



203882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 308 - 2837

and insert:

(f) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Department of Financial Services ~~Division of State Fire Marshal~~ in the forensic laboratory and meet the special criteria set forth in paragraph (3) (h).

(3) CRITERIA.—A member, to be designated as a special risk



203882

11 member, must meet the following criteria:

12 (h) Effective July 1, 2008, the member must be employed by
13 the Department of Law Enforcement in the crime laboratory or by
14 the Department of Financial Services ~~Division of State Fire~~
15 ~~Marshal~~ in the forensic laboratory in one of the following
16 classes:

- 17 1. Forensic technologist (class code 8459);
- 18 2. Crime laboratory technician (class code 8461);
- 19 3. Crime laboratory analyst (class code 8463);
- 20 4. Senior crime laboratory analyst (class code 8464);
- 21 5. Crime laboratory analyst supervisor (class code 8466);
- 22 6. Forensic chief (class code 9602); or
- 23 7. Forensic services quality manager (class code 9603);

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

26 284.44 Salary indemnification costs of state agencies.—

27 ~~(6) The Division of Risk Management shall prepare quarterly~~
28 ~~reports to the Executive Office of the Governor and the chairs~~
29 ~~of the legislative appropriations committees indicating for each~~
30 ~~state agency the total amount of salary indemnification benefits~~
31 ~~paid to claimants and the total amount of reimbursements from~~
32 ~~state agencies to the State Risk Management Trust Fund for~~
33 ~~initial costs for the previous quarter. These reports shall also~~
34 ~~include information for each state agency indicating the number~~
35 ~~of cases and amounts of initial salary indemnification costs for~~
36 ~~which reimbursement requirements were waived by the Executive~~
37 ~~Office of the Governor pursuant to this section.~~

38 Section 5. Subsection (12) of section 440.13, Florida
39 Statutes, is amended to read:



203882

40 440.13 Medical services and supplies; penalty for
41 violations; limitations.—

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

44 (a) A three-member panel is created, consisting of the
45 Chief Financial Officer, or the Chief Financial Officer's
46 designee, and two members to be appointed by the Governor,
47 subject to confirmation by the Senate, one member who, on
48 account of present or previous vocation, employment, or
49 affiliation, shall be classified as a representative of
50 employers, the other member who, on account of previous
51 vocation, employment, or affiliation, shall be classified as a
52 representative of employees. The panel shall determine statewide
53 schedules of maximum reimbursement allowances for medically
54 necessary treatment, care, and attendance provided by hospitals
55 and ambulatory surgical centers. The maximum reimbursement
56 allowances for inpatient hospital care shall be based on a
57 schedule of per diem rates, to be approved by the three-member
58 panel no later than March 1, 1994, to be used in conjunction
59 with a precertification manual as determined by the department,
60 including maximum hours in which an outpatient may remain in
61 observation status, which shall not exceed 23 hours. All
62 compensable charges for hospital outpatient care shall be
63 reimbursed at 75 percent of usual and customary charges, except
64 as otherwise provided by this subsection. Annually, the three-
65 member panel shall adopt schedules of maximum reimbursement
66 allowances for hospital inpatient care, hospital outpatient
67 care, and ambulatory surgical centers. A hospital or an
68 ambulatory surgical center shall be reimbursed either the



203882

69 agreed-upon contract price or the maximum reimbursement
70 allowance in the appropriate schedule.

71 (b) Payments for outpatient physical, occupational, and
72 speech therapy provided by hospitals shall be the schedule of
73 maximum reimbursement allowances for these services which
74 applies to nonhospital providers.

75 (c) Payments for scheduled outpatient nonemergency
76 radiological and clinical laboratory services that are not
77 provided in conjunction with a surgical procedure shall be the
78 schedule of maximum reimbursement allowances for these services
79 which applies to nonhospital providers.

80 (d)1. Outpatient reimbursement for scheduled surgeries
81 shall be 60 percent of charges.

82 2. Reimbursement for emergency services and care as defined
83 in s. 395.002 which does not include a maximum reimbursement
84 allowance must be 250 percent of Medicare, unless there is a
85 contract, in which case the contract governs reimbursement. Upon
86 this subparagraph taking effect, the department shall engage
87 with an actuarial services firm to begin development of maximum
88 reimbursement allowances for services subject to the
89 reimbursement provisions of this subparagraph. This subparagraph
90 expires June 30, 2026.

91 (e)1. By July 1 of each year, the department shall notify
92 carriers and self-insurers of the physician and nonhospital
93 services schedule of maximum reimbursement allowances. The
94 notice must include publication of this schedule of maximum
95 reimbursement allowances on the division's website. This
96 schedule is not subject to approval by the three-member panel
97 and does not include reimbursement for prescription medication.



203882

98 2. Subparagraph 1. shall take effect January 1, following
99 the July 1, 2024, notice of the physician and nonhospital
100 services schedule of maximum reimbursement allowances that the
101 department provides to carriers and self-insurers.

102 (f) Maximum reimbursement for a physician licensed under
103 chapter 458 or chapter 459 shall be 110 percent of the
104 reimbursement allowed by Medicare, using appropriate codes and
105 modifiers or the medical reimbursement level adopted by the
106 three-member panel as of January 1, 2003, whichever is greater.

107 (g) Maximum reimbursement for surgical procedures shall be
108 140 percent of the reimbursement allowed by Medicare or the
109 medical reimbursement level adopted by the three-member panel as
110 of January 1, 2003, whichever is greater.

111 (h) As to reimbursement for a prescription medication, the
112 reimbursement amount for a prescription shall be the average
113 wholesale price plus \$4.18 for the dispensing fee. For
114 repackaged or relabeled prescription medications dispensed by a
115 dispensing practitioner as provided in s. 465.0276, the fee
116 schedule for reimbursement shall be 112.5 percent of the average
117 wholesale price, plus \$8.00 for the dispensing fee. For purposes
118 of this subsection, the average wholesale price shall be
119 calculated by multiplying the number of units dispensed times
120 the per-unit average wholesale price set by the original
121 manufacturer of the underlying drug dispensed by the
122 practitioner, based upon the published manufacturer's average
123 wholesale price published in the Medi-Span Master Drug Database
124 as of the date of dispensing. All pharmaceutical claims
125 submitted for repackaged or relabeled prescription medications
126 must include the National Drug Code of the original



203882

127 manufacturer. Fees for pharmaceuticals and pharmaceutical
128 services shall be reimbursable at the applicable fee schedule
129 amount except where the employer or carrier, or a service
130 company, third party administrator, or any entity acting on
131 behalf of the employer or carrier directly contracts with the
132 provider seeking reimbursement for a lower amount.

133 (i) Reimbursement for all fees and other charges for such
134 treatment, care, and attendance, including treatment, care, and
135 attendance provided by any hospital or other health care
136 provider, ambulatory surgical center, work-hardening program, or
137 pain program, must not exceed the amounts provided by the
138 uniform schedule of maximum reimbursement allowances as
139 determined by the panel or as otherwise provided in this
140 section. This subsection also applies to independent medical
141 examinations performed by health care providers under this
142 chapter. In determining the uniform schedule, the panel shall
143 first approve the data which it finds representative of
144 prevailing charges in the state for similar treatment, care, and
145 attendance of injured persons. Each health care provider, health
146 care facility, ambulatory surgical center, work-hardening
147 program, or pain program receiving workers' compensation
148 payments shall maintain records verifying their usual charges.
149 In establishing the uniform schedule of maximum reimbursement
150 allowances, the panel must consider:

151 1. The levels of reimbursement for similar treatment, care,
152 and attendance made by other health care programs or third-party
153 providers;

154 2. The impact upon cost to employers for providing a level
155 of reimbursement for treatment, care, and attendance which will



156 ensure the availability of treatment, care, and attendance
157 required by injured workers; and

158 3. The financial impact of the reimbursement allowances
159 upon health care providers and health care facilities, including
160 trauma centers as defined in s. 395.4001, and its effect upon
161 their ability to make available to injured workers such
162 medically necessary remedial treatment, care, and attendance.
163 The uniform schedule of maximum reimbursement allowances must be
164 reasonable, must promote health care cost containment and
165 efficiency with respect to the workers' compensation health care
166 delivery system, and must be sufficient to ensure availability
167 of such medically necessary remedial treatment, care, and
168 attendance to injured workers.

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

171 1. Take testimony, receive records, and collect data to
172 evaluate the adequacy of the workers' compensation fee schedule,
173 nationally recognized fee schedules and alternative methods of
174 reimbursement to health care providers and health care
175 facilities for inpatient and outpatient treatment and care.

176 2. Survey health care providers and health care facilities
177 to determine the availability and accessibility of workers'
178 compensation health care delivery systems for injured workers.

179 3. Survey carriers to determine the estimated impact on
180 carrier costs and workers' compensation premium rates by
181 implementing changes to the carrier reimbursement schedule or
182 implementing alternative reimbursement methods.

183 4. Submit recommendations on or before January 15, 2017,
184 and biennially thereafter, to the President of the Senate and



203882

185 the Speaker of the House of Representatives on methods to
186 improve the workers' compensation health care delivery system.
187

188 The department, as requested, shall provide data to the panel,
189 including, but not limited to, utilization trends in the
190 workers' compensation health care delivery system. The
191 department shall provide the panel with an annual report
192 regarding the resolution of medical reimbursement disputes and
193 any actions pursuant to subsection (8). The department shall
194 provide administrative support and service to the panel to the
195 extent requested by the panel. The department may adopt rules
196 pursuant to ss. 120.536(1) and 120.54 to implement this
197 subsection. For prescription medication purchased under the
198 requirements of this subsection, a dispensing practitioner shall
199 not possess such medication unless payment has been made by the
200 practitioner, the practitioner's professional practice, or the
201 practitioner's practice management company or employer to the
202 supplying manufacturer, wholesaler, distributor, or drug
203 repackager within 60 days of the dispensing practitioner taking
204 possession of that medication.

205 Section 6. Present subsections (9) through (13) of section
206 440.385, Florida Statutes, are redesignated as subsections (10)
207 through (14), respectively, and a new subsection (9) is added to
208 that section, to read:

209 440.385 Florida Self-Insurers Guaranty Association,
210 Incorporated.—

211 (9) CONTRACTS AND PURCHASES.—

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



203882

214 which are valued at or more than \$100,000 must first be approved
215 by the department. The department has 10 days to approve or deny
216 the contract or purchase upon electronic receipt of the approval
217 request. The contract or purchase is automatically approved if
218 the department is nonresponsive.

219 (b) All contracts and purchases valued at or more than
220 \$100,000 require competition through a formal bid solicitation
221 conducted by the association. The association must undergo a
222 formal bid solicitation process. The formal bid solicitation
223 process must include all of the following:

224 1. The time and date for the receipt of bids, the
225 proposals, and whether the association contemplates renewal of
226 the contract, including the price for each year for which the
227 contract may be renewed.

228 2. All the contractual terms and conditions applicable to
229 the procurement.

230 (c) Evaluation of bids by the association must include
231 consideration of the total cost for each year of the contract,
232 including renewal years, as submitted by the vendor. The
233 association must award the contract to the most responsible and
234 responsive vendor. Any formal bid solicitation conducted by the
235 association must be made available, upon request, to the
236 department via electronic delivery.

237 (d) Contracts that are required by law are exempt from this
238 section.

239 Section 7. Present subsection (7) of section 497.101,
240 Florida Statutes, is redesignated as subsection (11),
241 subsections (1) through (4) are amended, and a new subsection
242 (7) and subsections (8), (9), and (10) are added to that



203882

243 section, to read:

244 497.101 Board of Funeral, Cemetery, and Consumer Services;
245 membership; appointment; terms.—

246 (1) The Board of Funeral, Cemetery, and Consumer Services
247 is created within the Department of Financial Services and shall
248 consist of 10 members, 9 of whom shall be appointed by ~~the~~
249 ~~Governor from nominations made by~~ the Chief Financial Officer
250 and confirmed by the Senate. ~~The Chief Financial Officer shall~~
251 ~~nominate one to three persons for each of the nine vacancies on~~
252 ~~the board, and the Governor shall fill each vacancy on the board~~
253 ~~by appointing one of the persons nominated by the Chief~~
254 ~~Financial Officer to fill that vacancy. If the Governor objects~~
255 ~~to each of the nominations for a vacancy, she or he shall inform~~
256 ~~the Chief Financial Officer in writing. Upon notification of an~~
257 ~~objection by the Governor, the Chief Financial Officer shall~~
258 ~~submit one to three additional nominations for that vacancy~~
259 ~~until the vacancy is filled.~~ One member must be the State Health
260 Officer or her or his designee.

261 (2) Two members of the board must be funeral directors
262 licensed under part III of this chapter who are associated with
263 a funeral establishment. One member of the board must be a
264 funeral director licensed under part III of this chapter who is
265 associated with a funeral establishment licensed under part III
266 of this chapter which has a valid preneed license issued
267 pursuant to this chapter ~~and who owns or operates a cinerator~~
268 ~~facility approved under chapter 403 and licensed under part VI~~
269 ~~of this chapter.~~ Two members of the board must be persons whose
270 primary occupation is associated with a cemetery company
271 licensed pursuant to this chapter. Two members of the board must



203882

272 be consumers who are residents of this state, have never been
273 licensed as funeral directors or embalmers, are not connected
274 with a cemetery or cemetery company licensed pursuant to this
275 chapter, and are not connected with the death care industry or
276 the practice of embalming, funeral directing, or direct
277 disposition. One of the two consumer members must be at least 60
278 years of age. One member of the board must be a consumer who is
279 a resident of this state; is licensed as a certified public
280 accountant under chapter 473; has never been licensed as a
281 funeral director or an embalmer; is not a principal or an
282 employee of any licensee licensed under this chapter; and does
283 not otherwise have control, as defined in s. 497.005, over any
284 licensee licensed under this chapter. One member of the board
285 must be a principal of a monument establishment licensed under
286 this chapter as a monument builder. One member must be the State
287 Health Officer or her or his designee. There may not be two or
288 more board members who are principals or employees of the same
289 company or partnership or group of companies or partnerships
290 under common control.

291 (3) Board members shall be appointed for terms of 4 years
292 and may be reappointed; however, a member may not serve for more
293 than 8 consecutive years. ~~and~~ The State Health Officer shall
294 serve as long as that person holds that office. The designee of
295 the State Health Officer shall serve at the pleasure of the
296 Chief Financial Officer ~~Governor~~.

