrate the
1504 net worth of the association or its parent corporation to be
1505 \$100 million, and a quarterly written certification to the
1506 office that the association or its parent corporation continues
1507 to maintain the net worth required under this paragraph.

1508 2. The association's or its parent corporation's Form 10-K,

18-00861A-24

20241098__

1509 Form 10-Q, or Form 20-F as filed with the United States
1510 Securities and Exchange Commission or such other documents
1511 required to be filed with a recognized stock exchange, which
1512 shall be provided on a quarterly and annual basis within 10 days
1513 after the last date each such report must be filed with the
1514 Securities and Exchange Commission, the National Association of
1515 Security Dealers Automated Quotation system, or other recognized
1516 stock exchange.

1517
1518 Failure to timely file the documents required under this
1519 paragraph may, at the discretion of the office, subject the
1520 association to suspension or revocation of its license under
1521 this part.

1522 (b) If the net worth of a parent corporation is used to
1523 satisfy the net worth provisions of paragraph (a), the following
1524 provisions must be met:

1525 1. The parent corporation must guarantee all service
1526 warranty obligations of the association, wherever written, on a
1527 form approved in advance by the office. A cancellation,
1528 termination, or modification of the guarantee does not become
1529 effective unless the parent corporation provides the office
1530 written notice at least 90 days before the effective date of the
1531 cancellation, termination, or modification and the office
1532 approves the request in writing. Before the effective date of
1533 the cancellation, termination, or modification of the guarantee,
1534 the association must demonstrate to the satisfaction of the
1535 office compliance with all applicable provisions of this part,
1536 including whether the association will meet the requirements of
1537 this section by the purchase of contractual liability insurance,

18-00861A-24

20241098__

1538 establishing required reserves, or other method allowed under
1539 this section. If the association or parent corporation does not
1540 demonstrate to the satisfaction of the office compliance with
1541 all applicable provisions of this part, the association or
1542 parent association shall immediately cease writing new and
1543 renewal business upon the effective date of the cancellation,
1544 termination, or modification.

1545 2. The association must maintain at all times net assets of
1546 at least \$750,000.

1547 Section 32. Section 634.317, Florida Statutes, is amended
1548 to read:

1549 634.317 License and appointment required.—No person may
1550 solicit, negotiate, or effectuate home warranty contracts for
1551 remuneration in this state unless such person is licensed and
1552 appointed as a sales representative. A licensed and appointed
1553 sales representative shall be directly responsible and
1554 accountable for all acts of the licensee's employees. An agent
1555 or employee of a municipal or county government is exempt from
1556 these licensing and appointment requirements.

1557 Section 33. Present subsection (9) of section 648.25,
1558 Florida Statutes, is redesignated as subsection (10), and a new
1559 subsection (9) and subsection (11) are added to that section, to
1560 read:

1561 648.25 Definitions.—As used in this chapter, the term:

1562 (9) "Referring bail bond agent" is the limited surety agent
1563 who is appointed with the surety company issuing the transfer
1564 bond that is to be posted in a county where the referring
1565 limited surety agent is not registered. The referring bail bond
1566 agent is the appointed agent held liable for the transfer bond,

18-00861A-24

20241098__

1567 along with the issuing surety company.

1568 (11) "Transfer bond" means the appearance bond and power of
1569 attorney form posted by a limited surety agent who is registered
1570 in the county where the defendant is being held in custody, and
1571 who is appointed to represent the same surety company issuing
1572 the appearance bond as the referring bail bond agent.

1573 Section 34. Subsection (3) of section 648.26, Florida
1574 Statutes, is amended to read:

1575 648.26 Department of Financial Services; administration.—

1576 (3) The papers, documents, reports, or any other
1577 investigatory records of the department are confidential and
1578 exempt from s. 119.07(1) until such investigation is completed
1579 or ceases to be active, unless the department or office files a
1580 formal administrative complaint, emergency order, or consent
1581 order against the individual or entity. For the purpose of this
1582 section, an investigation is considered active while the
1583 investigation is being conducted by the department with a
1584 reasonable, good faith belief that it may lead to the filing of
1585 administrative, civil, or criminal proceedings. An investigation
1586 does not cease to be active if the department is proceeding with
1587 reasonable dispatch and there is good faith belief that action
1588 may be initiated by the department or other administrative or
1589 law enforcement agency. This subsection does not prevent the
1590 department or office from disclosing the content of a complaint
1591 or such information as it deems necessary to conduct the
1592 investigation, to update the complainant as to the status and
1593 outcome of the complaint, to review the details of the
1594 investigation with the subject or the subject's representative,
1595 or to share such information with any law enforcement agency or

18-00861A-24

20241098__

1596 other regulatory body.

1597 Section 35. Paragraph (a) of subsection (1) of section
1598 648.30, Florida Statutes, is amended to read:

1599 648.30 Licensure and appointment required; prohibited acts;
1600 penalties.—

1601 (1) (a) A person or entity may not act in the capacity of a
1602 bail bond agent or bail bond agency or perform any of the
1603 functions, duties, or powers prescribed for bail bond agents or
1604 bail bond agencies under this chapter unless that person or
1605 entity is qualified, licensed, and appointed as provided in this
1606 chapter ~~and employed by a bail bond agency.~~

1607 Section 36. Subsection (1) of section 648.355, Florida
1608 Statutes, is amended to read:

1609 648.355 Limited surety agents and professional bail bond
1610 agents; qualifications.—

1611 (1) The applicant shall furnish, with the application for
1612 license, a complete set of the applicant's fingerprints in
1613 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1614 ~~fullface photograph of the applicant.~~ The department may not
1615 issue a license under this section until the department has
1616 received a report from the Department of Law Enforcement and the
1617 Federal Bureau of Investigation relative to the existence or
1618 nonexistence of a criminal history report based on the
1619 applicant's fingerprints.

1620 Section 37. Subsection (3) of section 648.43, Florida
1621 Statutes, is amended to read:

1622 648.43 Power of attorney; approval by office; filing of
1623 copies; notification of transfer bond.—

1624 (3) Every bail bond agent who executes or countersigns a

18-00861A-24

20241098__

1625 transfer bond shall indicate in writing on the bond the name,
1626 ~~and~~ address, and license number of the referring bail bond
1627 agent.

1628 Section 38. Section 717.101, Florida Statutes, is amended
1629 to read:

1630 717.101 Definitions.—As used in this chapter, unless the
1631 context otherwise requires:

1632 (1) "Aggregate" means the amounts reported for owners of
1633 unclaimed property of less than \$50 or where there is no name
1634 for the individual or entity listed on the holder's records,
1635 regardless of the amount to be reported.

1636 (2) "Apparent owner" means the person whose name appears on
1637 the records of the holder as the person entitled to property
1638 held, issued, or owing by the holder.

1639 (3) "Audit" means an action or proceeding to examine and
1640 verify a person's records, books, accounts, and other documents
1641 to ascertain and determine compliance with this chapter.

1642 (4) "Audit agent" means a person with whom the department
1643 enters into a contract with to conduct an audit or examination.
1644 The term includes an independent contractor of the person and
1645 each individual participating in the audit on behalf of the
1646 person or contractor.

1647 (5) ~~(3)~~ "Banking organization" means any and all banks,
1648 trust companies, private bankers, savings banks, industrial
1649 banks, safe-deposit companies, savings and loan associations,
1650 credit unions, and investment companies in this state, organized
1651 under or subject to the laws of this state or of the United
1652 States, including entities organized under 12 U.S.C. s. 611, but
1653 does not include Federal Reserve Banks. The term also includes

18-00861A-24

20241098__

1654 any corporation, business association, or other organization
1655 that:

1656 (a) Is a wholly or partially owned subsidiary of any
1657 banking, banking corporation, or bank holding company that
1658 performs any or all of the functions of a banking organization;
1659 or

1660 (b) Performs functions pursuant to the terms of a contract
1661 with any banking organization ~~state or national bank,~~
1662 ~~international banking entity or similar entity, trust company,~~
1663 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
1664 ~~company, private bank, or any organization otherwise defined by~~
1665 ~~law as a bank or banking organization.~~

1666 (6) ~~(4)~~ "Business association" means any for-profit or
1667 nonprofit corporation other than a public corporation; joint
1668 stock company; investment company; unincorporated association or
1669 association of two or more individuals for business purposes,
1670 whether or not for profit; partnership; joint venture; limited
1671 liability company; sole proprietorship; business trust; trust
1672 company; land bank; safe-deposit company; safekeeping
1673 depository; financial organization; insurance company; federally
1674 chartered entity; utility company; or other business entity,
1675 whether or not for profit ~~corporation (other than a public~~
1676 ~~corporation), joint stock company, investment company, business~~
1677 ~~trust, partnership, limited liability company, or association of~~
1678 ~~two or more individuals for business purposes, whether for~~
1679 ~~profit or not for profit.~~

1680 (7) ~~(5)~~ "Claimant" means the person on whose behalf a claim
1681 is filed.