297 (4) The Chief Financial Officer ~~Governor~~ may suspend and
298 ~~the Senate~~ may remove any board member for malfeasance or
299 misfeasance, neglect of duty, incompetence, substantial
300 inability to perform official duties, commission of a crime, or



203882

301 other substantial cause as determined by the Chief Financial
302 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
303 fitness to sit on the board. A board member shall be deemed to
304 have resigned her or his board membership, and that position
305 shall be deemed vacant, upon the failure of the member to attend
306 three consecutive meetings of the board or at least half of the
307 meetings of the board during any 12-month period, unless the
308 Chief Financial Officer determines that there was good and
309 adequate justification for the absences and that such absences
310 are not likely to continue. Any vacancy so created shall be
311 filled as provided in subsection (1).

312 (7) Members of the board are subject to the code of ethics
313 under part III of chapter 112. For purposes of applying part III
314 of chapter 112 to activities of the members of the board, those
315 persons are considered public officers, and the department is
316 considered their agency. A board member may not vote on any
317 measure that would inure to his or her special private gain or
318 loss and, in accordance with s. 112.3143(2), may not vote on any
319 measure that he or she knows would inure to the special private
320 gain or loss of any principal by which he or she is retained,
321 other than an agency as defined in s. 112.312; or that he or she
322 knows would inure to the special private gain or loss of his or
323 her relative or business associate. Before the vote is taken,
324 such member shall publicly state to the board the nature of his
325 or her interest in the matter from which he or she is abstaining
326 from voting and, within 15 days after the vote occurs, disclose
327 the nature of his or her interest as a public record in a
328 memorandum filed with the person responsible for recording the
329 minutes of the meeting, who shall incorporate the memorandum in



203882

330 the minutes.

331 (8) In accordance with ss. 112.3148 and 112.3149, a board
332 member may not knowingly accept, directly or indirectly, any
333 gift or expenditure from a person or entity, or an employee or
334 representative of such person or entity, which has a contractual
335 relationship with the department or the board, which is under
336 consideration for a contract, or which is licensed by the
337 department.

338 (9) A board member who fails to comply with subsection (7)
339 or subsection (8) is subject to the penalties provided under ss.
340 112.317 and 112.3173.

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

345 (b) Except for emergency meetings, the department shall
346 give notice of any board meeting by publication on the
347 department's website at least 7 days before the meeting. The
348 department shall publish a meeting agenda on its website at
349 least 7 days before the meeting. The agenda must contain the
350 items to be considered, in order of presentation. After the
351 agenda has been made available, a change may be made only for
352 good cause, as determined by the person designated to preside,
353 and must be stated in the record. Notification of such change
354 must be at the earliest practicable time.

355 Section 8. Paragraph (a) of subsection (4) of section
356 497.153, Florida Statutes, is amended to read:

357 497.153 Disciplinary procedures and penalties.—

358 (4) ACTION AFTER PROBABLE CAUSE FOUND.—



203882

359 (a) Service of an administrative complaint may be in person
360 by department staff or any person authorized to make service of
361 process under the Florida Rules of Civil Procedure. Service upon
362 a licensee may in the alternative be made by certified mail,
363 return receipt requested, to the last known address of record
364 provided by the licensee to the department. If service by
365 certified mail cannot be made at the last address provided by
366 the licensee to the department, service may be made by e-mail,
367 delivery receipt required, sent to the most recent e-mail
368 address provided by the licensee to the department in accordance
369 with s. 497.146.

370 Section 9. Paragraph (e) of subsection (1) of section
371 497.155, Florida Statutes, is amended to read:

372 497.155 Disciplinary citations and minor violations.—

373 (1) CITATIONS.—

374 (e) Service of a citation may be made by personal service
375 or certified mail, restricted delivery, to the subject at the
376 subject's last known address in accordance with s. 497.146. If
377 service by certified mail cannot be made at the last address
378 provided by the subject to the department, service may be made
379 by e-mail, delivery receipt required, sent to the most recent e-
380 mail address provided by the subject to the department in
381 accordance with s. 497.146.

382 Section 10. Paragraph (d) of subsection (3) of section
383 497.172, Florida Statutes, is amended to read:

384 497.172 Public records exemptions; public meetings
385 exemptions.—

386 (3) EXAMINATIONS, INSPECTIONS, AND INVESTIGATIONS.—

387 (d) Information made confidential and exempt pursuant to



203882

388 this subsection may be disclosed by the department as follows:

389 1. To the probable cause panel of the board, for the
390 purpose of probable cause proceedings pursuant to s. 497.153.

391 2. To any law enforcement agency or other government agency
392 in the performance of its official duties and responsibilities.

393 3. If the department uncovers information of immediate and
394 serious concern to the public health, safety, or welfare, it may
395 disseminate such information as it deems necessary for the
396 public health, safety, or welfare.

397 4. If the department issues an emergency order pursuant to
398 s. 497.156.

399 Section 11. Present subsection (5) of section 497.386,
400 Florida Statutes, is redesignated as subsection (6), a new
401 subsection (5) and subsection (7) are added to that section, and
402 present subsection (5) of that section is amended, to read:

403 497.386 Storage, preservation, and transportation of human
404 remains.—

405 (5) In the event of an emergency situation, including the
406 abandonment of any establishments or facilities licensed under
407 this chapter or any medical examiner's facility, morgue, or
408 cemetery holding facility, the department may enter and secure
409 such establishment, facility, or morgue during or outside of
410 normal business hours, and remove human remains and cremains
411 from the establishment, facility, or morgue. For purposes of
412 this subsection, the department shall determine if a facility is
413 abandoned and if there is an emergency situation. A licensee or
414 licensed facility that accepts transfer of human remains and
415 cremains from the department pursuant to this subsection may not
416 be held liable for the condition of any human remains or



203882

417 cremains at the time of transfer.

418 (6) A person who violates subsection (1) or subsection (3)
419 any provision of this section commits a misdemeanor of the first
420 degree, punishable as provided in s. 775.082 or s. 775.083.

421 (7) A person who violates subsection (2) or subsection (4)
422 commits a felony of the third degree, punishable as provided in
423 s. 775.082, s. 775.083, or s. 775.084.

424 Section 12. Section 497.469, Florida Statutes, is created
425 to read:

426 497.469 Fulfillment of preneed contracts.-

427 (1) Upon delivery of merchandise or performance of services
428 in fulfillment of a preneed contract, either in part or in
429 whole, a preneed licensee may withdraw the amount deposited in
430 trust plus income earned on such amount for the merchandise
431 delivered or services performed, when adequate documentation is
432 submitted to the trustee.

433 (2) All of the following documentation is the only
434 satisfactory evidence to show that a preneed contract has been
435 fulfilled:

436 (a) Certified copy of death certificate.

437 (b) Acknowledgment signed by the purchaser or legally
438 authorized person, acknowledging that merchandise was delivered
439 or services performed by the preneed licensee.

440 (3) The preneed licensee shall maintain documentation that
441 supports fulfillment of a particular contract until such records
442 are examined by the department.

443 Section 13. Present paragraphs (c) and (d) of subsection
444 (10) of section 624.307, Florida Statutes, are redesignated as
445 paragraphs (d) and (e), respectively, a new paragraph (c) is



203882

446 added to that subsection, and paragraph (b) of that subsection
447 is amended, to read:

448 624.307 General powers; duties.—

449 (10)

450 (b) Any person licensed or issued a certificate of
451 authority or made an eligible surplus lines insurer by the
452 department or the office shall respond, in writing or
453 electronically, to the division within 14 days after receipt of
454 a written request for documents and information from the
455 division concerning a consumer complaint. The response must
456 address the issues and allegations raised in the complaint and
457 include any requested documents concerning the consumer
458 complaint not subject to attorney-client or work-product
459 privilege. The division may impose an administrative penalty for
460 failure to comply with this paragraph of up to \$5,000 per
461 violation upon any entity licensed by the department or the
462 office and up to \$1,000 per violation by any individual licensed
463 by the department or the office.

464 (c) Each insurer issued a certificate of authority or made
465 an eligible surplus lines insurer shall file with the department
466 an e-mail address to which requests for response to consumer
467 complaints shall be directed pursuant to paragraph (b). Such
468 insurer shall also designate a contact person for escalated
469 complaint issues and shall provide the name, e-mail address, and
470 telephone number of such person. A licensee of the department,
471 including an agency or a firm, may elect to designate an e-mail
472 address to which requests for response to consumer complaints
473 shall be directed pursuant to paragraph (b). If a licensee,
474 including an agency or a firm, elects not to designate an e-mail



203882

475 address, the department shall direct requests for response to
476 consumer complaints to the e-mail of record for the licensee in
477 the department's licensing system. An insurer or a licensee,
478 including an agency or a firm, may change designated contact
479 information at any time by submitting the new information to the
480 department using the method designated by rule by the
481 department.

482 Section 14. Subsection (2) of section 626.171, Florida
483 Statutes, is amended to read:

484 626.171 Application for license as an agent, customer
485 representative, adjuster, service representative, or reinsurance
486 intermediary.—

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

488 (a) His or her full name, age, social security number,
489 residence address, business address, mailing address, contact
490 telephone numbers, including a business telephone number, and e-
491 mail address.

492 (b) A statement indicating the method the applicant used or
493 is using to meet any required prelicensing education, knowledge,
494 experience, or instructional requirements for the type of
495 license applied for.

496 (c) Whether he or she has been refused or has voluntarily
497 surrendered or has had suspended or revoked a license to solicit
498 insurance by the department or by the supervising officials of
499 any state.

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



203882

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

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

507 (g) The applicant's native language.

508 (h) The highest level of education achieved by the
509 applicant.

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

512 (j) Such other or additional information as the department
513 may deem proper to enable it to determine the character,
514 experience, ability, and other qualifications of the applicant
515 to hold himself or herself out to the public as an insurance
516 representative.

517
518 However, the application must contain a statement that an
519 applicant is not required to disclose his or her race or
520 ethnicity, gender, or native language, that he or she will not
521 be penalized for not doing so, and that the department will use
522 this information exclusively for research and statistical
523 purposes and to improve the quality and fairness of the
524 examinations. The department shall make provisions for
525 applicants to submit cellular telephone numbers as part of the
526 application process on a voluntary basis only for the purpose of
527 two-factor authentication of secure login credentials.

528 Section 15. Paragraph (j) of subsection (2) of section
529 626.221, Florida Statutes, is amended to read:

530 626.221 Examination requirement; exemptions.—

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



533 (j) An applicant for license as an all-lines adjuster who
534 has the designation of Accredited Claims Adjuster (ACA) from a
535 regionally accredited postsecondary institution in this state;
536 Certified All Lines Adjuster (CALA) from Kaplan Financial
537 Education; Associate in Claims (AIC) from the Insurance
538 Institute of America; Professional Claims Adjuster (PCA) from
539 the Professional Career Institute; Professional Property
540 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
541 Certified Adjuster (CA) from ALL LINES Training; Certified
542 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
543 Certified Professional (CACP) from WebCE, Inc.; Accredited
544 Insurance Claims Specialist (AICS) from Encore Claim Services;
545 Professional in Claims (PIC) from 2021 Training, LLC; Registered
546 Claims Adjuster (RCA) from American Insurance College; or
547 Universal Claims Certification (UCC) from Claims and Litigation
548 Management Alliance (CLM) whose curriculum has been approved by
549 the department and which includes comprehensive analysis of
550 basic property and casualty lines of insurance and testing at
551 least equal to that of standard department testing for the all-
552 lines adjuster license. The department shall adopt rules
553 establishing standards for the approval of curriculum.

554 Section 16. Subsection (6) of section 626.601, Florida
555 Statutes, is amended to read:

556 626.601 Improper conduct; inquiry; fingerprinting.—

557 (6) The complaint and any information obtained pursuant to
558 the investigation by the department or office are confidential
559 and are exempt from s. 119.07 unless the department or office
560 files a formal administrative complaint, emergency order, or
561 consent order against the individual or entity. This subsection



203882

562 does not prevent the department or office from disclosing the
563 complaint or such information as it deems necessary to conduct
564 the investigation, to update the complainant as to the status
565 and outcome of the complaint, to review the details of the
566 investigation with the individual or entity being investigated
567 or its representative, or to share such information with any law
568 enforcement agency or other regulatory body.

569 Section 17. Subsection (3) of section 626.7351, Florida
570 Statutes, is amended to read:

571 626.7351 Qualifications for customer representative's
572 license.—The department may ~~shall~~ not grant or issue a license
573 as customer representative to any individual found by it to be
574 untrustworthy or incompetent, or who does not meet each of the
575 following qualifications:

576 (3) Within 4 years preceding the date that the application
577 for license was filed with the department, the applicant has
578 earned the designation of Accredited Advisor in Insurance (AAI),
579 Associate in General Insurance (AINS), or Accredited Customer
580 Service Representative (ACSR) from the Insurance Institute of
581 America; the designation of Certified Insurance Counselor (CIC)
582 from the Society of Certified Insurance Service Counselors; the
583 designation of Certified Professional Service Representative
584 (CPSR) from the National Foundation for CPSR; the designation of
585 Certified Insurance Service Representative (CISR) from the
586 Society of Certified Insurance Service Representatives; the
587 designation of Certified Insurance Representative (CIR) from
588 All-Lines Training; the designation of Chartered Customer
589 Service Representative (CCSR) from American Insurance College;
590 the designation of Professional Customer Service Representative



203882

591 (PCSR) from the Professional Career Institute; the designation
592 of Insurance Customer Service Representative (ICSR) from
593 Statewide Insurance Associates LLC; the designation of
594 Registered Customer Service Representative (RCSR) from a
595 regionally accredited postsecondary institution in the state
596 whose curriculum is approved by the department and includes
597 comprehensive analysis of basic property and casualty lines of
598 insurance and testing which demonstrates mastery of the subject;
599 or a degree from an accredited institution of higher learning
600 approved by the department when the degree includes a minimum of
601 9 credit hours of insurance instruction, including specific
602 instruction in the areas of property, casualty, and inland
603 marine insurance. The department shall adopt rules establishing
604 standards for the approval of curriculum.