1682 (8) "Claimant's representative" means an attorney who is a

18-00861A-24

20241098

1683 member in good standing of The Florida Bar, a certified public
1684 accountant licensed in this state, or private investigator who
1685 is duly licensed to do business in the state, registered with
1686 the department, and authorized by the claimant to claim
1687 unclaimed property on the claimant's behalf. The term does not
1688 include a person acting in a representative capacity, such as a
1689 personal representative, guardian, trustee, or attorney, whose
1690 representation is not contingent upon the discovery or location
1691 of unclaimed property; provided, however, that any agreement
1692 entered into for the purpose of evading s. 717.135 is invalid
1693 and unenforceable.

1694 (9)~~(6)~~ "Credit balance" means an account balance in the
1695 customer's favor.

1696 (10)~~(7)~~ "Department" means the Department of Financial
1697 Services.

1698 (11)~~(8)~~ "Domicile" means the state of incorporation for a
1699 corporation; the state of filing for a business association,
1700 other than a corporation, whose formation or organization
1701 requires a filing with a state; the state of organization for a
1702 business association, other than a corporation, whose formation
1703 or organization does not require a filing with a state; or the
1704 state of home office for a federally chartered entity ~~incorporated~~
1705 ~~under the laws of a state, or, for an unincorporated business~~
1706 ~~association, the state where the business association is~~
1707 ~~organized.~~

1708 (12)~~(9)~~ "Due diligence" means the use of reasonable and
1709 prudent methods under particular circumstances to locate
1710 apparent owners of inactive accounts using the taxpayer
1711 identification number or social security number, if known, which

18-00861A-24

20241098__

1712 may include, but are not limited to, using a nationwide
1713 database, cross-indexing with other records of the holder,
1714 mailing to the last known address unless the last known address
1715 is known to be inaccurate, providing written notice as described
1716 in this chapter by electronic mail if an apparent owner has
1717 elected such delivery, or engaging a licensed agency or company
1718 capable of conducting such search and providing updated
1719 addresses.

1720 (13) "Electronic" means relating to technology having
1721 electrical, digital, magnetic, wireless, optical,
1722 electromagnetic, or similar capabilities.

1723 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~
1724 savings association, savings and loan association, savings bank,
1725 industrial bank, bank, banking organization, trust company,
1726 international bank agency, cooperative bank, building and loan
1727 association, or credit union.

1728 (15)~~(11)~~ "Health care provider" means any state-licensed
1729 entity that provides and receives payment for health care
1730 services. These entities include, but are not limited to,
1731 hospitals, outpatient centers, physician practices, and skilled
1732 nursing facilities.

1733 (16)~~(12)~~ "Holder" means:

1734 (a) A person, ~~wherever organized or domiciled,~~ who is in
1735 possession or control or has custody of property or the rights
1736 to property belonging to another; is indebted to another on an
1737 obligation; or is obligated to hold for the account of, or to
1738 deliver or pay to, the owner, property subject to this chapter;
1739 or

1740 ~~(a) In possession of property belonging to another;~~

18-00861A-24

20241098__

- 1741 (b) A trustee in case of a trust, ~~or~~
1742 ~~(c) Indebted to another on an obligation.~~
- 1743 (17)~~(13)~~ "Insurance company" means an association,
1744 corporation, or fraternal or mutual benefit organization,
1745 whether for profit or not for profit, which is engaged in
1746 providing insurance coverage.
- 1747 (18)~~(14)~~ "Intangible property" means an item of value that
1748 cannot be touched or physically held. The term includes, but is
1749 not limited to includes, by way of illustration and not
1750 limitation:
- 1751 (a) Moneys, checks, virtual currency, drafts, deposits,
1752 interest, dividends, and income.
- 1753 (b) Credit balances, customer overpayments, security
1754 deposits and other instruments as defined by chapter 679,
1755 refunds, unpaid wages, unused airline tickets, and unidentified
1756 remittances.
- 1757 (c) Stocks, and other intangible ownership interests in
1758 business associations.
- 1759 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1760 original issue discount bonds, coupons, and other securities, or
1761 to make distributions.
- 1762 (e) Amounts due and payable under the terms of insurance
1763 policies.
- 1764 (f) Amounts distributable from a trust or custodial fund
1765 established under a plan to provide any health, welfare,
1766 pension, vacation, severance, retirement, death, stock purchase,
1767 profit sharing, employee savings, supplemental unemployment
1768 insurance, or similar benefit.
- 1769 (19)~~(15)~~ "Last known address" means a description of the

18-00861A-24

20241098__

1770 location of the apparent owner sufficient for the purpose of the
1771 delivery of mail. For the purposes of identifying, reporting,
1772 and remitting property to the department which is presumed to be
1773 unclaimed, "last known address" includes any partial description
1774 of the location of the apparent owner sufficient to establish
1775 the apparent owner was a resident of this state at the time of
1776 last contact with the apparent owner or at the time the property
1777 became due and payable.

1778 (20)~~(16)~~ "Lawful charges" means charges against dormant
1779 accounts that are authorized by statute for the purpose of
1780 offsetting the costs of maintaining the dormant account.

1781 (21)~~(17)~~ "Managed care payor" means a health care plan that
1782 has a defined system of selecting and limiting health care
1783 providers as evidenced by a managed care contract with the
1784 health care providers. These plans include, but are not limited
1785 to, managed care health insurance companies and health
1786 maintenance organizations.

1787 (22)~~(18)~~ "Owner" means a person, or the person's legal
1788 representative, entitled to receive or having a legal or
1789 equitable interest in or claim against property subject to this
1790 chapter; a depositor in the case of a deposit; a beneficiary in
1791 the case of a trust or a deposit in trust; or a payee in the
1792 case of a negotiable instrument or other intangible property ~~a~~
1793 ~~depositor in the case of a deposit, a beneficiary in the case of~~
1794 ~~a trust or a deposit in trust, or a payee in the case of other~~
1795 ~~intangible property, or a person having a legal or equitable~~
1796 ~~interest in property subject to this chapter or his or her legal~~
1797 ~~representative.~~

1798 (23) "Person" means an individual; estate; business

18-00861A-24

20241098__

1799 association; corporation; firm; association; joint adventure;
1800 partnership; government or governmental subdivision, agency, or
1801 instrumentality; or any other legal or commercial entity.

1802 (24)~~(19)~~ "Public corporation" means a corporation created
1803 by the state, founded and owned in the public interest,
1804 supported by public funds, and governed by those deriving their
1805 power from the state.

1806 (25) "Record" means information that is inscribed on a
1807 tangible medium or that is stored in an electronic or other
1808 medium and is retrievable in perceivable form.

1809 (26)~~(20)~~ "Reportable period" means the calendar year ending
1810 December 31 of each year.

1811 (27)~~(21)~~ "State," when applied to a part of the United
1812 States, includes any state, district, commonwealth, territory,
1813 insular possession, and any other area subject to the
1814 legislative authority of the United States.

1815 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1816 defined in s. 736.0103.

1817 ~~(23) "Ultimate equitable owner" means a natural person who,~~
1818 ~~directly or indirectly, owns or controls an ownership interest~~
1819 ~~in a corporation, a foreign corporation, an alien business~~
1820 ~~organization, or any other form of business organization,~~
1821 ~~regardless of whether such natural person owns or controls such~~
1822 ~~ownership interest through one or more natural persons or one or~~
1823 ~~more proxies, powers of attorney, nominees, corporations,~~
1824 ~~associations, partnerships, trusts, joint stock companies, or~~
1825 ~~other entities or devices, or any combination thereof.~~

1826 (29) "Unclaimed Property Purchase Agreement" means the form
1827 adopted by the department pursuant to s. 717.135 which must be

18-00861A-24

20241098__

1828 used, without modification or amendment, by a claimant's
1829 representative to purchase unclaimed property from an owner.

1830 (30) "Unclaimed Property Recovery Agreement" means the form
1831 adopted by the department pursuant to s. 717.135 which must be
1832 used, without modification or amendment, by a claimant's
1833 representative to obtain an owner's consent and authority to
1834 recover unclaimed property on the owner's behalf.

1835 (31)~~(24)~~ "United States" means any state, district,
1836 commonwealth, territory, insular possession, and any other area
1837 subject to the legislative authority of the United States of
1838 America.

1839 (32)~~(25)~~ "Utility" means a person who owns or operates, for
1840 public use, any plant, equipment, property, franchise, or
1841 license for the transmission of communications or the
1842 production, storage, transmission, sale, delivery, or furnishing
1843 of electricity, water, steam, or gas.

1844 (33) (a) "Virtual currency" means digital units of exchange
1845 that:

1846 1. Have a centralized repository or administrator;
1847 2. Are decentralized and have no centralized repository or
1848 administrator; or
1849 3. May be created or obtained by computing or manufacturing
1850 effort.

1851 (b) The term does not include any of the following:

1852 1. Digital units that:

1853 a. Are used solely within online gaming platforms;

1854 b. Have no market or application outside of the online
1855 gaming platforms in sub-subparagraph a.;

1856 c. Cannot be converted into, or redeemed for, fiat currency

18-00861A-24

20241098__

1857 or virtual currency; and

1858 d. Can or cannot be redeemed for real-world goods,

1859 services, discounts, or purchases.

1860 2. Digital units that can be redeemed for:

1861 a. Real-world goods, services, discounts, or purchases as

1862 part of a customer affinity or rewards program with the issuer

1863 or other designated merchants; or

1864 b. Digital units in another customer affinity or rewards

1865 program, but cannot be converted into, or redeemed for, fiat

1866 currency or virtual currency.

1867 3. Digital units used as part of prepaid cards.

1868 Section 39. Subsections (3) and (4) are added to section

1869 717.102, Florida Statutes, to read:

1870 717.102 Property presumed unclaimed; general rule.—

1871 (3) A presumption that property is unclaimed is rebutted by

1872 an apparent owner's expression of interest in the property. An

1873 owner's expression of interest in property includes:

1874 (a) A record communicated by the apparent owner to the

1875 holder or agent of the holder concerning the property or the

1876 account in which the property is held;

1877 (b) An oral communication by the apparent owner to the

1878 holder or agent of the holder concerning the property or the

1879 account in which the property is held, if the holder or its

1880 agent contemporaneously makes and preserves a record of the fact

1881 of the apparent owner's communication;

1882 (c) Presentment of a check or other instrument of payment

1883 of a dividend, interest payment, or other distribution, with

1884 respect to an account, underlying security, or interest in a

1885 business association;

18-00861A-24

20241098__

1886 (d) Activity directed by an apparent owner in the account
1887 in which the property is held, including accessing the account
1888 or information concerning the account, or a direction by the
1889 apparent owner to increase, decrease, or otherwise change the
1890 amount or type of property held in the account;

1891 (e) A deposit into or withdrawal from an account at a
1892 financial organization, excluding an automatic deposit or
1893 withdrawal previously authorized by the apparent owner or an
1894 automatic reinvestment of dividends or interest, which does not
1895 constitute an expression of interest; or

1896 (f) Any other action by the apparent owner which reasonably
1897 demonstrates to the holder that the apparent owner knows that
1898 the property exists.

1899 (4) A deceased owner is incapable of expressing an interest
1900 in property.

1901 Section 40. Subsection (5) of section 717.106, Florida
1902 Statutes, is amended to read:

1903 717.106 Bank deposits and funds in financial
1904 organizations.—

1905 (5) If the documents establishing a deposit described in
1906 subsection (1) state the address of a beneficiary of the
1907 deposit, and the account has a value of at least \$50, notice
1908 shall be given to the beneficiary as provided for notice to the
1909 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
1910 subsection shall apply to accounts opened on or after October 1,
1911 1990.

1912 Section 41. Section 717.1065, Florida Statutes, is created
1913 to read:

1914 717.1065 Virtual currency.—

18-00861A-24

20241098__

1915 (1) Any virtual currency held or owing by a banking
1916 organization, corporation, custodian, exchange, or other entity
1917 engaged in virtual currency business activity is presumed
1918 unclaimed unless the owner, within 5 years, has communicated in
1919 writing with the banking organization, corporation, custodian,
1920 exchange, or other entity engaged in virtual currency business
1921 activity concerning the virtual currency or otherwise indicated
1922 an interest as evidenced by a memorandum or other record on file
1923 with the banking organization, corporation, custodian, exchange,
1924 or other entity engaged in virtual currency business activity.

1925 (2) A holder may not deduct from the amount of any
1926 instrument subject to this section any charges imposed by reason
1927 of the failure to present the instrument for encashment unless
1928 there is a valid and enforceable written contract between the
1929 holder and the owner of the instrument pursuant to which the
1930 holder may impose those charges and does not regularly reverse
1931 or otherwise cancel those charges with respect to the
1932 instrument.

1933 Section 42. Paragraph (a) of subsection (1) of section
1934 717.1101, Florida Statutes, is amended to read:

1935 717.1101 Unclaimed equity and debt of business
1936 associations.—

1937 (1) (a) Stock or other equity interest in a business
1938 association is presumed unclaimed on the date of ~~3 years after~~
1939 the earliest of the following:

1940 1. Three years after ~~The date of~~ the most recent of any
1941 owner-generated activity or communication related to the
1942 account, as recorded and maintained in the holder's database and
1943 records systems sufficient enough to demonstrate the owner's

18-00861A-24

20241098__

1944 ~~continued awareness or interest in the property dividend, stock~~
 1945 ~~split, or other distribution unclaimed by the apparent owner;~~

1946 2. Three years after the date of the death of the owner, as
 1947 evidenced by: The date of a statement of account or other
 1948 notification or communication that was returned as
 1949 undeliverable; or

1950 a. Notice to the holder of the owner's death by an
 1951 administrator, beneficiary, relative, or trustee, or by a
 1952 personal representative or other legal representative of the
 1953 owner's estate;

1954 b. Receipt by the holder of a copy of the death certificate
 1955 of the owner;

1956 c. Confirmation by the holder of the owner's death through
 1957 other means; or

1958 d. Other evidence from which the holder may reasonably
 1959 conclude that the owner is deceased; or

1960 3. One year after the date on which the holder receives
 1961 notice under subparagraph 2. if the notice is received 2 years
 1962 or less after the owner's death and the holder lacked knowledge
 1963 of the owner's death during that period of 2 years or less ~~The~~
 1964 ~~date the holder discontinued mailings, notifications, or~~
 1965 ~~communications to the apparent owner.~~

1966 Section 43. Subsection (1) of section 717.112, Florida
 1967 Statutes, is amended to read:

1968 717.112 Property held by agents and fiduciaries.—

1969 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
 1970 intangible property and any income or increment thereon held in
 1971 a fiduciary capacity for the benefit of another person,
 1972 including property held by an attorney in fact or an agent,

18-00861A-24

20241098__

1973 except as provided in ss. 717.1125 and 733.816, is presumed
 1974 unclaimed unless the owner has within 5 years after it has
 1975 become payable or distributable increased or decreased the
 1976 principal, accepted payment of principal or income, communicated
 1977 in writing concerning the property, or otherwise indicated an
 1978 interest as evidenced by a memorandum or other record on file
 1979 with the fiduciary.

1980 Section 44. Section 717.117, Florida Statutes, is amended
 1981 to read:

1982 717.117 Report of unclaimed property.-

1983 (1) Every person holding funds or other property, tangible
 1984 or intangible, presumed unclaimed and subject to custody as
 1985 unclaimed property under this chapter shall report to the
 1986 department ~~on such forms as the department may prescribe by~~
 1987 ~~rule. In lieu of forms, a report identifying 25 or more~~
 1988 ~~different apparent owners must be submitted by the holder via~~
 1989 electronic medium as the department may prescribe by rule. The
 1990 report must include:

1991 (a) ~~Except for traveler's checks and money orders,~~ The
 1992 name, social security number or taxpayer identification number,
 1993 ~~and date of birth, if known,~~ and last known address, ~~if any,~~ of
 1994 each person appearing from the records of the holder to be the
 1995 owner of any property which is presumed unclaimed and which has
 1996 a value of \$10 ~~\$50~~ or more.

1997 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
 1998 or more held or owing under any life or endowment insurance
 1999 policy or annuity contract, the identifying information provided
 2000 in paragraph (a) for both full name, taxpayer identification
 2001 ~~number or social security number, date of birth, if known, and~~

18-00861A-24

20241098__

2002 ~~last known address of the insured or annuitant and of the~~
2003 beneficiary according to records of the insurance company
2004 holding or owing the funds.

2005 (c) For all tangible property held in a safe-deposit box or
2006 other safekeeping repository, a description of the property and
2007 the place where the property is held and may be inspected by the
2008 department, and any amounts owing to the holder. Contents of a
2009 safe-deposit box or other safekeeping repository which consist
2010 of documents or writings of a private nature and which have
2011 little or no apparent value shall not be presumed unclaimed.

2012 (d) The nature or type of property, any accounting or ~~and~~
2013 identifying number associated with the property, a if any, or
2014 description of the property, and the amount appearing from the
2015 records to be due. Items of value under \$10 ~~\$50~~ each may be
2016 reported in the aggregate.

2017 (e) The date the property became payable, demandable, or
2018 returnable, and the date of the last transaction with the
2019 apparent owner with respect to the property.

2020 (f) Any other information the department may prescribe by
2021 rule as necessary for the administration of this chapter.

2022 (2) If the total value of all presumed unclaimed property,
2023 whether tangible or intangible, held by a person is less than
2024 \$10, a zero balance report may be filed for that reporting
2025 period.