605 Section 18. Section 626.878, Florida Statutes, is amended
606 to read:

607 626.878 Rules; code of ethics.—

608 (1) An adjuster shall subscribe to the code of ethics
609 specified in the rules of the department. The rules shall
610 implement the provisions of this part and specify the terms and
611 conditions of contracts, including a right to cancel, and
612 require practices necessary to ensure fair dealing, prohibit
613 conflicts of interest, and ensure preservation of the rights of
614 the claimant to participate in the adjustment of claims.

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

618 (3) An adjuster who has had his or her licensed revoked or
619 suspended may not participate in any part of an insurance claim



203882

620 or in the insurance claims adjusting process, including
621 estimating, completing, filing, negotiating, appraising,
622 mediating, umpiring, or effecting settlement of a claim for loss
623 or damage covered under an insurance contract. A person who
624 provides these services while the person's license is revoked or
625 suspended acts as an unlicensed adjuster.

626 Section 19. Subsection (1) of section 626.929, Florida
627 Statutes, is amended, and subsection (4) is added to that
628 section, to read:

629 626.929 Origination, acceptance, placement of surplus lines
630 business.—

631 (1) A licensed and appointed general lines agent while also
632 licensed and appointed as a surplus lines agent under this part
633 may originate surplus lines business and may accept surplus
634 lines business from any other originating Florida-licensed
635 general lines agent appointed and licensed as to the kinds of
636 insurance involved and may compensate such agent therefor.

637 (4) A general lines agent while licensed as a surplus lines
638 agent under this part may appoint these licenses with a single
639 surplus license agent appointment pursuant to s. 624.501. Such
640 agent may only originate surplus lines business and accept
641 surplus lines business from other originating Florida-licensed
642 general lines agents appointed and licensed as to the kinds of
643 insurance involved and may compensate such agent therefor. Such
644 agent may not be appointed by or transact general lines
645 insurance on behalf of an admitted insurer.

646 Section 20. Paragraphs (j) is added to subsection (4) of
647 section 627.351, Florida Statutes, to read:

648 627.351 Insurance risk apportionment plans.—



203882

649 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
650 CONTRACTS AND PURCHASES.—

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

658 2. All contracts and purchases valued at or more than
659 \$100,000 require competition through a formal bid solicitation
660 conducted by the association. The association must undergo a
661 formal bid solicitation process by a minimum of three vendors.
662 The formal bid solicitation process must include all of the
663 following:

664 a. The time and date for the receipt of bids, the
665 proposals, and whether the association contemplates renewal of
666 the contract, including the price for each year for which the
667 contract may be renewed.

668 b. All the contractual terms and conditions applicable to
669 the procurement.

670 3. Evaluation of bids by the association must include
671 consideration of the total cost for each year of the contract,
672 including renewal years, as submitted by the vendor. The
673 association must award the contract to the most responsible and
674 responsive vendor. Any formal bid solicitation conducted by the
675 association must be made available, upon request, to the
676 department by electronic delivery.

677 Section 21. Subsection (5) is added to section 631.59,



203882

678 Florida Statutes, to read:

679 631.59 Duties and powers of department and office;
680 association contracts and purchases.-

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

688 (b) All contracts and purchases valued at or more than
689 \$100,000 require competition through a formal bid solicitation
690 conducted by the association. The association must undergo a
691 formal bid solicitation process. The formal bid solicitation
692 process must include all of the following:

693 1. The time and date for the receipt of bids, the
694 proposals, and whether the association contemplates renewal of
695 the contract, including the price for each year for which the
696 contract may be renewed.

697 2. All the contractual terms and conditions applicable to
698 the procurement.

699 (c) Evaluation of bids by the association must include
700 consideration of the total cost for each year of the contract,
701 including renewal years, as submitted by the vendor. The
702 association must award the contract to the most responsible and
703 responsive vendor. Any formal bid solicitation conducted by the
704 association must be made available, upon request, to the
705 department via electronic delivery.

706 (d) Paragraphs (b) and (c) do not apply to claims defense



203882

707 counsel or claims vendors if contracts with all vendors which
708 may exceed \$100,000 are provided to the department for prior
709 approval in accordance with paragraph (a).

710 Section 22. Subsection (6) is added to section 631.722,
711 Florida Statutes, to read:

712 631.722 Powers and duties of department and office;
713 association contracts and purchases.-

714 (6) (a) After July 1, 2024, all contracts entered into, and
715 all purchases made by, the association pursuant to this section
716 which are valued at or more than \$100,000 must first be approved
717 by the department. The department has 10 days to approve or deny
718 the contract or purchase upon electronic receipt of the approval
719 request. The contract or purchase is automatically approved if
720 the department is nonresponsive.

721 (b) All contracts and purchases valued at or more than
722 \$100,000 require competition through a formal bid solicitation
723 conducted by the association. The association must undergo a
724 formal bid solicitation process. The formal bid solicitation
725 process must include all of the following:

726 1. The time and date for the receipt of bids, the
727 proposals, and whether the association contemplates renewal of
728 the contract, including the price for each year for which the
729 contract may be renewed.

730 2. All the contractual terms and conditions applicable to
731 the procurement.

732 (c) Evaluation of bids by the association must include
733 consideration of the total cost for each year of the contract,
734 including renewal years, as submitted by the vendor. The
735 association must award the contract to the most responsible and



203882

736 responsive vendor. Any formal bid solicitation conducted by the
737 association must be made available, upon request, to the
738 department via electronic delivery.

739 Section 23. Subsection (5) is added to section 631.821,
740 Florida Statutes, to read:

741 631.821 Powers and duties of the department; board
742 contracts and purchases.—

743 (5) (a) After July 1, 2024, all contracts entered into, and
744 all purchases made by, the board pursuant to this section which
745 are valued at or more than \$100,000 must first be approved by
746 the department. The department has 10 days to approve or deny
747 the contract or purchase upon electronic receipt of the approval
748 request. The contract or purchase is automatically approved if
749 the department is nonresponsive.

750 (b) All contracts and purchases valued at or more than
751 \$100,000 require competition through a formal bid solicitation
752 conducted by the board. The board must undergo a formal bid
753 solicitation process. The formal bid solicitation process must
754 include all of the following:

755 1. The time and date for the receipt of bids, the
756 proposals, and whether the board contemplates renewal of the
757 contract, including the price for each year for which the
758 contract may be renewed.

759 2. All the contractual terms and conditions applicable to
760 the procurement.

761 (c) Evaluation of bids by the board must include
762 consideration of the total cost for each year of the contract,
763 including renewal years, as submitted by the vendor. The plan
764 must award the contract to the most responsible and responsive



203882

765 vendor. Any formal bid solicitation conducted by the board must
766 be made available, upon request, to the department via
767 electronic delivery.

768 Section 24. Section 631.921, Florida Statutes, is amended
769 to read:

770 631.921 Department powers; board contracts and purchases.—

771 (1) The corporation shall be subject to examination by the
772 department. By March 1 of each year, the board of directors
773 shall cause a financial report to be filed with the department
774 for the immediately preceding calendar year in a form approved
775 by the department.

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

783 (b) All contracts and purchases valued at or more than
784 \$100,000 require competition through a formal bid solicitation
785 conducted by the board. The board must undergo a formal bid
786 solicitation process. The formal bid solicitation process must
787 include all of the following:

788 1. The time and date for the receipt of bids, the
789 proposals, and whether the board contemplates renewal of the
790 contract, including the price for each year for which the
791 contract may be renewed.

792 2. All the contractual terms and conditions applicable to
793 the procurement.



203882

794 (c) Evaluation of bids by the board must include
795 consideration of the total cost for each year of the contract,
796 including renewal years, as submitted by the vendor. The
797 association must award the contract to the most responsible and
798 responsive vendor. Any formal bid solicitation conducted by the
799 association must be made available, upon request, to the
800 department via electronic delivery.

801 Section 25. Paragraph (b) of subsection (3) of section
802 633.124, Florida Statutes, is amended to read:

803 633.124 Penalty for violation of law, rule, or order to
804 cease and desist or for failure to comply with corrective
805 order.—

806 (3)

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

810 1. The structure has a fire protection system installed in
811 compliance with s. 633.334.

812 2. The owner of the structure has authorized in writing the
813 pyrotechnic display.

814 3. If the local jurisdiction requires a permit for the use
815 of a pyrotechnic display in an occupied structure, such permit
816 has been obtained and all conditions of the permit complied with
817 or, if the local jurisdiction does not require a permit for the
818 use of a pyrotechnic display in an occupied structure, the
819 person initiating the display has complied with National Fire
820 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
821 Standard for the Use of Pyrotechnics before a Proximate
822 Audience.



203882

823 Section 26. Subsection (2) of section 633.202, Florida
824 Statutes, is amended to read:

825 633.202 Florida Fire Prevention Code.—

826 (2) The State Fire Marshal shall adopt the current edition
827 of the National Fire Protection Association's Standard 1, Fire
828 Prevention Code but may not adopt a building, mechanical,
829 accessibility, or plumbing code. The State Fire Marshal shall
830 adopt the current edition of the Life Safety Code, NFPA 101,
831 current editions, by reference. The State Fire Marshal may
832 modify the selected codes and standards as needed to accommodate
833 the specific needs of the state. Standards or criteria in the
834 selected codes shall be similarly incorporated by reference. The
835 State Fire Marshal shall incorporate within sections of the
836 Florida Fire Prevention Code provisions that address uniform
837 firesafety standards as established in s. 633.206. The State
838 Fire Marshal shall incorporate within sections of the Florida
839 Fire Prevention Code provisions addressing regional and local
840 concerns and variations.

841 Section 27. Paragraph (b) of subsection (1) of section
842 633.206, Florida Statutes, is amended to read:

843 633.206 Uniform firesafety standards.—The Legislature
844 hereby determines that to protect the public health, safety, and
845 welfare it is necessary to provide for firesafety standards
846 governing the construction and utilization of certain buildings
847 and structures. The Legislature further determines that certain
848 buildings or structures, due to their specialized use or to the
849 special characteristics of the person utilizing or occupying
850 these buildings or structures, should be subject to firesafety
851 standards reflecting these special needs as may be appropriate.



203882

852 (1) The department shall establish uniform firesafety
853 standards that apply to:

854 (b) All new, existing, and proposed hospitals, nursing
855 homes, assisted living facilities, adult family-care homes,
856 correctional facilities, public schools, transient public
857 lodging establishments, public food service establishments,
858 mobile food dispensing vehicles, elevators, migrant labor camps,
859 mobile home parks, lodging parks, recreational vehicle parks,
860 recreational camps, residential and nonresidential child care
861 facilities, facilities for the developmentally disabled, motion
862 picture and television special effects productions, tunnels,
863 energy storage systems, and self-service gasoline stations, of
864 which standards the State Fire Marshal is the final
865 administrative interpreting authority.

866
867 In the event there is a dispute between the owners of the
868 buildings specified in paragraph (b) and a local authority
869 requiring a more stringent uniform firesafety standard for
870 sprinkler systems, the State Fire Marshal shall be the final
871 administrative interpreting authority and the State Fire
872 Marshal's interpretation regarding the uniform firesafety
873 standards shall be considered final agency action.

874 Section 28. Paragraph (b) of subsection (8) of section
875 634.041, Florida Statutes, is amended to read:

876 634.041 Qualifications for license.—To qualify for and hold
877 a license to issue service agreements in this state, a service
878 agreement company must be in compliance with this part, with
879 applicable rules of the commission, with related sections of the
880 Florida Insurance Code, and with its charter powers and must



203882

881 comply with the following:

882 (8)

883 (b) A service agreement company does not have to establish
884 and maintain an unearned premium reserve if it secures and
885 maintains contractual liability insurance in accordance with the
886 following:

887 1. Coverage of 100 percent of the claim exposure is
888 obtained from an insurer or insurers approved by the office,
889 which hold ~~holds~~ a certificate of authority under s. 624.401 to
890 do business within this state, or secured through a risk
891 retention groups ~~group~~, which are ~~is~~ authorized to do business
892 within this state under s. 627.943 or s. 627.944. Such insurers
893 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
894 as regards policyholders of at least \$15 million.

895 2. If the service agreement company does not meet its
896 contractual obligations, the contractual liability insurance
897 policy binds its issuer to pay or cause to be paid to the
898 service agreement holder all legitimate claims and cancellation
899 refunds for all service agreements issued by the service
900 agreement company while the policy was in effect. This
901 requirement also applies to those service agreements for which
902 no premium has been remitted to the insurer.

903 3. If the issuer of the contractual liability policy is
904 fulfilling the service agreements covered by the contractual
905 liability policy and the service agreement holder cancels the
906 service agreement, the issuer must make a full refund of
907 unearned premium to the consumer, subject to the cancellation
908 fee provisions of s. 634.121(3). The sales representative and
909 agent must refund to the contractual liability policy issuer



203882

910 their unearned pro rata commission.

911 4. The policy may not be canceled, terminated, or
912 nonrenewed by the insurer or the service agreement company
913 unless a 90-day written notice thereof has been given to the
914 office by the insurer before the date of the cancellation,
915 termination, or nonrenewal.

916 5. The service agreement company must provide the office
917 with the claims statistics.

918 6. A policy issued in compliance with this paragraph may
919 either pay 100 percent of claims as they are incurred, or pay
920 100 percent of claims due in the event of the failure of the
921 service agreement company to pay such claims when due.

922
923 All funds or premiums remitted to an insurer by a motor vehicle
924 service agreement company under this part shall remain in the
925 care, custody, and control of the insurer and shall be counted
926 as an asset of the insurer; provided, however, this requirement
927 does not apply when the insurer and the motor vehicle service
928 agreement company are affiliated companies and members of an
929 insurance holding company system. If the motor vehicle service
930 agreement company chooses to comply with this paragraph but also
931 maintains a reserve to pay claims, such reserve shall only be
932 considered an asset of the covered motor vehicle service
933 agreement company and may not be simultaneously counted as an
934 asset of any other entity.

935 Section 29. Subsection (5) of section 634.081, Florida
936 Statutes, is amended to read:

937 634.081 Suspension or revocation of license; grounds.-

938 (5) The office shall suspend or revoke the license of a



939 company if it finds that the ratio of gross written premiums
940 written to net assets exceeds 10 to 1 unless the company has in
941 excess of \$750,000 in net assets and is utilizing contractual
942 liability insurance which cedes 100 percent of the service
943 agreement company's claims liabilities to the contractual
944 liability insurers ~~insurer~~ or is utilizing contractual liability
945 insurance which reimburses the service agreement company for 100
946 percent of its paid claims. However, if a service agreement
947 company has been licensed by the office in excess of 10 years,
948 is in compliance with all applicable provisions of this part,
949 and has net assets at all times in excess of \$3 million that
950 comply with the provisions of part II of chapter 625, such
951 company may not exceed a ratio of gross written premiums written
952 to net assets of 15 to 1.