2026 ~~(f) Any person or business association or public~~
2027 ~~corporation holding funds presumed unclaimed and having a total~~
2028 ~~value of \$10 or less may file a zero balance report for that~~
2029 ~~reporting period. The balance brought forward to the new~~
2030 ~~reporting period is zero.~~

18-00861A-24

20241098__

2031 ~~(g) Such other information as the department may prescribe~~
2032 ~~by rule as necessary for the administration of this chapter.~~

2033 (3)~~(h)~~ Credit balances, customer overpayments, security
2034 deposits, and refunds having a value of less than \$10 shall not
2035 be presumed unclaimed.

2036 (4)~~(2)~~ If the holder of property presumed unclaimed and
2037 subject to custody as unclaimed property is a successor holder
2038 or if the holder has changed the holder's name while in
2039 possession of the property, the holder shall file with the
2040 holder's report all known names and addresses of each prior
2041 holder of the property. Compliance with this subsection means
2042 the holder exercises reasonable and prudent efforts to determine
2043 the names of all prior holders.

2044 (5)~~(3)~~ The report must be filed before May 1 of each year.
2045 The report shall apply to the preceding calendar year. On
2046 written request by any person required to file a report, and
2047 upon a showing of good cause, the department may extend the
2048 reporting date. The department may impose and collect a penalty
2049 of \$10 per day up to a maximum of \$500 for the failure to timely
2050 report, if an extension was not provided or if the holder of the
2051 property failed the failure to include in a report information
2052 required by this chapter which was in the holder's possession at
2053 the time of reporting. The penalty shall be remitted to the
2054 department within 30 days after the date of the notification to
2055 the holder that the penalty is due and owing. As necessary for
2056 proper administration of this chapter, the department may waive
2057 any penalty due with appropriate justification. ~~On written~~
2058 ~~request by any person required to file a report and upon a~~
2059 ~~showing of good cause, the department may postpone the reporting~~

18-00861A-24

20241098__

2060 ~~date.~~ The department must provide information contained in a
2061 report filed with the department to any person requesting a copy
2062 of the report or information contained in a report, to the
2063 extent the information requested is not confidential, within 45
2064 days after the department determines that the report has been
2065 ~~processed and added to the unclaimed property database~~
2066 ~~subsequent to a determination that the report is accurate and~~
2067 acceptable and that the reported property is the same as the
2068 remitted property.

2069 (6)-(4) Holders of inactive accounts having a value of \$50
2070 or more shall use due diligence to locate and notify apparent
2071 owners that the entity is holding unclaimed property available
2072 for them to recover. Not more than 120 days and not less than 60
2073 days prior to filing the report required by this section, the
2074 holder in possession of property presumed unclaimed and subject
2075 to custody as unclaimed property under this chapter shall send
2076 written notice by first-class United States mail to the apparent
2077 owner at the apparent owner's last known address from the
2078 holder's records or from other available sources, or via
2079 electronic mail if the apparent owner has elected this method of
2080 delivery, informing the apparent owner that the holder is in
2081 possession of property subject to this chapter, if the holder
2082 has in its records a mailing or electronic ~~an~~ address for the
2083 apparent owner which the holder's records do not disclose to be
2084 inaccurate. These two means of contact are not mutually
2085 exclusive; if the mailing address is determined to be
2086 inaccurate, electronic mail may be used if so elected by the
2087 apparent owner.

2088 (7) The written notice to the apparent owner required under

18-00861A-24

20241098__

2089 this section must:

2090 (a) Contain a heading that reads substantially as follows:
2091 "Notice. The State of Florida requires us to notify you that
2092 your property may be transferred to the custody of the Florida
2093 Department of Financial Services if you do not contact us before
2094 (insert date that is 30 days after the date of notice)."

2095 (b) Identify the type, nature, and, except for property
2096 that does not have a fixed value, value of the property that is
2097 the subject of the notice.

2098 (c) State that the property will be turned over to the
2099 custody of the department if no response is received within 30
2100 days after the date of the notice.

2101 (d) State that any property that is not legal tender of the
2102 United States may be sold or liquidated by the department.

2103 (e) State that after the property is turned over to the
2104 department, an apparent owner seeking return of the property may
2105 file a claim with the department.

2106 (f) State that the property is currently with a holder and
2107 provide instructions that the apparent owner must follow to
2108 prevent the holder from reporting and paying for the property or
2109 from delivering the property to the department.

2110 (8)~~(5)~~ Any holder of intangible property may file with the
2111 department a petition for determination that the property is
2112 unclaimed requesting the department to accept custody of the
2113 property. The petition shall state any special circumstances
2114 that exist, contain the information required by subsection (4)
2115 ~~(2)~~, and show that a diligent search has been made to locate the
2116 owner. If the department finds that the proof of diligent search
2117 is satisfactory, it shall give notice as provided in s. 717.118

18-00861A-24

20241098__

2118 and accept custody of the property.

2119 (9)~~(6)~~ Upon written request by any entity or person
2120 required to file a report, stating such entity's or person's
2121 justification for such action, the department may place that
2122 entity or person in an inactive status as an unclaimed property
2123 "holder."

2124 (10)~~(7)~~(a) This section does not apply to the unclaimed
2125 patronage refunds as provided for by contract or through bylaw
2126 provisions of entities organized under chapter 425 or that are
2127 exempt from ad valorem taxation pursuant to s. 196.2002.

2128 (b) This section does not apply to intangible property
2129 held, issued, or owing by a business association subject to the
2130 jurisdiction of the United States Surface Transportation Board
2131 or its successor federal agency if the apparent owner of such
2132 intangible property is a business association. The holder of
2133 such property does not have any obligation to report, to pay, or
2134 to deliver such property to the department.

2135 (c) This section does not apply to credit balances,
2136 overpayments, refunds, or outstanding checks owed by a health
2137 care provider to a managed care payor with whom the health care
2138 provider has a managed care contract, provided that the credit
2139 balances, overpayments, refunds, or outstanding checks become
2140 due and owing pursuant to the managed care contract.

2141 (11)~~(8)~~(a) As used in this subsection, the term "property
2142 identifier" means the descriptor used by the holder to identify
2143 the unclaimed property.

2144 (b) Social security numbers and property identifiers
2145 contained in reports required under this section, held by the
2146 department, are confidential and exempt from s. 119.07(1) and s.

18-00861A-24

20241098__

2147 24(a), Art. I of the State Constitution.

2148 (c) This exemption applies to social security numbers and
2149 property identifiers held by the department before, on, or after
2150 the effective date of this exemption.

2151 Section 45. Present subsections (4), (5), and (6) of
2152 section 717.119, Florida Statutes, are redesignated as
2153 subsections (5), (6), and (7), respectively, and a new
2154 subsection (4) and subsection (8) are added to that section, to
2155 read:

2156 717.119 Payment or delivery of unclaimed property.—

2157 (4) All virtual currency reported under this chapter on the
2158 annual report filing required in s. 717.117 shall be remitted to
2159 the department with the report. The holder shall liquidate the
2160 virtual currency and remit the proceeds to the department. The
2161 liquidation must occur within 30 days before the filing of the
2162 report. Upon delivery of the virtual currency proceeds to the
2163 department, the holder is relieved of all liability of every
2164 kind in accordance with the provisions of s. 717.1201 to every
2165 person for any losses or damages resulting to the person by the
2166 delivery to the department of the virtual currency proceeds.

2167 (8) A holder may not assign or otherwise transfer its
2168 obligation to report, pay, or deliver property or to comply with
2169 the provisions of this chapter, other than to a parent,
2170 subsidiary, or affiliate of the holder.

2171 (a) Unless otherwise agreed to by the parties to a
2172 transaction, the holder's successor by merger or consolidation,
2173 or any person or entity that acquires all or substantially all
2174 of the holder's capital stock or assets, is responsible for
2175 fulfilling the holder's obligation to report, pay, or deliver

18-00861A-24

20241098__

2176 property or to comply with the duties of this chapter regarding
2177 the transfer of property owed to the holder's successor and
2178 being held for an owner resulting from the merger,
2179 consolidation, or acquisition.

2180 (b) This subsection does not prohibit a holder from
2181 contracting with a third party for the reporting of unclaimed
2182 property, but the holder remains responsible to the department
2183 for the complete, accurate, and timely reporting of the
2184 property.

2185 Section 46. Section 717.1201, Florida Statutes, is amended
2186 to read:

2187 717.1201 Custody by state; holder ~~relieved from~~ liability;
2188 reimbursement of holder paying claim; reclaiming for owner;
2189 ~~defense of holder;~~ payment of safe-deposit box or repository
2190 charges.-

2191 (1) Upon the good faith payment or delivery of property to
2192 the department, the state assumes custody and responsibility for
2193 the safekeeping of property. Any person who pays or delivers
2194 property to the department in good faith is relieved of all
2195 liability to the extent of the value of the property paid or
2196 delivered for any claim then existing or which thereafter may
2197 arise or be made in respect to the property.

2198 (a) A holder's substantial compliance with s. 717.117(4)
2199 and good faith payment or delivery of property to the department
2200 terminates any legal relationship between the holder and the
2201 owner with respect to the property reported and releases and
2202 discharges the holder from any and all liability to the owner,
2203 the owner's heirs, personal representatives, successors, or
2204 assigns by reason of such payment or delivery, regardless of

18-00861A-24

20241098__

2205 whether such property is in fact and in law abandoned property,
2206 and such delivery and payment may be plead as a bar to recovery
2207 and are a conclusive defense in any suit or action brought by
2208 the owner, the owner's heirs, personal representatives,
2209 successors, and assigns or any claimant against the holder by
2210 reason of such delivery or payment.

2211 (b) If the holder pays or delivers property to the
2212 department in good faith and thereafter any other person claims
2213 the property from the holder paying or delivering, or another
2214 state claims the money or property under that state's laws
2215 relating to escheat or abandoned or unclaimed property, the
2216 department, upon written notice of the claim, shall defend the
2217 holder against the claim and indemnify the holder against any
2218 liability on the claim, except that a holder may not be
2219 indemnified against penalties imposed by another state.

2220 (2) For the purposes of this section, a payment or delivery
2221 of property is made in good faith if:

2222 (a) The payment or delivery was made in conjunction with an
2223 accurate and acceptable report.

2224 (b) The payment or delivery was made in a reasonable
2225 attempt to comply with this chapter.

2226 (c) The holder had a reasonable basis for believing, based
2227 on the facts then known, that the property was unclaimed and
2228 subject to this chapter.

2229 (d) There is no showing that the records pursuant to which
2230 the delivery was made did not meet reasonable commercial
2231 standards of practice in the industry.

2232 (3)~~(2)~~ Any holder who has paid money to the department
2233 pursuant to this chapter may make payment to any person

18-00861A-24

20241098__

2234 appearing to be entitled to payment and, upon filing proof that
2235 the payee is entitled thereto, the department shall forthwith
2236 repay the holder without deduction of any fee or other charges.
2237 If repayment is sought for a payment made on a negotiable
2238 instrument, including a traveler's check or money order, the
2239 holder must be repaid under this subsection upon filing proof
2240 that the instrument was duly presented and that the payee is
2241 entitled to payment. The holder shall be repaid for payment made
2242 under this subsection even if the payment was made to a person
2243 whose claim was barred under s. 717.129(1).

2244 (4)~~(3)~~ Any holder who has delivered property, including a
2245 certificate of any interest in a business association, other
2246 than money to the department pursuant to this chapter may
2247 reclaim the property if still in the possession of the
2248 department, without payment of any fee or other charges, upon
2249 filing proof that the owner has claimed the property from the
2250 holder.

2251 (5)~~(4)~~ The department may accept an affidavit of the holder
2252 stating the facts that entitle the holder to recover money and
2253 property under this section as sufficient proof.

2254 ~~(5) If the holder pays or delivers property to the~~
2255 ~~department in good faith and thereafter any other person claims~~
2256 ~~the property from the holder paying or delivering, or another~~
2257 ~~state claims the money or property under that state's laws~~
2258 ~~relating to escheat or abandoned or unclaimed property, the~~
2259 ~~department, upon written notice of the claim, shall defend the~~
2260 ~~holder against the claim and indemnify the holder against any~~
2261 ~~liability on the claim.~~

2262 ~~(6) For the purposes of this section, "good faith" means~~

18-00861A-24

20241098__

2263 that:

2264 ~~(a) Payment or delivery was made in a reasonable attempt to~~
2265 ~~comply with this chapter.~~

2266 ~~(b) The person delivering the property was not a fiduciary~~
2267 ~~then in breach of trust in respect to the property and had a~~
2268 ~~reasonable basis for believing, based on the facts then known to~~
2269 ~~that person, that the property was unclaimed for the purposes of~~
2270 ~~this chapter.~~

2271 ~~(c) There is no showing that the records pursuant to which~~
2272 ~~the delivery was made did not meet reasonable commercial~~
2273 ~~standards of practice in the industry.~~

2274 (6) ~~(7)~~ Property removed from a safe-deposit box or other
2275 safekeeping repository is received by the department subject to
2276 the holder's right under this subsection to be reimbursed for
2277 the actual cost of the opening and to any valid lien or contract
2278 providing for the holder to be reimbursed for unpaid rent or
2279 storage charges. The department shall make the reimbursement to
2280 the holder out of the proceeds remaining after the deduction of
2281 the department's selling cost.

2282 (7) If it appears to the satisfaction of the department
2283 that, because of some mistake of fact, error in calculation, or
2284 erroneous interpretation of a statute, a person has paid or
2285 delivered to the department pursuant to any provision of this
2286 chapter any money or other property not required by this chapter
2287 to be so paid or delivered, the department may, within 5 years
2288 after such erroneous payment or delivery, refund or redeliver
2289 such money or other property to the person, provided that such
2290 money or property has not been paid or delivered to a claimant
2291 or otherwise disposed of in accordance with this chapter.

18-00861A-24

20241098__

2292 Section 47. Subsection (1) of section 717.123, Florida
2293 Statutes, is amended to read:

2294 717.123 Deposit of funds.—

2295 (1) All funds received under this chapter, including the
2296 proceeds from the sale of unclaimed property under s. 717.122,
2297 shall forthwith be deposited by the department in the Unclaimed
2298 Property Trust Fund. The department shall retain, from funds
2299 received under this chapter, an amount not exceeding \$65 ~~\$15~~
2300 million from which the department shall make prompt payment of
2301 claims allowed by the department and shall pay the costs
2302 incurred by the department in administering and enforcing this
2303 chapter. All remaining funds received by the department under
2304 this chapter shall be deposited by the department into the State
2305 School Fund.

2306 Section 48. Section 717.1242, Florida Statutes, is amended
2307 to read:

2308 717.1242 Restatement of jurisdiction of the circuit court
2309 sitting in probate and the department.—

2310 (1) It is and has been the intent of the Legislature that,
2311 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
2312 proceedings relating to the settlement of the estates of
2313 decedents and other jurisdiction usually pertaining to courts of
2314 probate. It is and has been the intent of the Legislature that,
2315 pursuant to this chapter ~~s. 717.124~~, the department determines
2316 the merits of claims and entitlements to ~~for~~ property paid or
2317 delivered to the department under this chapter. Consistent with
2318 this legislative intent, any ~~estate or~~ beneficiary, devisee,
2319 heir, personal representative, or other interested person, as
2320 those terms are defined in s. 731.201, of an estate seeking to

18-00861A-24

20241098

2321 obtain property paid or delivered to the department under this
 2322 chapter must file a claim with the department as provided in s.
 2323 717.124.

2324 (2) If a beneficiary, devisee, heir, personal
 2325 representative, or other interested person, as those terms are
 2326 defined in s. 731.201, of an estate seeks administration of the
 2327 estate, of which unclaimed property makes up 50 percent or more
 2328 of the assets, the department shall be considered an interested
 2329 party and provided with notice of any such proceeding as
 2330 provided in the Florida Probate Code and the Florida Probate
 2331 Rules.

2332 (3)~~(2)~~ If a beneficiary, devisee, heir, personal
 2333 representative, or other interested person, as those terms are
 2334 defined in s. 731.201, of an any estate or heir of an estate
 2335 seeks or obtains an order from a circuit court sitting in
 2336 probate directing the department to pay or deliver unclaimed
 2337 property to any person property paid or delivered to the
 2338 department under this chapter, and the notice required in
 2339 subsection (2) was not provided or administration of the estate
 2340 was obtained by fraud or mistake of fact, the party seeking the
 2341 order estate or heir shall be ordered to pay the department's
 2342 department reasonable costs and attorney attorney's fees in any
 2343 proceeding brought by the department to oppose, appeal, or
 2344 collaterally attack the order if the department is the
 2345 prevailing party in any such proceeding.

2346 Section 49. Subsection (4) of section 717.1243, Florida
 2347 Statutes, is amended to read:

2348 717.1243 Small estate accounts.—

2349 (4) This section ~~only~~ applies only if all of the unclaimed

18-00861A-24

20241098__

2350 property held by the department on behalf of the owner has an
2351 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
2352 proceeding is pending.

2353 Section 50. Section 717.1245, Florida Statutes, is amended
2354 to read:

2355 717.1245 Garnishment of unclaimed property.—

2356 (1) In addition to the fees, costs, and compensation
2357 specified in ss. 77.17 and 77.28, if any person files a petition
2358 for writ of garnishment seeking to obtain property paid or
2359 delivered to the department under this chapter, the plaintiff
2360 ~~petitioner~~ shall be ordered to pay the department reasonable
2361 costs and attorney ~~attorney's~~ fees if in any proceeding brought
2362 by the department opposes to oppose, appeals ~~appeal,~~ or
2363 collaterally attacks ~~attack~~ the petition or writ and if the
2364 department is the prevailing party in any such proceeding.