953 Section 30. Present subsection (5) of section 634.3077,
954 Florida Statutes, is redesignated as subsection (6), a new
955 subsection (5) is added to that section, and subsection (3) of
956 that section is amended, to read:

957 634.3077 Financial requirements.—

958 (3) An association may ~~shall~~ not be required to set up an
959 unearned premium reserve if it has purchased contractual
960 liability insurance which demonstrates to the satisfaction of
961 the office that 100 percent of its claim exposure is covered by
962 such insurance. Such contractual liability insurance shall be
963 obtained from an insurer or insurers that hold ~~holds~~ a
964 certificate of authority to do business within the state or from
965 an insurer or insurers approved by the office as financially
966 capable of meeting the obligations incurred pursuant to the
967 policy. For purposes of this subsection, the contractual



203882

968 liability policy shall contain the following provisions:

969 (a) In the event that the home warranty association is
970 unable to fulfill its obligation under its contracts issued in
971 this state for any reason, including insolvency, bankruptcy, or
972 dissolution, the contractual liability insurer will pay losses
973 and unearned premiums under such plans directly to persons
974 making claims under such contracts.

975 (b) The insurer issuing the policy shall assume full
976 responsibility for the administration of claims in the event of
977 the inability of the association to do so.

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

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

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

991 (a) The association or, if the association is a direct or
992 indirect wholly owned subsidiary of a parent corporation, its
993 parent corporation has, and maintains at all times, a minimum
994 net worth of at least \$100 million and provides the office with
995 the following:

996 1. A copy of the association's annual audited financial



203882

997 statements or the audited consolidated financial statements of
998 the association's parent corporation, prepared by an independent
999 certified public accountant in accordance with generally
1000 accepted accounting principles, which clearly demonstrate the
1001 net worth of the association or its parent corporation to be
1002 \$100 million, and a quarterly written certification to the
1003 office that the association or its parent corporation continues
1004 to maintain the net worth required under this paragraph.

1005 2. The association's or its parent corporation's Form 10-K,
1006 Form 10-Q, or Form 20-F as filed with the United States
1007 Securities and Exchange Commission or such other documents
1008 required to be filed with a recognized stock exchange, which
1009 shall be provided on a quarterly and annual basis within 10 days
1010 after the last date each such report must be filed with the
1011 Securities and Exchange Commission, the National Association of
1012 Securities Dealers Automated Quotations system, or other
1013 recognized stock exchange.

1014
1015 Failure to timely file the documents required under this
1016 paragraph may, at the discretion of the office, subject the
1017 association to suspension or revocation of its license under
1018 this part.

1019 (b) If the net worth of a parent corporation is used to
1020 satisfy the net worth provisions of paragraph (a), the following
1021 requirements must be met:

1022 1. The parent corporation must guarantee all service
1023 warranty obligations of the association, wherever written, on a
1024 form approved in advance by the office. A cancellation,
1025 termination, or modification of the guarantee does not become



1026 effective unless the parent corporation provides the office
1027 written notice at least 90 days before the effective date of the
1028 cancellation, termination, or modification and the office
1029 approves the request in writing. Before the effective date of
1030 the cancellation, termination, or modification of the guarantee,
1031 the association must demonstrate to the satisfaction of the
1032 office compliance with all applicable provisions of this part,
1033 including whether the association will meet the requirements of
1034 this section by the purchase of contractual liability insurance,
1035 establishing required reserves, or other method allowed under
1036 this section. If the association or parent corporation does not
1037 demonstrate to the satisfaction of the office compliance with
1038 all applicable provisions of this part, the association or
1039 parent association shall immediately cease writing new and
1040 renewal business upon the effective date of the cancellation,
1041 termination, or modification.

1042 2. The association must maintain at all times net assets of
1043 at least \$750,000.

1044 Section 31. Section 634.317, Florida Statutes, is amended
1045 to read:

1046 634.317 License and appointment required.—No person may
1047 solicit, negotiate, or effectuate home warranty contracts for
1048 remuneration in this state unless such person is licensed and
1049 appointed as a sales representative. A licensed and appointed
1050 sales representative shall be directly responsible and
1051 accountable for all acts of the licensee's employees. A
1052 municipality, a county government, a special district, an entity
1053 operated by a municipality or county government, or an employee
1054 or agent of a municipality, county government, special district,



203882

1055 or entity operated by a municipality or county government is
1056 exempt from the licensing and appointing requirements of this
1057 section.

1058 Section 32. Present subsection (9) of section 648.25,
1059 Florida Statutes, is redesignated as subsection (10), and a new
1060 subsection (9) and subsection (11) are added to that section, to
1061 read:

1062 648.25 Definitions.—As used in this chapter, the term:

1063 (9) "Referring bail bond agent" is the limited surety agent
1064 who is appointed with the surety company issuing the transfer
1065 bond that is to be posted in a county where the referring
1066 limited surety agent is not registered. The referring bail bond
1067 agent is the appointed agent held liable for the transfer bond,
1068 along with the issuing surety company.

1069 (11) "Transfer bond" means the appearance bond and power of
1070 attorney form posted by a limited surety agent who is registered
1071 in the county where the defendant is being held in custody, and
1072 who is appointed to represent the same surety company issuing
1073 the appearance bond as the referring bail bond agent.

1074 Section 33. Subsection (3) of section 648.26, Florida
1075 Statutes, is amended to read:

1076 648.26 Department of Financial Services; administration.—

1077 (3) The papers, documents, reports, or any other
1078 investigatory records of the department are confidential and
1079 exempt from s. 119.07(1) until such investigation is completed
1080 or ceases to be active, unless the department or office files a
1081 formal administrative complaint, emergency order, or consent
1082 order against the individual or entity. For the purpose of this
1083 section, an investigation is considered active while the



203882

1084 investigation is being conducted by the department with a
1085 reasonable, good faith belief that it may lead to the filing of
1086 administrative, civil, or criminal proceedings. An investigation
1087 does not cease to be active if the department is proceeding with
1088 reasonable dispatch and there is good faith belief that action
1089 may be initiated by the department or other administrative or
1090 law enforcement agency. This subsection does not prevent the
1091 department or office from disclosing the content of a complaint
1092 or such information as it deems necessary to conduct the
1093 investigation, to update the complainant as to the status and
1094 outcome of the complaint, to review the details of the
1095 investigation with the subject or the subject's representative,
1096 or to share such information with any law enforcement agency or
1097 other regulatory body.

1098 Section 34. Paragraph (a) of subsection (1) of section
1099 648.30, Florida Statutes, is amended to read:

1100 648.30 Licensure and appointment required; prohibited acts;
1101 penalties.—

1102 (1) (a) A person or entity may not act in the capacity of a
1103 bail bond agent or bail bond agency or perform any of the
1104 functions, duties, or powers prescribed for bail bond agents or
1105 bail bond agencies under this chapter unless that person or
1106 entity is qualified, licensed, and appointed as provided in this
1107 chapter ~~and employed by a bail bond agency.~~

1108 Section 35. Subsection (1) of section 648.355, Florida
1109 Statutes, is amended to read:

1110 648.355 Limited surety agents and professional bail bond
1111 agents; qualifications.—

1112 (1) The applicant shall furnish, with the application for



203882

1113 license, a complete set of the applicant's fingerprints in
1114 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1115 ~~fullface photograph of the applicant.~~ The department may not
1116 issue a license under this section until the department has
1117 received a report from the Department of Law Enforcement and the
1118 Federal Bureau of Investigation relative to the existence or
1119 nonexistence of a criminal history report based on the
1120 applicant's fingerprints.

1121 Section 36. Subsection (3) of section 648.43, Florida
1122 Statutes, is amended to read:

1123 648.43 Power of attorney; approval by office; filing of
1124 copies; notification of transfer bond.—

1125 (3) Every bail bond agent who executes or countersigns a
1126 transfer bond shall indicate in writing on the bond the name,
1127 and address, and license number of the referring bail bond
1128 agent.

1129 Section 37. Section 717.101, Florida Statutes, is amended
1130 to read:

1131 717.101 Definitions.—As used in this chapter, unless the
1132 context otherwise requires:

1133 (1) "Aggregate" means the amounts reported for owners of
1134 unclaimed property of less than \$50 or where there is no name
1135 for the individual or entity listed on the holder's records,
1136 regardless of the amount to be reported.

1137 (2) "Apparent owner" means the person whose name appears on
1138 the records of the holder as the person entitled to property
1139 held, issued, or owing by the holder.

1140 (3) "Audit" means an action or proceeding to examine and
1141 verify a person's records, books, accounts, and other documents



203882

1142 to ascertain and determine compliance with this chapter.

1143 (4) "Audit agent" means a person with whom the department
1144 enters into a contract with to conduct an audit or examination.

1145 The term includes an independent contractor of the person and
1146 each individual participating in the audit on behalf of the
1147 person or contractor.

1148 (5)~~(3)~~ "Banking organization" means any and all banks,
1149 trust companies, private bankers, savings banks, industrial
1150 banks, safe-deposit companies, savings and loan associations,
1151 credit unions, and investment companies in this state, organized
1152 under or subject to the laws of this state or of the United
1153 States, including entities organized under 12 U.S.C. s. 611, but
1154 does not include Federal Reserve Banks. The term also includes
1155 any corporation, business association, or other organization
1156 that:

1157 (a) Is a wholly or partially owned subsidiary of any
1158 banking, banking corporation, or bank holding company that
1159 performs any or all of the functions of a banking organization;
1160 or

1161 (b) Performs functions pursuant to the terms of a contract
1162 with any banking organization ~~state or national bank,~~
1163 ~~international banking entity or similar entity, trust company,~~
1164 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
1165 ~~company, private bank, or any organization otherwise defined by~~
1166 ~~law as a bank or banking organization.~~

1167 (6)~~(4)~~ "Business association" means any for-profit or
1168 nonprofit corporation other than a public corporation; joint
1169 stock company; investment company; unincorporated association or
1170 association of two or more individuals for business purposes,



203882

1171 whether or not for profit; partnership; joint venture; limited
1172 liability company; sole proprietorship; business trust; trust
1173 company; land bank; safe-deposit company; safekeeping
1174 depository; financial organization; insurance company; federally
1175 chartered entity; utility company; or other business entity,
1176 whether or not for profit corporation (other than a public
1177 corporation), joint stock company, investment company, business
1178 trust, partnership, limited liability company, or association of
1179 two or more individuals for business purposes, whether for
1180 profit or not for profit.

1181 (7)-(5) "Claimant" means the person on whose behalf a claim
1182 is filed.

1183 (8) "Claimant's representative" means an attorney who is a
1184 member in good standing of The Florida Bar, a certified public
1185 accountant licensed in this state, or private investigator who
1186 is duly licensed to do business in this state, registered with
1187 the department, and authorized by the claimant to claim
1188 unclaimed property on the claimant's behalf. The term does not
1189 include a person acting in a representative capacity, such as a
1190 personal representative, guardian, trustee, or attorney, whose
1191 representation is not contingent upon the discovery or location
1192 of unclaimed property; provided, however, that any agreement
1193 entered into for the purpose of evading s. 717.135 is invalid
1194 and unenforceable.

1195 (9)-(6) "Credit balance" means an account balance in the
1196 customer's favor.

1197 (10)-(7) "Department" means the Department of Financial
1198 Services.

1199 (11)-(8) "Domicile" means the state of incorporation for a



203882

1200 corporation; the state of filing for a business association,
1201 other than a corporation, whose formation or organization
1202 requires a filing with a state; the state of organization for a
1203 business association, other than a corporation, whose formation
1204 or organization does not require a filing with a state; or the
1205 state of home office for a federally chartered entity ~~incorporated~~
1206 ~~under the laws of a state, or, for an unincorporated business~~
1207 ~~association, the state where the business association is~~
1208 ~~organized.~~

1209 (12)~~(9)~~ "Due diligence" means the use of reasonable and
1210 prudent methods under particular circumstances to locate
1211 apparent owners of inactive accounts using the taxpayer
1212 identification number or social security number, if known, which
1213 may include, but are not limited to, using a nationwide
1214 database, cross-indexing with other records of the holder,
1215 mailing to the last known address unless the last known address
1216 is known to be inaccurate, providing written notice as described
1217 in this chapter by electronic mail if an apparent owner has
1218 elected such delivery, or engaging a licensed agency or company
1219 capable of conducting such search and providing updated
1220 addresses.

1221 (13) "Electronic" means relating to technology having
1222 electrical, digital, magnetic, wireless, optical,
1223 electromagnetic, or similar capabilities.

1224 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~
1225 ~~savings association, savings and loan association,~~ savings bank,
1226 industrial bank, bank, banking organization, trust company,
1227 international bank agency, cooperative bank, building and loan
1228 association, or credit union.



203882

1229 ~~(15)-(11)~~ "Health care provider" means any state-licensed
1230 entity that provides and receives payment for health care
1231 services. These entities include, but are not limited to,
1232 hospitals, outpatient centers, physician practices, and skilled
1233 nursing facilities.

1234 ~~(16)-(12)~~ "Holder" means:

1235 (a) A person, wherever organized or domiciled, who is in
1236 possession or control or has custody of property or the rights
1237 to property belonging to another; is indebted to another on an
1238 obligation; or is obligated to hold for the account of, or to
1239 deliver or pay to, the owner, property subject to this chapter;
1240 or

1241 ~~(a) In possession of property belonging to another;~~

1242 ~~(b) A trustee in case of a trust; or~~

1243 ~~(c) Indebted to another on an obligation.~~

1244 ~~(17)-(13)~~ "Insurance company" means an association,
1245 corporation, or fraternal or mutual benefit organization,
1246 whether for profit or not for profit, which is engaged in
1247 providing insurance coverage.

1248 ~~(18)-(14)~~ "Intangible property" includes, by way of
1249 illustration and not limitation:

1250 (a) Moneys, checks, virtual currency, drafts, deposits,
1251 interest, dividends, and income.

1252 (b) Credit balances, customer overpayments, security
1253 deposits and other instruments as defined by chapter 679,
1254 refunds, unpaid wages, unused airline tickets, and unidentified
1255 remittances.

1256 (c) Stocks, and other intangible ownership interests in
1257 business associations.



203882

1258 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1259 original issue discount bonds, coupons, and other securities, or
1260 to make distributions.

1261 (e) Amounts due and payable under the terms of insurance
1262 policies.

1263 (f) Amounts distributable from a trust or custodial fund
1264 established under a plan to provide any health, welfare,
1265 pension, vacation, severance, retirement, death, stock purchase,
1266 profit sharing, employee savings, supplemental unemployment
1267 insurance, or similar benefit.

1268 (19)~~(15)~~ "Last known address" means a description of the
1269 location of the apparent owner sufficient for the purpose of the
1270 delivery of mail. For the purposes of identifying, reporting,
1271 and remitting property to the department which is presumed to be
1272 unclaimed, "last known address" includes any partial description
1273 of the location of the apparent owner sufficient to establish
1274 the apparent owner was a resident of this state at the time of
1275 last contact with the apparent owner or at the time the property
1276 became due and payable.

1277 (20)~~(16)~~ "Lawful charges" means charges against dormant
1278 accounts that are authorized by statute for the purpose of
1279 offsetting the costs of maintaining the dormant account.

1280 (21)~~(17)~~ "Managed care payor" means a health care plan that
1281 has a defined system of selecting and limiting health care
1282 providers as evidenced by a managed care contract with the
1283 health care providers. These plans include, but are not limited
1284 to, managed care health insurance companies and health
1285 maintenance organizations.

1286 (22)~~(18)~~ "Owner" means a person, or the person's legal



1287 representative, entitled to receive or having a legal or
1288 equitable interest in or claim against property subject to this
1289 chapter; a depositor in the case of a deposit; a beneficiary in
1290 the case of a trust or a deposit in trust; or a payee in the
1291 case of a negotiable instrument or other intangible property a
1292 ~~depositor in the case of a deposit, a beneficiary in the case of~~
1293 ~~a trust or a deposit in trust, or a payee in the case of other~~
1294 ~~intangible property, or a person having a legal or equitable~~
1295 ~~interest in property subject to this chapter or his or her legal~~
1296 ~~representative.~~

1297 (23) "Person" means an individual; estate; business
1298 association; corporation; firm; association; joint adventure;
1299 partnership; government or governmental subdivision, agency, or
1300 instrumentality; or any other legal or commercial entity.

1301 (24)~~(19)~~ "Public corporation" means a corporation created
1302 by the state, founded and owned in the public interest,
1303 supported by public funds, and governed by those deriving their
1304 power from the state.

1305 (25) "Record" means information that is inscribed on a
1306 tangible medium or that is stored in an electronic or other
1307 medium and is retrievable in perceivable form.

1308 (26)~~(20)~~ "Reportable period" means the calendar year ending
1309 December 31 of each year.

1310 (27)~~(21)~~ "State," when applied to a part of the United
1311 States, includes any state, district, commonwealth, territory,
1312 insular possession, and any other area subject to the
1313 legislative authority of the United States.

1314 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1315 defined in s. 736.0103.



203882

1316 ~~(23) "Ultimate equitable owner" means a natural person who,~~
1317 ~~directly or indirectly, owns or controls an ownership interest~~
1318 ~~in a corporation, a foreign corporation, an alien business~~
1319 ~~organization, or any other form of business organization,~~
1320 ~~regardless of whether such natural person owns or controls such~~
1321 ~~ownership interest through one or more natural persons or one or~~
1322 ~~more proxies, powers of attorney, nominees, corporations,~~
1323 ~~associations, partnerships, trusts, joint stock companies, or~~
1324 ~~other entities or devices, or any combination thereof.~~

1325 (29) "Unclaimed Property Purchase Agreement" means the form
1326 adopted by the department pursuant to s. 717.135 which must be
1327 used, without modification or amendment, by a claimant's
1328 representative to purchase unclaimed property from an owner.

1329 (30) "Unclaimed Property Recovery Agreement" means the form
1330 adopted by the department pursuant to s. 717.135 which must be
1331 used, without modification or amendment, by a claimant's
1332 representative to obtain an owner's consent and authority to
1333 recover unclaimed property on the owner's behalf.

1334 (31)~~(24)~~ "United States" means any state, district,
1335 commonwealth, territory, insular possession, and any other area
1336 subject to the legislative authority of the United States of
1337 America.

1338 (32)~~(25)~~ "Utility" means a person who owns or operates, for
1339 public use, any plant, equipment, property, franchise, or
1340 license for the transmission of communications or the
1341 production, storage, transmission, sale, delivery, or furnishing
1342 of electricity, water, steam, or gas.

1343 (33) (a) "Virtual currency" means digital units of exchange
1344 that:



203882

- 1345 1. Have a centralized repository or administrator;
1346 2. Are decentralized and have no centralized repository or
1347 administrator; or
1348 3. May be created or obtained by computing or manufacturing
1349 effort.
1350 (b) The term does not include any of the following:
1351 1. Digital units that:
1352 a. Are used solely within online gaming platforms;
1353 b. Have no market or application outside of the online
1354 gaming platforms in sub-subparagraph a.;
1355 c. Cannot be converted into, or redeemed for, fiat currency
1356 or virtual currency; and
1357 d. Can or cannot be redeemed for real-world goods,
1358 services, discounts, or purchases.
1359 2. Digital units that can be redeemed for:
1360 a. Real-world goods, services, discounts, or purchases as
1361 part of a customer affinity or rewards program with the issuer
1362 or other designated merchants; or
1363 b. Digital units in another customer affinity or rewards
1364 program, but cannot be converted into, or redeemed for, fiat
1365 currency or virtual currency.
1366 3. Digital units used as part of prepaid cards.
1367 Section 38. Subsections (3) and (4) are added to section
1368 717.102, Florida Statutes, to read:
1369 717.102 Property presumed unclaimed; general rule.—
1370 (3) A presumption that property is unclaimed is rebutted by
1371 an apparent owner's expression of interest in the property. An
1372 owner's expression of interest in property includes:
1373 (a) A record communicated by the apparent owner to the



203882

1374 holder or agent of the holder concerning the property or the
1375 account in which the property is held;

1376 (b) An oral communication by the apparent owner to the
1377 holder or agent of the holder concerning the property or the
1378 account in which the property is held, if the holder or its
1379 agent contemporaneously makes and preserves a record of the fact
1380 of the apparent owner's communication;

1381 (c) Presentment of a check or other instrument of payment
1382 of a dividend, interest payment, or other distribution, with
1383 respect to an account, underlying security, or interest in a
1384 business association;

1385 (d) Activity directed by an apparent owner in the account
1386 in which the property is held, including accessing the account
1387 or information concerning the account, or a direction by the
1388 apparent owner to increase, decrease, or otherwise change the
1389 amount or type of property held in the account;

1390 (e) A deposit into or withdrawal from an account at a
1391 financial organization, excluding an automatic deposit or
1392 withdrawal previously authorized by the apparent owner or an
1393 automatic reinvestment of dividends or interest, which does not
1394 constitute an expression of interest; or

1395 (f) Any other action by the apparent owner which reasonably
1396 demonstrates to the holder that the apparent owner knows that
1397 the property exists.

1398 (4) A deceased owner is incapable of expressing an interest
1399 in property.

1400 Section 39. Subsection (5) of section 717.106, Florida
1401 Statutes, is amended to read:

1402 717.106 Bank deposits and funds in financial



203882

1403 organizations.-

1404 (5) If the documents establishing a deposit described in
1405 subsection (1) state the address of a beneficiary of the
1406 deposit, and the account has a value of at least \$50, notice
1407 shall be given to the beneficiary as provided for notice to the
1408 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
1409 subsection shall apply to accounts opened on or after October 1,
1410 1990.

1411 Section 40. Section 717.1065, Florida Statutes, is created
1412 to read:

1413 717.1065 Virtual currency.-

1414 (1) Any virtual currency held or owing by a banking
1415 organization, corporation, custodian, exchange, or other entity
1416 engaged in virtual currency business activity is presumed
1417 unclaimed unless the owner, within 5 years, has communicated in
1418 writing with the banking organization, corporation, custodian,
1419 exchange, or other entity engaged in virtual currency business
1420 activity concerning the virtual currency or otherwise indicated
1421 an interest as evidenced by a memorandum or other record on file
1422 with the banking organization, corporation, custodian, exchange,
1423 or other entity engaged in virtual currency business activity.

1424 (2) A holder may not deduct from the amount of any virtual
1425 currency subject to this section any charges imposed by reason
1426 of the virtual currency unless there is a valid and enforceable
1427 written contract between the holder and the owner of the virtual
1428 currency pursuant to which the holder may impose those charges
1429 and the holder does not regularly reverse or otherwise cancel
1430 those charges with respect to the virtual currency.

1431 Section 41. Paragraph (a) of subsection (1) of section



203882

1432 717.1101, Florida Statutes, is amended to read:

1433 717.1101 Unclaimed equity and debt of business
1434 associations.—

1435 (1) (a) Stock or other equity interest in a business
1436 association is presumed unclaimed on the date of 3 years after
1437 the earliest of the following:

1438 1. Three years after The date of the most recent of any
1439 owner-generated activity or communication related to the
1440 account, as recorded and maintained in the holder's database and
1441 records systems sufficient enough to demonstrate the owner's
1442 continued awareness or interest in the property dividend, stock
1443 split, or other distribution unclaimed by the apparent owner;

1444 2. Three years after the date of the death of the owner, as
1445 evidenced by: The date of a statement of account or other
1446 notification or communication that was returned as
1447 undeliverable; or

1448 a. Notice to the holder of the owner's death by an
1449 administrator, beneficiary, relative, or trustee, or by a
1450 personal representative or other legal representative of the
1451 owner's estate;

1452 b. Receipt by the holder of a copy of the death certificate
1453 of the owner;

1454 c. Confirmation by the holder of the owner's death through
1455 other means; or

1456 d. Other evidence from which the holder may reasonably
1457 conclude that the owner is deceased; or

1458 3. One year after the date on which the holder receives
1459 notice under subparagraph 2. if the notice is received 2 years
1460 or less after the owner's death and the holder lacked knowledge



203882

1461 ~~of the owner's death during that period of 2 years or less The~~
1462 ~~date the holder discontinued mailings, notifications, or~~
1463 ~~communications to the apparent owner.~~

1464 Section 42. Subsection (1) of section 717.112, Florida
1465 Statutes, is amended to read:

1466 717.112 Property held by agents and fiduciaries.—

1467 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
1468 intangible property and any income or increment thereon held in
1469 a fiduciary capacity for the benefit of another person,
1470 including property held by an attorney in fact or an agent,
1471 except as provided in ss. 717.1125 and 733.816, is presumed
1472 unclaimed unless the owner has within 5 years after it has
1473 become payable or distributable increased or decreased the
1474 principal, accepted payment of principal or income, communicated
1475 in writing concerning the property, or otherwise indicated an
1476 interest as evidenced by a memorandum or other record on file
1477 with the fiduciary.

1478 Section 43. Effective January 1, 2025, section 717.117,
1479 Florida Statutes, is amended to read:

1480 717.117 Report of unclaimed property.—

1481 (1) Every person holding funds or other property, tangible
1482 or intangible, presumed unclaimed and subject to custody as
1483 unclaimed property under this chapter shall report to the
1484 department ~~on such forms as the department may prescribe by~~
1485 ~~rule. In lieu of forms, a report identifying 25 or more~~
1486 ~~different apparent owners must be submitted by the holder via~~
1487 electronic medium as the department may prescribe by rule. The
1488 report must include:

1489 (a) Except for traveler's checks and money orders, the



203882

1490 name, social security number or taxpayer identification number,
1491 ~~and~~ date of birth, if known, and last known address, if any, of
1492 each person appearing from the records of the holder to be the
1493 owner of any property which is presumed unclaimed and which has
1494 a value of \$10 ~~\$50~~ or more.

1495 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
1496 or more held or owing under any life or endowment insurance
1497 policy or annuity contract, the identifying information required
1498 to be provided under paragraph (a) for both ~~full name, taxpayer~~
1499 ~~identification number or social security number, date of birth,~~
1500 ~~if known, and last known address of~~ the insured or annuitant and
1501 ~~of~~ the beneficiary according to records of the insurance company
1502 holding or owing the funds.

1503 (c) For all tangible property held in a safe-deposit box or
1504 other safekeeping repository, a description of the property and
1505 the place where the property is held and may be inspected by the
1506 department, and any amounts owing to the holder. Contents of a
1507 safe-deposit box or other safekeeping repository which consist
1508 of documents or writings of a private nature and which have
1509 little or no apparent value shall not be presumed unclaimed.

1510 (d) The nature or type of property, any accounting or ~~and~~
1511 identifying number associated with the property, a ~~if any, or~~
1512 description of the property, and the amount appearing from the
1513 records to be due. Items of value less than \$10 ~~under \$50~~ each
1514 may be reported in the aggregate.

1515 (e) The date the property became payable, demandable, or
1516 returnable, and the date of the last transaction with the
1517 apparent owner with respect to the property.