2365 (2) If a final judgment on the writ is issued in the
2366 plaintiff's favor, the plaintiff must still file a claim with
2367 the department as provided in s. 717.124.

2368 Section 51. Subsection (2) of section 717.129, Florida
2369 Statutes, is amended to read:

2370 717.129 Periods of limitation.—

2371 (2) The department may not commence an ~~No~~ action or
2372 proceeding to enforce this chapter with respect to the
2373 reporting, payment, or delivery of property or any other duty of
2374 a holder under this chapter ~~may be commenced by the department~~
2375 ~~with respect to any duty of a holder under this chapter~~ more
2376 than 10 years after the duty arose. The period of limitation
2377 established under this subsection is tolled by the earlier of
2378 the department's or audit agent's delivery of a notice that a

18-00861A-24

20241098__

2379 holder is subject to an audit or examination under s. 717.1301
2380 or the holder's written election to enter into an unclaimed
2381 property voluntary disclosure agreement.

2382 Section 52. Section 717.1301, Florida Statutes, is amended
2383 to read:

2384 717.1301 Investigations; examinations; subpoenas.—

2385 (1) To carry out the chapter's purpose of protecting the
2386 interest of missing owners through the safeguarding of their
2387 property and to administer and enforce this chapter, the
2388 department may:

2389 (a) Investigate, examine, inspect, request, or otherwise
2390 gather information or evidence on claim documents from a
2391 claimant or a claimant's representative during its review of a
2392 claim.

2393 (b) Audit the records of a person or the records in the
2394 possession of an agent, representative, subsidiary, or affiliate
2395 of the person subject to this chapter to determine whether the
2396 person complied with this chapter. Such records may include
2397 information to verify the completeness or accuracy of the
2398 records provided, even if such records may not identify property
2399 reportable to the department.

2400 (c) Take testimony of a person, including the person's
2401 employee, agent, representative, subsidiary, or affiliate, to
2402 determine whether the person complied with this chapter.

2403 (d) Issue an administrative subpoena to require that the
2404 records specified in paragraph (b) be made available for
2405 examination or audit and that the testimony specified in
2406 paragraph (c) be provided.

2407 (e) Bring an action in a court of competent jurisdiction

18-00861A-24

20241098__

2408 seeking enforcement of an administrative subpoena issued under
2409 this section, which the court shall consider under procedures
2410 that will lead to an expeditious resolution of the action.

2411 (f) Bring an administrative action or an action in a court
2412 of competent jurisdiction to enforce this chapter.

2413 (2) If a person is subject to reporting property under this
2414 chapter, the department may require the person to file a
2415 verified report in a form prescribed by the department. The
2416 verified report must:

2417 (a) State whether the person is holding property reportable
2418 under this chapter;

2419 (b) Describe the property not previously reported, the
2420 property about which the department has inquired, or the
2421 property that is in dispute as to whether it is reportable under
2422 this chapter; and

2423 (c) State the amount or value of the property.

2424 (3) The department may authorize a compliance review of a
2425 report for a specified reporting year. The review must be
2426 limited to the contents of the report filed, as required by s.
2427 717.117 and subsection (2), and all supporting documents related
2428 to the reports. If the review results in a finding of a
2429 deficiency in unclaimed property due and payable to the
2430 department, the department shall notify the holder in writing of
2431 the amount of deficiency within 1 year after the authorization
2432 of the compliance review. If the holder fails to pay the
2433 deficiency within 90 days, the department may seek to enforce
2434 the assessment under subsection (1). The department is not
2435 required to conduct a review under this section before
2436 initiating an audit.

18-00861A-24

20241098__

2437 (4) Notwithstanding any other provision of law, in a
2438 contract providing for the location or collection of unclaimed
2439 property, the department may authorize the contractor to deduct
2440 its fees and expenses for services provided under the contract
2441 from the unclaimed property that the contractor has recovered or
2442 collected under the contract. The department shall annually
2443 report to the Chief Financial Officer the total amount collected
2444 or recovered by each contractor during the previous fiscal year
2445 and the total fees and expenses deducted by each contractor.

2446 ~~(1) The department may make investigations and examinations~~
2447 ~~within or outside this state of claims, reports, and other~~
2448 ~~records as it deems necessary to administer and enforce the~~
2449 ~~provisions of this chapter. In such investigations and~~
2450 ~~examinations the department may administer oaths, examine~~
2451 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2452 ~~department may request any person who has not filed a report~~
2453 ~~under s. 717.117 to file a verified report stating whether or~~
2454 ~~not the person is holding any unclaimed property reportable or~~
2455 ~~deliverable under this chapter.~~

2456 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2457 ~~material to any investigation or examination under this section~~
2458 ~~may be issued by the department under seal of the department, or~~
2459 ~~by any court of competent jurisdiction, commanding such~~
2460 ~~witnesses to appear before the department at a time and place~~
2461 ~~named and to bring such books, records, and documents as may be~~
2462 ~~specified or to submit such books, records, and documents to~~
2463 ~~inspection. Such subpoenas may be served by an authorized~~
2464 ~~representative of the department.~~

2465 ~~(3) If any person shall refuse to testify, produce books,~~

18-00861A-24

20241098__

2466 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2467 ~~issued under this section, the department may present its~~
2468 ~~petition to a court of competent jurisdiction in or for the~~
2469 ~~county in which such person resides or has its principal place~~
2470 ~~of business, whereupon the court shall issue its rule nisi~~
2471 ~~requiring such person to obey forthwith the subpoena issued by~~
2472 ~~the department or show cause for failing to obey said subpoena.~~
2473 ~~Unless said person shows sufficient cause for failing to obey~~
2474 ~~the subpoena, the court shall forthwith direct such person to~~
2475 ~~obey the same subject to such punishment as the court may direct~~
2476 ~~including, but not limited to, the restraint, by injunction or~~
2477 ~~by appointment of a receiver, of any transfer, pledge,~~
2478 ~~assignment, or other disposition of such person's assets or any~~
2479 ~~concealment, alteration, destruction, or other disposition of~~
2480 ~~subpoenaed books, records, or documents as the court deems~~
2481 ~~appropriate, until such person has fully complied with such~~
2482 ~~subpoena and the department has completed its investigation or~~
2483 ~~examination. The department is entitled to the summary procedure~~
2484 ~~provided in s. 51.011, and the court shall advance the cause on~~
2485 ~~its calendar. Costs incurred by the department to obtain an~~
2486 ~~order granting, in whole or in part, its petition shall be taxed~~
2487 ~~against the subpoenaed person, and failure to comply with such~~
2488 ~~order shall be a contempt of court.~~

2489 ~~(4) Witnesses shall be entitled to the same fees and~~
2490 ~~mileage as they may be entitled by law for attending as~~
2491 ~~witnesses in the circuit court, except where such examination or~~
2492 ~~investigation is held at the place of business or residence of~~
2493 ~~the witness.~~

2494 (5) The material compiled by the department in an

18-00861A-24

20241098__

2495 investigation or examination under this chapter is confidential
2496 until the investigation or examination is complete. If any such
2497 material contains a holder's financial or proprietary
2498 information, it may not be disclosed or made public by the
2499 department after the investigation or audit is completed, except
2500 as required by a court of competent jurisdiction in the course
2501 of a judicial proceeding in which the state is a party, or
2502 pursuant to an agreement with another state allowing joint
2503 audits. Such material may be considered a trade secret and
2504 exempt from s. 119.07(1) as provided for in s. 119.0715. The
2505 records, data, and information gathered ~~material compiled~~ by the
2506 department in an investigation or audit ~~examination~~ under this
2507 chapter remain ~~remains~~ confidential ~~after the department's~~
2508 ~~investigation or examination is complete~~ if the department has
2509 submitted the material or any part of it to any law enforcement
2510 agency or other administrative agency for further investigation
2511 or for the filing of a criminal or civil prosecution and such
2512 investigation has not been completed or become inactive.

2513 (6) If an investigation or an audit ~~examination~~ of the
2514 records of any person results in the disclosure of property
2515 reportable and deliverable under this chapter, the department
2516 may assess the cost of the investigation or audit ~~the~~
2517 ~~examination~~ against the holder ~~at the rate of \$100 per 8-hour~~
2518 ~~day for each investigator or examiner. Such fee shall be~~
2519 ~~calculated on an hourly basis and shall be rounded to the~~
2520 ~~nearest hour. The person shall also pay the travel expense and~~
2521 ~~per diem subsistence allowance provided for state employees in~~
2522 ~~s. 112.061. The person shall not be required to pay a per diem~~
2523 ~~fee and expenses of an examination or investigation which shall~~

18-00861A-24

20241098__

2524 ~~consume more than 30 worker days in any one year unless such~~
2525 ~~examination or investigation is due to fraudulent practices of~~
2526 ~~the person, in which case such person shall be required to pay~~
2527 ~~the entire cost regardless of time consumed.~~ The fee for the
2528 costs of the investigation or audit shall be remitted to the
2529 department within 30 days after the date of the notification
2530 that the fee is due and owing. Any person who fails to pay the
2531 fee within 30 days after the date of the notification that the
2532 fee is due and owing shall pay to the department interest at the
2533 rate of 12 percent per annum on such fee from the date of the
2534 notification.