1518 (f) Any other information the department may prescribe by



203882

1519 rule as necessary for the administration of this chapter.
1520 (2) If the total value of all presumed unclaimed property,
1521 whether tangible or intangible, held by a person is less than
1522 \$10, a zero balance report may be filed for that reporting
1523 period
1524 ~~(f) Any person or business association or public~~
1525 ~~corporation holding funds presumed unclaimed and having a total~~
1526 ~~value of \$10 or less may file a zero balance report for that~~
1527 ~~reporting period. The balance brought forward to the new~~
1528 ~~reporting period is zero.~~
1529 ~~(g) Such other information as the department may prescribe~~
1530 ~~by rule as necessary for the administration of this chapter.~~
1531 (3)~~(h)~~ Credit balances, customer overpayments, security
1532 deposits, and refunds having a value of less than \$10 may shall
1533 not be presumed unclaimed.
1534 (4)~~(2)~~ If the holder of property presumed unclaimed and
1535 subject to custody as unclaimed property is a successor holder
1536 or if the holder has changed the holder's name while in
1537 possession of the property, the holder must shall file with the
1538 holder's report all known names and addresses of each prior
1539 holder of the property. Compliance with this subsection means
1540 the holder exercises reasonable and prudent efforts to determine
1541 the names of all prior holders.
1542 (5)~~(3)~~ The report must be filed before May 1 of each year.
1543 The report applies shall apply to the preceding calendar year.
1544 Upon written request by any person required to file a report,
1545 and upon a showing of good cause, the department may extend the
1546 reporting date. The department may impose and collect a penalty
1547 of \$10 per day up to a maximum of \$500 for the failure to timely



203882

1548 report, if an extension was not provided or if the holder of the
1549 property failed ~~the failure~~ to include in a report information
1550 required by this chapter which was in the holder's possession at
1551 the time of reporting. The penalty must ~~shall~~ be remitted to the
1552 department within 30 days after the date of the notification to
1553 the holder that the penalty is due and owing. As necessary for
1554 proper administration of this chapter, the department may waive
1555 any penalty due with appropriate justification. ~~On written~~
1556 ~~request by any person required to file a report and upon a~~
1557 ~~showing of good cause, the department may postpone the reporting~~
1558 ~~date.~~ The department must provide information contained in a
1559 report filed with the department to any person requesting a copy
1560 of the report or information contained in a report, to the
1561 extent the information requested is not confidential, within 45
1562 days after the department determines that the report ~~has been~~
1563 ~~processed and added to the unclaimed property database~~
1564 ~~subsequent to a determination that the report is accurate and~~
1565 ~~acceptable~~ and that the reported property is the same as the
1566 remitted property.

1567 (6)~~(4)~~ Holders of inactive accounts having a value of \$50
1568 or more shall use due diligence to locate and notify apparent
1569 owners that the entity is holding unclaimed property available
1570 for them to recover. Not more than 120 days and not less than 60
1571 days prior to filing the report required by this section, the
1572 holder in possession of property presumed unclaimed and subject
1573 to custody as unclaimed property under this chapter shall send
1574 written notice by first-class United States mail to the apparent
1575 owner at the apparent owner's last known address from the
1576 holder's records or from other available sources, or via



203882

1577 electronic mail if the apparent owner has elected this method of
1578 delivery, informing the apparent owner that the holder is in
1579 possession of property subject to this chapter, if the holder
1580 has in its records a mailing or electronic an address for the
1581 apparent owner which the holder's records do not disclose to be
1582 inaccurate. These two means of contact are not mutually
1583 exclusive; if the mailing address is determined to be
1584 inaccurate, electronic mail may be used if so elected by the
1585 apparent owner.

1586 (7) The written notice to the apparent owner required under
1587 this section must:

1588 (a) Contain a heading that reads substantially as follows:
1589 "Notice. The State of Florida requires us to notify you that
1590 your property may be transferred to the custody of the Florida
1591 Department of Financial Services if you do not contact us before
1592 (insert date that is at least 30 days after the date of the
1593 notice)."

1594 (b) Identify the type, nature, and, except for property
1595 that does not have a fixed value, value of the property that is
1596 the subject of the notice.

1597 (c) State that the property will be turned over to the
1598 custody of the department as unclaimed property if no response
1599 to this letter is received.

1600 (d) State that any property that is not legal tender of the
1601 United States may be sold or liquidated by the department.

1602 (e) State that after the property is turned over to the
1603 department, an apparent owner seeking return of the property may
1604 file a claim with the department.

1605 (f) State that the property is currently with a holder and



203882

1606 provide instructions that the apparent owner must follow to
1607 prevent the holder from reporting and paying for the property or
1608 from delivering the property to the department.

1609 (8)~~(5)~~ Any holder of intangible property may file with the
1610 department a petition for determination that the property is
1611 unclaimed requesting the department to accept custody of the
1612 property. The petition shall state any special circumstances
1613 that exist, contain the information required by subsection (4)
1614 ~~(2)~~, and show that a diligent search has been made to locate the
1615 owner. If the department finds that the proof of diligent search
1616 is satisfactory, it shall give notice as provided in s. 717.118
1617 and accept custody of the property.

1618 (9)~~(6)~~ Upon written request by any entity or person
1619 required to file a report, stating such entity's or person's
1620 justification for such action, the department may place that
1621 entity or person in an inactive status as an unclaimed property
1622 "holder."

1623 (10)~~(7)~~ (a) This section does not apply to the unclaimed
1624 patronage refunds as provided for by contract or through bylaw
1625 provisions of entities organized under chapter 425 or that are
1626 exempt from ad valorem taxation pursuant to s. 196.2002.

1627 (b) This section does not apply to intangible property
1628 held, issued, or owing by a business association subject to the
1629 jurisdiction of the United States Surface Transportation Board
1630 or its successor federal agency if the apparent owner of such
1631 intangible property is a business association. The holder of
1632 such property does not have any obligation to report, to pay, or
1633 to deliver such property to the department.

1634 (c) This section does not apply to credit balances,



203882

1635 overpayments, refunds, or outstanding checks owed by a health
1636 care provider to a managed care payor with whom the health care
1637 provider has a managed care contract, provided that the credit
1638 balances, overpayments, refunds, or outstanding checks become
1639 due and owing pursuant to the managed care contract.

1640 (11)~~(8)~~(a) As used in this subsection, the term "property
1641 identifier" means the descriptor used by the holder to identify
1642 the unclaimed property.

1643 (b) Social security numbers and property identifiers
1644 contained in reports required under this section, held by the
1645 department, are confidential and exempt from s. 119.07(1) and s.
1646 24(a), Art. I of the State Constitution.

1647 (c) This exemption applies to social security numbers and
1648 property identifiers held by the department before, on, or after
1649 the effective date of this exemption.

1650 Section 44. Present subsections (4), (5), and (6) of
1651 section 717.119, Florida Statutes, are redesignated as
1652 subsections (5), (6), and (7), respectively, and a new
1653 subsection (4) and subsection (8) are added to that section, to
1654 read:

1655 717.119 Payment or delivery of unclaimed property.—

1656 (4) All virtual currency reported under this chapter on the
1657 annual report filing required in s. 717.117 shall be remitted to
1658 the department with the report. The holder shall liquidate the
1659 virtual currency and remit the proceeds to the department. The
1660 liquidation must occur within 30 days before the filing of the
1661 report. Upon delivery of the virtual currency proceeds to the
1662 department, the holder is relieved of all liability of every
1663 kind in accordance with the provisions of s. 717.1201 to every



203882

1664 person for any losses or damages resulting to the person by the
1665 delivery to the department of the virtual currency proceeds.

1666 (8) A holder may not assign or otherwise transfer its
1667 obligation to report, pay, or deliver property or to comply with
1668 the provisions of this chapter, other than to a parent,
1669 subsidiary, or affiliate of the holder.

1670 (a) Unless otherwise agreed to by the parties to a
1671 transaction, the holder's successor by merger or consolidation,
1672 or any person or entity that acquires all or substantially all
1673 of the holder's capital stock or assets, is responsible for
1674 fulfilling the holder's obligation to report, pay, or deliver
1675 property or to comply with the duties of this chapter regarding
1676 the transfer of property owed to the holder's successor and
1677 being held for an owner resulting from the merger,
1678 consolidation, or acquisition.

1679 (b) This subsection does not prohibit a holder from
1680 contracting with a third party for the reporting of unclaimed
1681 property, but the holder remains responsible to the department
1682 for the complete, accurate, and timely reporting of the
1683 property.

1684 Section 45. Section 717.1201, Florida Statutes, is amended
1685 to read:

1686 717.1201 Custody by state; holder ~~relieved from~~ liability;
1687 reimbursement of holder paying claim; reclaiming for owner;
1688 ~~defense of holder;~~ payment of safe-deposit box or repository
1689 charges.—

1690 (1) Upon the good faith payment or delivery of property to
1691 the department, the state assumes custody and responsibility for
1692 the safekeeping of property. Any person who pays or delivers



203882

1693 property to the department in good faith is relieved of all
1694 liability to the extent of the value of the property paid or
1695 delivered for any claim then existing or which thereafter may
1696 arise or be made in respect to the property.

1697 (a) A holder's substantial compliance with s. 717.117(4)
1698 and good faith payment or delivery of property to the department
1699 terminates any legal relationship between the holder and the
1700 owner with respect to the property reported and releases and
1701 discharges the holder from any and all liability to the owner,
1702 the owner's heirs, personal representatives, successors, or
1703 assigns by reason of such payment or delivery, regardless of
1704 whether such property is in fact and in law unclaimed property,
1705 and such delivery and payment may be plead as a bar to recovery
1706 and are a conclusive defense in any suit or action brought by
1707 the owner, the owner's heirs, personal representatives,
1708 successors, and assigns or any claimant against the holder by
1709 reason of such delivery or payment.

1710 (b) If the holder pays or delivers property to the
1711 department in good faith and thereafter any other person claims
1712 the property from the holder paying or delivering, or another
1713 state claims the money or property under that state's laws
1714 relating to escheat or abandoned or unclaimed property, the
1715 department, upon written notice of the claim, shall defend the
1716 holder against the claim and indemnify the holder against any
1717 liability on the claim, except that a holder may not be
1718 indemnified against penalties imposed by another state.

1719 (2) For the purposes of this section, a payment or delivery
1720 of property is made in good faith if:

1721 (a) The payment or delivery was made in conjunction with an



203882

1722 accurate and acceptable report.

1723 (b) The payment or delivery was made in a reasonable
1724 attempt to comply with this chapter.

1725 (c) The holder had a reasonable basis for believing, based
1726 on the facts then known, that the property was unclaimed and
1727 subject to this chapter.

1728 (d) There is no showing that the records pursuant to which
1729 the delivery was made did not meet reasonable commercial
1730 standards of practice in the industry.

1731 (3)(2) Any holder who has paid money to the department
1732 pursuant to this chapter may make payment to any person
1733 appearing to be entitled to payment and, upon filing proof that
1734 the payee is entitled thereto, the department shall forthwith
1735 repay the holder without deduction of any fee or other charges.
1736 If repayment is sought for a payment made on a negotiable
1737 instrument, including a traveler's check or money order, the
1738 holder must be repaid under this subsection upon filing proof
1739 that the instrument was duly presented and that the payee is
1740 entitled to payment. The holder shall be repaid for payment made
1741 under this subsection even if the payment was made to a person
1742 whose claim was barred under s. 717.129(1).

1743 (4)(3) Any holder who has delivered property, including a
1744 certificate of any interest in a business association, other
1745 than money to the department pursuant to this chapter may
1746 reclaim the property if still in the possession of the
1747 department, without payment of any fee or other charges, upon
1748 filing proof that the owner has claimed the property from the
1749 holder.

1750 (5)(4) The department may accept an affidavit of the holder



203882

1751 stating the facts that entitle the holder to recover money and
1752 property under this section as sufficient proof.

1753 ~~(5) If the holder pays or delivers property to the~~
1754 ~~department in good faith and thereafter any other person claims~~
1755 ~~the property from the holder paying or delivering, or another~~
1756 ~~state claims the money or property under that state's laws~~
1757 ~~relating to escheat or abandoned or unclaimed property, the~~
1758 ~~department, upon written notice of the claim, shall defend the~~
1759 ~~holder against the claim and indemnify the holder against any~~
1760 ~~liability on the claim.~~

1761 ~~(6) For the purposes of this section, "good faith" means~~
1762 ~~that:~~

1763 ~~(a) Payment or delivery was made in a reasonable attempt to~~
1764 ~~comply with this chapter.~~

1765 ~~(b) The person delivering the property was not a fiduciary~~
1766 ~~then in breach of trust in respect to the property and had a~~
1767 ~~reasonable basis for believing, based on the facts then known to~~
1768 ~~that person, that the property was unclaimed for the purposes of~~
1769 ~~this chapter.~~

1770 ~~(c) There is no showing that the records pursuant to which~~
1771 ~~the delivery was made did not meet reasonable commercial~~
1772 ~~standards of practice in the industry.~~

1773 (6)~~(7)~~ Property removed from a safe-deposit box or other
1774 safekeeping repository is received by the department subject to
1775 the holder's right under this subsection to be reimbursed for
1776 the actual cost of the opening and to any valid lien or contract
1777 providing for the holder to be reimbursed for unpaid rent or
1778 storage charges. The department shall make the reimbursement to
1779 the holder out of the proceeds remaining after the deduction of



203882

1780 the department's selling cost.

1781 (7) If it appears to the satisfaction of the department
1782 that, because of some mistake of fact, error in calculation, or
1783 erroneous interpretation of a statute, a person has paid or
1784 delivered to the department pursuant to any provision of this
1785 chapter any money or other property not required by this chapter
1786 to be so paid or delivered, the department may, within 5 years
1787 after such erroneous payment or delivery, refund or redeliver
1788 such money or other property to the person, provided that such
1789 money or property has not been paid or delivered to a claimant
1790 or otherwise disposed of in accordance with this chapter.

1791 Section 46. Present subsection (2) of section 717.1242,
1792 Florida Statutes, is redesignated as subsection (3), a new
1793 subsection (2) is added to that section, and subsection (1) of
1794 that section is amended, to read:

1795 717.1242 Restatement of jurisdiction of the circuit court
1796 sitting in probate and the department.-

1797 (1) It is and has been the intent of the Legislature that,
1798 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
1799 proceedings relating to the settlement of the estates of
1800 decedents and other jurisdiction usually pertaining to courts of
1801 probate. It is and has been the intent of the Legislature that,
1802 pursuant to this chapter s. ~~717.124~~, the department determines
1803 the merits of claims and entitlements to ~~for~~ property paid or
1804 delivered to the department under this chapter. Consistent with
1805 this legislative intent, any ~~estate or~~ beneficiary, devisee,
1806 heir, personal representative, or other interested person, as
1807 those terms are defined in s. 731.201, of an estate seeking to
1808 obtain property paid or delivered to the department under this



203882

1809 chapter must file a claim with the department as provided in s.
1810 717.124.

1811 (2) If a beneficiary, devisee, heir, personal
1812 representative, or other interested person, as those terms are
1813 defined in s. 731.201, of an estate seeks administration of the
1814 estate, of which unclaimed property makes up 50 percent or more
1815 of the assets, the department is considered an interested party
1816 and must be provided with notice of any such proceeding as
1817 provided in the Florida Probate Code and the Florida Probate
1818 Rules.