2535 Section 53. Subsection (1) of section 717.1311, Florida
2536 Statutes, is amended to read:

2537 717.1311 Retention of records.—

2538 (1) Every holder required to file a report under s. 717.117
2539 shall maintain a record of the specific type of property,
2540 amount, name, and last known address of the owner for 10 ~~5~~ years
2541 after the property becomes reportable, except to the extent that
2542 a shorter time is provided in subsection (2) or by rule of the
2543 department.

2544 Section 54. Paragraph (j) of subsection (1) and subsection
2545 (3) of section 717.1322, Florida Statutes, are amended to read:

2546 717.1322 Administrative and civil enforcement.—

2547 (1) The following acts are violations of this chapter and
2548 constitute grounds for an administrative enforcement action by
2549 the department in accordance with the requirements of chapter
2550 120 and for civil enforcement by the department in a court of
2551 competent jurisdiction:

2552 (j) Requesting or receiving compensation for notifying a

18-00861A-24

20241098__

2553 person of his or her unclaimed property or assisting another
2554 person in filing a claim for unclaimed property, unless the
2555 person is an attorney licensed to practice law in this state, a
2556 Florida-certified public accountant, or a private investigator
2557 licensed under chapter 493, or entering into, or making a
2558 solicitation to enter into, an agreement to file a claim for
2559 unclaimed property owned by another, ~~or a contract or agreement~~
2560 ~~to purchase unclaimed property,~~ unless such person is registered
2561 with the department under this chapter and an attorney licensed
2562 to practice law in this state in the regular practice of her or
2563 his profession, a Florida-certified public accountant who is
2564 acting within the scope of the practice of public accounting as
2565 defined in chapter 473, or a private investigator licensed under
2566 chapter 493. This paragraph does not apply to a person who has
2567 been granted a durable power of attorney to convey and receive
2568 all of the real and personal property of the owner, is the
2569 court-appointed guardian of the owner, has been employed as an
2570 attorney or qualified representative to contest the department's
2571 denial of a claim, or has been employed as an attorney to
2572 probate the estate of the owner or an heir or legatee of the
2573 owner.

2574 (3) A claimant's representative ~~registrant~~ is subject to
2575 civil enforcement and the disciplinary actions specified in
2576 subsection (2) for violations of subsection (1) by an agent or
2577 employee of the registrant's employer if the claimant's
2578 representative ~~registrant~~ knew or should have known that such
2579 agent or employee was violating any provision of this chapter.

2580 Section 55. Subsection (1) of section 717.1333, Florida
2581 Statutes, is amended to read:

18-00861A-24

20241098__

2582 717.1333 Evidence; estimations; audit reports and
2583 worksheets, investigator ~~examiner's worksheets, investigative~~
2584 reports and worksheets, other related documents.-

2585 (1) In any proceeding involving a holder under ss. 120.569
2586 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2587 investigator acting under authority of this chapter is available
2588 for cross-examination, any official written report, worksheet,
2589 or other related paper, or copy thereof, compiled, prepared,
2590 drafted, or otherwise made or received by the audit agent
2591 ~~auditor, examiner,~~ or investigator, after being duly
2592 authenticated by the audit agent ~~auditor, examiner,~~ or
2593 investigator, may be admitted as competent evidence upon the
2594 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2595 the report, worksheet, or related paper was prepared or received
2596 as a result of an audit, examination, or investigation of the
2597 books and records of the person audited, examined, or
2598 investigated, or the agent thereof.

2599 Section 56. Subsections (1) and (2) of section 717.134,
2600 Florida Statutes, are amended to read:

2601 717.134 Penalties and interest.-

2602 (1) For any person who willfully fails to render any report
2603 required under this chapter, the department may impose and
2604 collect a penalty of \$500 per day up to a maximum of \$5,000 and
2605 25 percent of the value of property not reported until an
2606 appropriate ~~a~~ report is provided ~~rendered for any person who~~
2607 ~~willfully fails to render any report required under this~~
2608 ~~chapter.~~ Upon a holder's showing of good cause, the department
2609 may waive said penalty or any portion thereof. If the holder
2610 acted in good faith and without negligence, the department shall

18-00861A-24

20241098__

2611 waive the penalty provided herein.

2612 (2) For any person who willfully refuses to pay or deliver
2613 unclaimed property to the department as required under this
2614 chapter, the department may impose and collect a penalty of \$500
2615 per day up to a maximum of \$5,000 and 25 percent of the value of
2616 property not paid or delivered until the property is paid or
2617 ~~delivered for any person who willfully refuses to pay or deliver~~
2618 ~~abandoned property to the department as required under this~~
2619 ~~chapter~~.

2620 Section 57. Section 717.135, Florida Statutes, is amended
2621 to read:

2622 717.135 Recovery agreements and purchase agreements for
2623 claims filed by a claimant's representative or a purchaser; fees
2624 and costs, or total net gain.—

2625 (1) In order to protect the interests of owners of
2626 unclaimed property, the department shall adopt by rule a form
2627 entitled "Unclaimed Property Recovery Agreement" and a form
2628 entitled "Unclaimed Property Purchase Agreement."

2629 (2) The Unclaimed Property Recovery Agreement and the
2630 Unclaimed Property Purchase Agreement must include and disclose
2631 all of the following:

2632 (a) The total dollar amount of unclaimed property accounts
2633 claimed or sold.

2634 (b) The total percentage of all authorized fees and costs
2635 to be paid to the claimant's representative or the percentage of
2636 the value of the property to be paid as net gain to the
2637 purchaser ~~purchasing claimant's representative~~.

2638 (c) The total dollar amount to be deducted and received
2639 from the claimant as fees and costs by the claimant's

18-00861A-24

20241098__

2640 representative or the total net dollar amount to be received by
2641 the purchaser ~~purchasing claimant's representative~~.

2642 (d) The net dollar amount to be received by the claimant or
2643 the seller.

2644 (e) For each account claimed, the unclaimed property
2645 account number.

2646 (f) For the Unclaimed Property Purchase Agreement, a
2647 statement that the amount of the purchase price will be remitted
2648 to the seller by the purchaser within 30 days after the
2649 execution of the agreement by the seller.

2650 (g) The name, address, e-mail address, phone number, and
2651 license number of the claimant's representative, or the name,
2652 address, e-mail address, and phone number of the purchaser.

2653 (h)1. The manual signature of the claimant or seller and
2654 the date signed, affixed on the agreement by the claimant or
2655 seller.

2656 2. Notwithstanding any other provision of this chapter to
2657 the contrary, the department may allow an apparent owner, who is
2658 also the claimant or seller, to sign the agreement
2659 electronically ~~for claims of \$2,000 or less~~. All electronic
2660 signatures on the Unclaimed Property Recovery Agreement and the
2661 Unclaimed Property Purchase Agreement must be affixed on the
2662 agreement by the claimant or seller using the specific,
2663 exclusive eSignature product and protocol authorized by the
2664 department.

2665 (i) The social security number or taxpayer identification
2666 number of the claimant or seller, if a number has been issued to
2667 the claimant or seller.

2668 (j) The total fees and costs, or the total discount in the

18-00861A-24

20241098__

2669 case of a purchase agreement, which may not exceed 30 percent of
2670 the claimed amount. In the case of a recovery agreement, if the
2671 total fees and costs exceed 30 percent, the fees and costs shall
2672 be reduced to 30 percent and the net balance shall be remitted
2673 directly by the department to the claimant. In the case of a
2674 purchase agreement, if the total net gain of the purchaser
2675 exceeds 30 percent, the claim will be denied.

2676 (3) For an Unclaimed Property Purchase Agreement form,
2677 proof that the purchaser has made payment must be filed with the
2678 department along with the claim. If proof of payment is not
2679 provided, the claim is void.

2680 (4) A claimant's representative or a purchaser must use the
2681 Unclaimed Property Recovery Agreement or the Unclaimed Property
2682 Purchase Agreement as the exclusive means of entering into an
2683 agreement or a contract with a claimant or seller to file a
2684 claim with the department.

2685 (5) Fees and costs may be owed or paid to, or received by,
2686 a claimant's representative or a purchaser only after a filed
2687 claim has been approved and if the claimant's representative
2688 used an agreement authorized by this section.

2689 (6) A claimant's representative or a purchaser may not use
2690 or distribute any other agreement of any type, conveyed by any
2691 method, with respect to the claimant or seller which relates,
2692 directly or indirectly, to unclaimed property accounts held by
2693 the department or the Chief Financial Officer other than the
2694 agreements authorized by this section. Any engagement,
2695 authorization, recovery, or fee agreement that is not authorized
2696 by this section is void. A claimant's representative or a
2697 purchaser is subject to administrative and civil enforcement

18-00861A-24

20241098__

2698 under s. 717.1322 if he or she uses an agreement that is not
2699 authorized by this section and if the agreement is used to
2700 apply, directly or indirectly, to unclaimed property held by
2701 this state. This subsection does not prohibit lawful
2702 nonagreement, noncontractual, or advertising communications
2703 between or among the parties.