1819 Section 47. Subsection (4) of section 717.1243, Florida
1820 Statutes, is amended to read:

1821 717.1243 Small estate accounts.—

1822 (4) This section ~~only~~ applies only if all of the unclaimed
1823 property held by the department on behalf of the owner has an
1824 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
1825 proceeding is pending.

1826 Section 48. Subsection (2) of section 717.129, Florida
1827 Statutes, is amended to read:

1828 717.129 Periods of limitation.—

1829 (2) The department may not commence an ~~Ne~~ action or
1830 proceeding to enforce this chapter with respect to the
1831 reporting, payment, or delivery of property or any other duty of
1832 a holder under this chapter ~~may be commenced by the department~~
1833 with respect to any duty of a holder under this chapter more
1834 than 10 years after the duty arose. The period of limitation
1835 established under this subsection is tolled by the earlier of
1836 the department's or audit agent's delivery of a notice that a
1837 holder is subject to an audit or examination under s. 717.1301



203882

1838 or the holder's written election to enter into an unclaimed
1839 property voluntary disclosure agreement.

1840 Section 49. Section 717.1301, Florida Statutes, is amended
1841 to read:

1842 717.1301 Investigations; examinations; subpoenas.—

1843 (1) To carry out the chapter's purpose of protecting the
1844 interest of missing owners through the safeguarding of their
1845 property and to administer and enforce this chapter, the
1846 department may:

1847 (a) Investigate, examine, inspect, request, or otherwise
1848 gather information or evidence on claim documents from a
1849 claimant or a claimant's representative during its review of a
1850 claim.

1851 (b) Audit the records of a person or the records in the
1852 possession of an agent, representative, subsidiary, or affiliate
1853 of the person subject to this chapter to determine whether the
1854 person complied with this chapter. Such records may include
1855 information to verify the completeness or accuracy of the
1856 records provided, even if such records may not identify property
1857 reportable to the department.

1858 (c) Take testimony of a person, including the person's
1859 employee, agent, representative, subsidiary, or affiliate, to
1860 determine whether the person complied with this chapter.

1861 (d) Issue an administrative subpoena to require that the
1862 records specified in paragraph (b) be made available for
1863 examination or audit and that the testimony specified in
1864 paragraph (c) be provided.

1865 (e) Bring an action in a court of competent jurisdiction
1866 seeking enforcement of an administrative subpoena issued under



203882

1867 this section, which the court shall consider under procedures
1868 that will lead to an expeditious resolution of the action.

1869 (f) Bring an administrative action or an action in a court
1870 of competent jurisdiction to enforce this chapter.

1871 (2) If a person is subject to reporting property under this
1872 chapter, the department may require the person to file a
1873 verified report in a form prescribed by the department. The
1874 verified report must:

1875 (a) State whether the person is holding property reportable
1876 under this chapter;

1877 (b) Describe the property not previously reported, the
1878 property about which the department has inquired, or the
1879 property that is in dispute as to whether it is reportable under
1880 this chapter; and

1881 (c) State the amount or value of the property.

1882 (3) The department may authorize a compliance review of a
1883 report for a specified reporting year. The review must be
1884 limited to the contents of the report filed, as required by s.
1885 717.117 and subsection (2), and all supporting documents related
1886 to the reports. If the review results in a finding of a
1887 deficiency in unclaimed property due and payable to the
1888 department, the department shall notify the holder in writing of
1889 the amount of deficiency within 1 year after the authorization
1890 of the compliance review. If the holder fails to pay the
1891 deficiency within 90 days, the department may seek to enforce
1892 the assessment under subsection (1). The department is not
1893 required to conduct a review under this section before
1894 initiating an audit.

1895 (4) Notwithstanding any other provision of law, in a



203882

1896 contract providing for the location or collection of unclaimed
1897 property, the department may authorize the contractor to deduct
1898 its fees and expenses for services provided under the contract
1899 from the unclaimed property that the contractor has recovered or
1900 collected under the contract. The department shall annually
1901 report to the Chief Financial Officer the total amount collected
1902 or recovered by each contractor during the previous fiscal year
1903 and the total fees and expenses deducted by each contractor.

1904 ~~(1) The department may make investigations and examinations~~
1905 ~~within or outside this state of claims, reports, and other~~
1906 ~~records as it deems necessary to administer and enforce the~~
1907 ~~provisions of this chapter. In such investigations and~~
1908 ~~examinations the department may administer oaths, examine~~
1909 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
1910 ~~department may request any person who has not filed a report~~
1911 ~~under s. 717.117 to file a verified report stating whether or~~
1912 ~~not the person is holding any unclaimed property reportable or~~
1913 ~~deliverable under this chapter.~~

1914 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
1915 ~~material to any investigation or examination under this section~~
1916 ~~may be issued by the department under seal of the department, or~~
1917 ~~by any court of competent jurisdiction, commanding such~~
1918 ~~witnesses to appear before the department at a time and place~~
1919 ~~named and to bring such books, records, and documents as may be~~
1920 ~~specified or to submit such books, records, and documents to~~
1921 ~~inspection. Such subpoenas may be served by an authorized~~
1922 ~~representative of the department.~~

1923 ~~(3) If any person shall refuse to testify, produce books,~~
1924 ~~records, and documents, or otherwise refuse to obey a subpoena~~



203882

1925 ~~issued under this section, the department may present its~~
1926 ~~petition to a court of competent jurisdiction in or for the~~
1927 ~~county in which such person resides or has its principal place~~
1928 ~~of business, whereupon the court shall issue its rule nisi~~
1929 ~~requiring such person to obey forthwith the subpoena issued by~~
1930 ~~the department or show cause for failing to obey said subpoena.~~
1931 ~~Unless said person shows sufficient cause for failing to obey~~
1932 ~~the subpoena, the court shall forthwith direct such person to~~
1933 ~~obey the same subject to such punishment as the court may direct~~
1934 ~~including, but not limited to, the restraint, by injunction or~~
1935 ~~by appointment of a receiver, of any transfer, pledge,~~
1936 ~~assignment, or other disposition of such person's assets or any~~
1937 ~~concealment, alteration, destruction, or other disposition of~~
1938 ~~subpoenaed books, records, or documents as the court deems~~
1939 ~~appropriate, until such person has fully complied with such~~
1940 ~~subpoena and the department has completed its investigation or~~
1941 ~~examination. The department is entitled to the summary procedure~~
1942 ~~provided in s. 51.011, and the court shall advance the cause on~~
1943 ~~its calendar. Costs incurred by the department to obtain an~~
1944 ~~order granting, in whole or in part, its petition shall be taxed~~
1945 ~~against the subpoenaed person, and failure to comply with such~~
1946 ~~order shall be a contempt of court.~~

1947 ~~(4) Witnesses shall be entitled to the same fees and~~
1948 ~~mileage as they may be entitled by law for attending as~~
1949 ~~witnesses in the circuit court, except where such examination or~~
1950 ~~investigation is held at the place of business or residence of~~
1951 ~~the witness.~~

1952 (5) The material compiled by the department in an
1953 investigation or examination under this chapter is confidential



203882

1954 until the investigation or examination is complete. If any such
1955 material contains a holder's financial or proprietary
1956 information, it may not be disclosed or made public by the
1957 department after the investigation or audit is completed, except
1958 as required by a court of competent jurisdiction in the course
1959 of a judicial proceeding in which the state is a party, or
1960 pursuant to an agreement with another state allowing joint
1961 audits. Such material may be considered a trade secret and
1962 exempt from s. 119.07(1) as provided for in s. 119.0715. The
1963 records, data, and information gathered ~~material compiled~~ by the
1964 department in an investigation or audit ~~examination~~ under this
1965 chapter remain ~~remains~~ confidential ~~after the department's~~
1966 ~~investigation or examination is complete~~ if the department has
1967 submitted the material or any part of it to any law enforcement
1968 agency or other administrative agency for further investigation
1969 or for the filing of a criminal or civil prosecution and such
1970 investigation has not been completed or become inactive.

1971 (6) If an investigation or an audit ~~examination~~ of the
1972 records of any person results in the disclosure of property
1973 reportable and deliverable under this chapter, the department
1974 may assess the cost of the investigation or audit ~~the~~
1975 ~~examination~~ against the holder ~~at the rate of \$100 per 8-hour~~
1976 ~~day for each investigator or examiner. Such fee shall be~~
1977 ~~calculated on an hourly basis and shall be rounded to the~~
1978 ~~nearest hour. The person shall also pay the travel expense and~~
1979 ~~per diem subsistence allowance provided for state employees in~~
1980 ~~s. 112.061. The person shall not be required to pay a per diem~~
1981 ~~fee and expenses of an examination or investigation which shall~~
1982 ~~consume more than 30 worker-days in any one year unless such~~



203882

1983 ~~examination or investigation is due to fraudulent practices of~~
1984 ~~the person, in which case such person shall be required to pay~~
1985 ~~the entire cost regardless of time consumed.~~ The fee for the
1986 costs of the investigation or audit shall be remitted to the
1987 department within 30 days after the date of the notification
1988 that the fee is due and owing. Any person who fails to pay the
1989 fee within 30 days after the date of the notification that the
1990 fee is due and owing shall pay to the department interest at the
1991 rate of 12 percent per annum on such fee from the date of the
1992 notification.

1993 Section 50. Subsection (1) of section 717.1311, Florida
1994 Statutes, is amended to read:

1995 717.1311 Retention of records.—

1996 (1) Every holder required to file a report under s. 717.117
1997 shall maintain a record of the specific type of property,
1998 amount, name, and last known address of the owner for 10 ~~5~~ years
1999 after the property becomes reportable, except to the extent that
2000 a shorter time is provided in subsection (2) or by rule of the
2001 department.

2002 Section 51. Paragraph (j) of subsection (1) and subsection
2003 (3) of section 717.1322, Florida Statutes, are amended to read:

2004 717.1322 Administrative and civil enforcement.—

2005 (1) The following acts are violations of this chapter and
2006 constitute grounds for an administrative enforcement action by
2007 the department in accordance with the requirements of chapter
2008 120 and for civil enforcement by the department in a court of
2009 competent jurisdiction:

2010 (j) Requesting or receiving compensation for notifying a
2011 person of his or her unclaimed property or assisting another



203882

2012 person in filing a claim for unclaimed property, unless the
2013 person is an attorney licensed to practice law in this state, a
2014 Florida-certified public accountant, or a private investigator
2015 licensed under chapter 493, or entering into, or making a
2016 solicitation to enter into, an agreement to file a claim for
2017 unclaimed property owned by another, ~~or a contract or agreement~~
2018 ~~to purchase unclaimed property,~~ unless such person is registered
2019 with the department under this chapter and an attorney licensed
2020 to practice law in this state in the regular practice of her or
2021 his profession, a Florida-certified public accountant who is
2022 acting within the scope of the practice of public accounting as
2023 defined in chapter 473, or a private investigator licensed under
2024 chapter 493. This paragraph does not apply to a person who has
2025 been granted a durable power of attorney to convey and receive
2026 all of the real and personal property of the owner, is the
2027 court-appointed guardian of the owner, has been employed as an
2028 attorney or qualified representative to contest the department's
2029 denial of a claim, or has been employed as an attorney to
2030 probate the estate of the owner or an heir or legatee of the
2031 owner.

2032 (3) A claimant's representative ~~registrant~~ is subject to
2033 civil enforcement and the disciplinary actions specified in
2034 subsection (2) for violations of subsection (1) by an agent or
2035 employee of the registrant's employer if the claimant's
2036 representative ~~registrant~~ knew or should have known that such
2037 agent or employee was violating any provision of this chapter.

2038 Section 52. Subsection (1) of section 717.1333, Florida
2039 Statutes, is amended to read:

2040 717.1333 Evidence; estimations; audit reports and



203882

2041 worksheets, investigator ~~examiner's worksheets, investigative~~
2042 reports and worksheets, other related documents.-

2043 (1) In any proceeding involving a holder under ss. 120.569
2044 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2045 investigator acting under authority of this chapter is available
2046 for cross-examination, any official written report, worksheet,
2047 or other related paper, or copy thereof, compiled, prepared,
2048 drafted, or otherwise made or received by the audit agent
2049 ~~auditor, examiner,~~ or investigator, after being duly
2050 authenticated by the audit agent ~~auditor, examiner,~~ or
2051 investigator, may be admitted as competent evidence upon the
2052 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2053 the report, worksheet, or related paper was prepared or received
2054 as a result of an audit, examination, or investigation of the
2055 books and records of the person audited, examined, or
2056 investigated, or the agent thereof.

2057 Section 53. Subsections (1) and (2) of section 717.134,
2058 Florida Statutes, are amended to read:

2059 717.134 Penalties and interest.-

2060 (1) For any person who willfully fails to render any report
2061 required under this chapter, the department may impose and
2062 collect a penalty of \$500 per day up to a maximum of \$5,000 and
2063 25 percent of the value of property not reported until an
2064 appropriate ~~a report is provided rendered for any person who~~
2065 ~~willfully fails to render any report required under this~~
2066 ~~chapter.~~ Upon a holder's showing of good cause, the department
2067 may waive said penalty or any portion thereof. If the holder
2068 acted in good faith and without negligence, the department shall
2069 waive the penalty provided herein.



203882

2070 (2) For any person who willfully refuses to pay or deliver
2071 unclaimed property to the department as required under this
2072 chapter, the department may impose and collect a penalty of \$500
2073 per day up to a maximum of \$5,000 and 25 percent of the value of
2074 property not paid or delivered until the property is paid or
2075 delivered ~~for any person who willfully refuses to pay or deliver~~
2076 ~~abandoned property to the department as required under this~~
2077 ~~chapter.~~

2078 Section 54. Section 717.135, Florida Statutes, is amended
2079 to read:

2080 717.135 Recovery agreements and purchase agreements for
2081 claims filed by a claimant's representative or a purchaser; fees
2082 and costs, or total net gain.-

2083 (1) In order to protect the interests of owners of
2084 unclaimed property, the department shall adopt by rule a form
2085 entitled "Unclaimed Property Recovery Agreement" and a form
2086 entitled "Unclaimed Property Purchase Agreement."

2087 (2) The Unclaimed Property Recovery Agreement and the
2088 Unclaimed Property Purchase Agreement must include and disclose
2089 all of the following:

2090 (a) The total dollar amount of unclaimed property accounts
2091 claimed or sold.