2704 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2705 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2706 that makes the agreement irrevocable or that creates an
2707 assignment of any portion of unclaimed property held by the
2708 department.

2709 (8) When a claim is approved, the department may pay any
2710 additional account that is owned by the claimant but has not
2711 been claimed at the time of approval, provided that a subsequent
2712 claim has not been filed or is not pending for the claimant at
2713 the time of approval.

2714 (9) This section does not supersede s. 717.1241.

2715 (10) This section does not apply to the sale and purchase
2716 of Florida-held unclaimed property accounts through a bankruptcy
2717 trustee appointed to represent a debtor's estate in a bankruptcy
2718 proceeding in accordance with the United States Bankruptcy Code.

2719 Section 58. Subsections (1), (2), and (3) of section
2720 717.1400, Florida Statutes, are amended to read:

2721 717.1400 Registration.—

2722 (1) In order to file claims as a claimant's representative,
2723 ~~acquire ownership of or entitlement to unclaimed property,~~
2724 receive a distribution of fees and costs from the department,
2725 and obtain unclaimed property dollar amounts and numbers of
2726 reported shares of stock held by the department, a private

18-00861A-24

20241098__

2727 investigator holding a Class "C" individual license under
2728 chapter 493 must register with the department on such form as
2729 the department prescribes by rule and must be verified by the
2730 applicant. To register with the department, a private
2731 investigator must provide:

2732 (a) A legible copy of the applicant's Class "A" business
2733 license under chapter 493 or that of the applicant's firm or
2734 employer which holds a Class "A" business license under chapter
2735 493.

2736 (b) A legible copy of the applicant's Class "C" individual
2737 license issued under chapter 493.

2738 (c) The business address and telephone number of the
2739 applicant's private investigative firm or employer.

2740 (d) The names of agents or employees, if any, who are
2741 designated to act on behalf of the private investigator,
2742 together with a legible copy of their photo identification
2743 issued by an agency of the United States, or a state, or a
2744 political subdivision thereof.

2745 (e) Sufficient information to enable the department to
2746 disburse funds by electronic funds transfer.

2747 (f) The tax identification number of the private
2748 investigator's firm or employer which holds a Class "A" business
2749 license under chapter 493.

2750 (2) In order to file claims as a claimant's representative,
2751 ~~acquire ownership of or entitlement to unclaimed property,~~
2752 receive a distribution of fees and costs from the department,
2753 and obtain unclaimed property dollar amounts and numbers of
2754 reported shares of stock held by the department, a Florida-
2755 certified public accountant must register with the department on

18-00861A-24

20241098__

2756 such form as the department prescribes by rule and must be
2757 verified by the applicant. To register with the department, a
2758 Florida-certified public accountant must provide:

2759 (a) The applicant's Florida Board of Accountancy number.

2760 (b) A legible copy of the applicant's current driver
2761 license showing the full name and current address of such
2762 person. If a current driver license is not available, another
2763 form of identification showing the full name and current address
2764 of such person or persons shall be filed with the department.

2765 (c) The business address and telephone number of the
2766 applicant's public accounting firm or employer.

2767 (d) The names of agents or employees, if any, who are
2768 designated to act on behalf of the Florida-certified public
2769 accountant, together with a legible copy of their photo
2770 identification issued by an agency of the United States, or a
2771 state, or a political subdivision thereof.

2772 (e) Sufficient information to enable the department to
2773 disburse funds by electronic funds transfer.

2774 (f) The tax identification number of the accountant's
2775 public accounting firm employer.

2776 (3) In order to file claims as a claimant's representative,
2777 ~~acquire ownership of or entitlement to unclaimed property,~~
2778 receive a distribution of fees and costs from the department,
2779 and obtain unclaimed property dollar amounts and numbers of
2780 reported shares of stock held by the department, an attorney
2781 licensed to practice in this state must register with the
2782 department on such form as the department prescribes by rule and
2783 must be verified by the applicant. To register with the
2784 department, such attorney must provide:

18-00861A-24

20241098__

- 2785 (a) The applicant's Florida Bar number.
- 2786 (b) A legible copy of the applicant's current driver
2787 license showing the full name and current address of such
2788 person. If a current driver license is not available, another
2789 form of identification showing the full name and current address
2790 of such person or persons shall be filed with the department.
- 2791 (c) The business address and telephone number of the
2792 applicant's firm or employer.
- 2793 (d) The names of agents or employees, if any, who are
2794 designated to act on behalf of the attorney, together with a
2795 legible copy of their photo identification issued by an agency
2796 of the United States, or a state, or a political subdivision
2797 thereof.
- 2798 (e) Sufficient information to enable the department to
2799 disburse funds by electronic funds transfer.
- 2800 (f) The tax identification number of the attorney's firm or
2801 employer.
- 2802 Section 59. Paragraph (a) of subsection (2) of section
2803 197.582, Florida Statutes, is amended to read:
2804 197.582 Disbursement of proceeds of sale.—
2805 (2) (a) If the property is purchased for an amount in excess
2806 of the statutory bid of the certificateholder, the surplus must
2807 be paid over and disbursed by the clerk as set forth in
2808 subsections (3), (5), and (6). If the opening bid included the
2809 homestead assessment pursuant to s. 197.502(6)(c), that amount
2810 must be treated as surplus and distributed in the same manner.
2811 The clerk shall distribute the surplus to the governmental units
2812 for the payment of any lien of record held by a governmental
2813 unit against the property, including any tax certificates not

18-00861A-24

20241098__

2814 incorporated in the tax deed application and omitted taxes, if
 2815 any. If there remains a balance of undistributed funds, the
 2816 balance must be retained by the clerk for the benefit of persons
 2817 described in s. 197.522(1)(a), except those persons described in
 2818 s. 197.502(4)(h), as their interests may appear. The clerk shall
 2819 mail notices to such persons notifying them of the funds held
 2820 for their benefit at the addresses provided in s. 197.502(4).
 2821 Such notice constitutes compliance with the requirements of s.
 2822 717.117(6) ~~s. 717.117(4)~~. Any service charges and costs of
 2823 mailing notices shall be paid out of the excess balance held by
 2824 the clerk. Notice must be provided in substantially the
 2825 following form:

2826 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE
 2827 CLERK OF COURT
 2828 COUNTY, FLORIDA
 2829 Tax Deed #.....
 2830 Certificate #.....
 2831 Property Description:

2832 Pursuant to chapter 197, Florida Statutes, the above
 2833 property was sold at public sale on ...(date of sale)..., and a
 2834 surplus of \$...(amount)... (subject to change) will be held by
 2835 this office for 120 days beginning on the date of this notice to
 2836 benefit the persons having an interest in this property as
 2837 described in section 197.502(4), Florida Statutes, as their
 2838 interests may appear (except for those persons described in
 2839 section 197.502(4)(h), Florida Statutes).

2840 To the extent possible, these funds will be used to satisfy
 2841 in full each claimant with a senior mortgage or lien in the
 2842 property before distribution of any funds to any junior mortgage

18-00861A-24

20241098__

2843 or lien claimant or to the former property owner. To be
 2844 considered for funds when they are distributed, you must file a
 2845 notarized statement of claim with this office within 120 days of
 2846 this notice. If you are a lienholder, your claim must include
 2847 the particulars of your lien and the amounts currently due. Any
 2848 lienholder claim that is not filed within the 120-day deadline
 2849 is barred.

2850 A copy of this notice must be attached to your statement of
 2851 claim. After the office examines the filed claim statements, it
 2852 will notify you if you are entitled to any payment.

2853 Dated:

2854 Clerk of Court

2855 Section 60. Subsection (1) of section 717.1382, Florida
 2856 Statutes, is amended to read:

2857 717.1382 United States savings bond; unclaimed property;
 2858 escheatment; procedure.—

2859 (1) Notwithstanding any other provision of law, a United
 2860 States savings bond in possession of the department or
 2861 registered to a person with a last known address in the state,
 2862 including a bond that is lost, stolen, or destroyed, is presumed
 2863 abandoned and unclaimed 5 years after the bond reaches maturity
 2864 and no longer earns interest and shall be reported and remitted
 2865 to the department by the financial institution or other holder
 2866 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
 2867 the department is not in possession of the bond.

2868 Section 61. The Division of Law Revision is directed to
 2869 prepare a reviser's bill for the 2025 Regular Session of the
 2870 Legislature to change the term "Division of Investigative and
 2871 Forensic Services" wherever the term appears in the Florida

18-00861A-24

20241098__

2872

Statutes to "Division of Criminal Investigations."

2873

Section 62. This act shall take effect upon becoming a law.