2092 (b) The total percentage of all authorized fees and costs
2093 to be paid to the claimant's representative or the percentage of
2094 the value of the property to be paid as net gain to the
2095 purchaser ~~purchasing claimant's representative.~~

2096 (c) The total dollar amount to be deducted and received
2097 from the claimant as fees and costs by the claimant's
2098 representative or the total net dollar amount to be received by



203882

2099 the purchaser ~~purchasing claimant's representative~~.

2100 (d) The net dollar amount to be received by the claimant or
2101 the seller.

2102 (e) For each account claimed, the unclaimed property
2103 account number.

2104 (f) For the Unclaimed Property Purchase Agreement, a
2105 statement that the amount of the purchase price will be remitted
2106 to the seller by the purchaser within 30 days after the
2107 execution of the agreement by the seller.

2108 (g) The name, address, e-mail address, phone number, and
2109 license number of the claimant's representative, or the name,
2110 address, e-mail address, and phone number of the purchaser.

2111 (h)1. The manual signature of the claimant or seller and
2112 the date signed, affixed on the agreement by the claimant or
2113 seller.

2114 2. Notwithstanding any other provision of this chapter to
2115 the contrary, the department may allow an apparent owner, who is
2116 also the claimant or seller, to sign the agreement
2117 electronically ~~for claims of \$2,000 or less~~. All electronic
2118 signatures on the Unclaimed Property Recovery Agreement and the
2119 Unclaimed Property Purchase Agreement must be affixed on the
2120 agreement by the claimant or seller using the specific,
2121 exclusive eSignature product and protocol authorized by the
2122 department.

2123 (i) The social security number or taxpayer identification
2124 number of the claimant or seller, if a number has been issued to
2125 the claimant or seller.

2126 (j) The total fees and costs, or the total discount in the
2127 case of a purchase agreement, which may not exceed 30 percent of



203882

2128 the claimed amount. In the case of a recovery agreement, if the
2129 total fees and costs exceed 30 percent, the fees and costs shall
2130 be reduced to 30 percent and the net balance shall be remitted
2131 directly by the department to the claimant. In the case of a
2132 purchase agreement, if the total net gain of the purchaser
2133 exceeds 30 percent, the claim will be denied.

2134 (3) For an Unclaimed Property Purchase Agreement form,
2135 proof that the purchaser has made payment must be filed with the
2136 department along with the claim. If proof of payment is not
2137 provided, the claim is void.

2138 (4) A claimant's representative or a purchaser must use the
2139 Unclaimed Property Recovery Agreement or the Unclaimed Property
2140 Purchase Agreement as the exclusive means of entering into an
2141 agreement or a contract with a claimant or seller to file a
2142 claim with the department.

2143 (5) Fees and costs may be owed or paid to, or received by,
2144 a claimant's representative or a purchaser only after a filed
2145 claim has been approved and if the claimant's representative
2146 used an agreement authorized by this section.

2147 (6) A claimant's representative or a purchaser may not use
2148 or distribute any other agreement of any type, conveyed by any
2149 method, with respect to the claimant or seller which relates,
2150 directly or indirectly, to unclaimed property accounts held by
2151 the department or the Chief Financial Officer other than the
2152 agreements authorized by this section. Any engagement,
2153 authorization, recovery, or fee agreement that is not authorized
2154 by this section is void. A claimant's representative or a
2155 purchaser is subject to administrative and civil enforcement
2156 under s. 717.1322 if he or she uses an agreement that is not



203882

2157 authorized by this section and if the agreement is used to
2158 apply, directly or indirectly, to unclaimed property held by
2159 this state. This subsection does not prohibit lawful
2160 nonagreement, noncontractual, or advertising communications
2161 between or among the parties.

2162 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2163 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2164 that makes the agreement irrevocable or that creates an
2165 assignment of any portion of unclaimed property held by the
2166 department.

2167 (8) When a claim is approved, the department may pay any
2168 additional account that is owned by the claimant but has not
2169 been claimed at the time of approval, provided that a subsequent
2170 claim has not been filed or is not pending for the claimant at
2171 the time of approval.

2172 (9) This section does not supersede s. 717.1241.

2173 (10) This section does not apply to the sale and purchase
2174 of Florida-held unclaimed property accounts through a bankruptcy
2175 trustee appointed to represent a debtor's estate in a bankruptcy
2176 proceeding in accordance with the United States Bankruptcy Code.

2177 Section 55. Subsections (1), (2), and (3) of section
2178 717.1400, Florida Statutes, are amended to read:

2179 717.1400 Registration.—

2180 (1) In order to file claims as a claimant's representative,
2181 ~~acquire ownership of or entitlement to unclaimed property,~~
2182 receive a distribution of fees and costs from the department,
2183 and obtain unclaimed property dollar amounts and numbers of
2184 reported shares of stock held by the department, a private
2185 investigator holding a Class "C" individual license under



203882

2186 chapter 493 must register with the department on such form as
2187 the department prescribes by rule and must be verified by the
2188 applicant. To register with the department, a private
2189 investigator must provide:

2190 (a) A legible copy of the applicant's Class "A" business
2191 license under chapter 493 or that of the applicant's firm or
2192 employer which holds a Class "A" business license under chapter
2193 493.

2194 (b) A legible copy of the applicant's Class "C" individual
2195 license issued under chapter 493.

2196 (c) The business address and telephone number of the
2197 applicant's private investigative firm or employer.

2198 (d) The names of agents or employees, if any, who are
2199 designated to act on behalf of the private investigator,
2200 together with a legible copy of their photo identification
2201 issued by an agency of the United States, or a state, or a
2202 political subdivision thereof.

2203 (e) Sufficient information to enable the department to
2204 disburse funds by electronic funds transfer.

2205 (f) The tax identification number of the private
2206 investigator's firm or employer which holds a Class "A" business
2207 license under chapter 493.

2208 (2) In order to file claims as a claimant's representative,
2209 ~~acquire ownership of or entitlement to unclaimed property,~~
2210 receive a distribution of fees and costs from the department,
2211 and obtain unclaimed property dollar amounts and numbers of
2212 reported shares of stock held by the department, a Florida-
2213 certified public accountant must register with the department on
2214 such form as the department prescribes by rule and must be



2215 verified by the applicant. To register with the department, a
2216 Florida-certified public accountant must provide:

2217 (a) The applicant's Florida Board of Accountancy number.
2218 (b) A legible copy of the applicant's current driver
2219 license showing the full name and current address of such
2220 person. If a current driver license is not available, another
2221 form of identification showing the full name and current address
2222 of such person or persons shall be filed with the department.
2223 (c) The business address and telephone number of the
2224 applicant's public accounting firm or employer.
2225 (d) The names of agents or employees, if any, who are
2226 designated to act on behalf of the Florida-certified public
2227 accountant, together with a legible copy of their photo
2228 identification issued by an agency of the United States, or a
2229 state, or a political subdivision thereof.
2230 (e) Sufficient information to enable the department to
2231 disburse funds by electronic funds transfer.
2232 (f) The tax identification number of the accountant's
2233 public accounting firm employer.

2234 (3) In order to file claims as a claimant's representative,
2235 ~~acquire ownership of or entitlement to unclaimed property,~~
2236 receive a distribution of fees and costs from the department,
2237 and obtain unclaimed property dollar amounts and numbers of
2238 reported shares of stock held by the department, an attorney
2239 licensed to practice in this state must register with the
2240 department on such form as the department prescribes by rule and
2241 must be verified by the applicant. To register with the
2242 department, such attorney must provide:
2243 (a) The applicant's Florida Bar number.



203882

2244 (b) A legible copy of the applicant's current driver
2245 license showing the full name and current address of such
2246 person. If a current driver license is not available, another
2247 form of identification showing the full name and current address
2248 of such person or persons shall be filed with the department.

2249 (c) The business address and telephone number of the
2250 applicant's firm or employer.

2251 (d) The names of agents or employees, if any, who are
2252 designated to act on behalf of the attorney, together with a
2253 legible copy of their photo identification issued by an agency
2254 of the United States, or a state, or a political subdivision
2255 thereof.

2256 (e) Sufficient information to enable the department to
2257 disburse funds by electronic funds transfer.

2258 (f) The tax identification number of the attorney's firm or
2259 employer.

2260 Section 56. Paragraph (a) of subsection (2) of section
2261 197.582, Florida Statutes, is amended to read:

2262 197.582 Disbursement of proceeds of sale.-

2263 (2) (a) If the property is purchased for an amount in excess
2264 of the statutory bid of the certificateholder, the surplus must
2265 be paid over and disbursed by the clerk as set forth in
2266 subsections (3), (5), and (6). If the opening bid included the
2267 homestead assessment pursuant to s. 197.502(6)(c), that amount
2268 must be treated as surplus and distributed in the same manner.
2269 The clerk shall distribute the surplus to the governmental units
2270 for the payment of any lien of record held by a governmental
2271 unit against the property, including any tax certificates not
2272 incorporated in the tax deed application and omitted taxes, if



203882

2273 any. If there remains a balance of undistributed funds, the
2274 balance must be retained by the clerk for the benefit of persons
2275 described in s. 197.522(1)(a), except those persons described in
2276 s. 197.502(4)(h), as their interests may appear. The clerk shall
2277 mail notices to such persons notifying them of the funds held
2278 for their benefit at the addresses provided in s. 197.502(4).
2279 Such notice constitutes compliance with the requirements of s.
2280 717.117(6) ~~s. 717.117(4)~~. Any service charges and costs of
2281 mailing notices shall be paid out of the excess balance held by
2282 the clerk. Notice must be provided in substantially the
2283 following form:

2284 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2285 CLERK OF COURT

2286 COUNTY, FLORIDA

2287 Tax Deed #.....

2288 Certificate #.....

2289 Property Description:

2290 Pursuant to chapter 197, Florida Statutes, the above
2291 property was sold at public sale on ...(date of sale)..., and a
2292 surplus of \$...(amount)... (subject to change) will be held by
2293 this office for 120 days beginning on the date of this notice to
2294 benefit the persons having an interest in this property as
2295 described in section 197.502(4), Florida Statutes, as their
2296 interests may appear (except for those persons described in
2297 section 197.502(4)(h), Florida Statutes).

2298 To the extent possible, these funds will be used to satisfy
2299 in full each claimant with a senior mortgage or lien in the
2300 property before distribution of any funds to any junior mortgage
2301 or lien claimant or to the former property owner. To be



203882

2302 considered for funds when they are distributed, you must file a
2303 notarized statement of claim with this office within 120 days of
2304 this notice. If you are a lienholder, your claim must include
2305 the particulars of your lien and the amounts currently due. Any
2306 lienholder claim that is not filed within the 120-day deadline
2307 is barred.

2308 A copy of this notice must be attached to your statement of
2309 claim. After the office examines the filed claim statements, it
2310 will notify you if you are entitled to any payment.

2311 Dated:

2312 Clerk of Court

2313 Section 57. Subsection (1) of section 717.1382, Florida
2314 Statutes, is amended to read:

2315 717.1382 United States savings bond; unclaimed property;
2316 escheatment; procedure.—

2317 (1) Notwithstanding any other provision of law, a United
2318 States savings bond in possession of the department or
2319 registered to a person with a last known address in the state,
2320 including a bond that is lost, stolen, or destroyed, is presumed
2321 abandoned and unclaimed 5 years after the bond reaches maturity
2322 and no longer earns interest and shall be reported and remitted
2323 to the department by the financial institution or other holder
2324 in accordance with ss. 717.117(1) and (5) ~~ss. 717.117(1) and (3)~~
2325 and 717.119, if the department is not in possession of the bond.

2326 Section 58. Paragraph (c) of subsection (10) of section
2327 766.302, Florida Statutes, is amended to read:

2328 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
2329 766.301-766.316, the term:

2330 (10) "Family residential or custodial care" means care



203882

2331 normally rendered by trained professional attendants which is
2332 beyond the scope of child care duties, but which is provided by
2333 family members. Family members who provide nonprofessional
2334 residential or custodial care may not be compensated under this
2335 act for care that falls within the scope of child care duties
2336 and other services normally and gratuitously provided by family
2337 members. Family residential or custodial care shall be performed
2338 only at the direction and control of a physician when such care
2339 is medically necessary. Reasonable charges for expenses for
2340 family residential or custodial care provided by a family member
2341 shall be determined as follows:

2342 ~~(c) The award of family residential or custodial care as~~
2343 ~~defined in this section shall not be included in the current~~
2344 ~~estimates for purposes of s. 766.314(9)(c).~~

2345 Section 59. Paragraph (c) of subsection (9) of section
2346 766.314, Florida Statutes, is amended, and subsection (10) is
2347 added to that section, to read:

2348 766.314 Assessments; plan of operation.—

2349 (9)

2350 (c) If the total of all current estimates equals or exceeds
2351 100 ~~80~~ percent of the funds on hand and the funds that will
2352 become available to the association within the next 12 months
2353 from all sources described in subsection (4) ~~subsections (4)~~ and
2354 paragraphs (5) (a) (5) and ~~paragraph~~ (7) (a), the association may
2355 not accept any new claims without express authority from the
2356 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~
2357 the association from accepting any claim if the injury occurred
2358 18 months or more before the effective date of this suspension.
2359 Within 30 days after the effective date of this suspension, the



203882

2360 association shall notify the Governor, the Speaker of the House
2361 of Representatives, the President of the Senate, the Office of
2362 Insurance Regulation, the Agency for Health Care Administration,
2363 and the Department of Health of this suspension.

2364 (10) (a) By July 1, 2024, the association shall provide a
2365 report to the Governor, the Chief Financial Officer, the
2366 President of the Senate, and the Speaker of the House of
2367 Representatives which includes all of the following:

2368 1. Options for defining actuarial soundness for the
2369 association, including options for phase-in, if appropriate.

2370 2. Options for timing of reporting actuarial soundness and
2371 to whom it should be reported.

2372 3. Options for ensuring a revenue level to maintain
2373 actuarial soundness, including options for phase-in, if
2374 appropriate.

2375 (b) Any recommendations made in the report must be in
2376 consultation with appropriate stakeholders, including, but not
2377 limited to, any of the following:

2378 1. The Office of Insurance Regulation.

2379 2. Hospitals.

2380 3. Participating physicians.

2381 4. Nonparticipating physicians.

2382 5. Casualty insurers.

2383 6. The Agency for Health Care Administration.

2384 7. Parents of current NICA participants.

2385 Section 60. The Division of Law Revision is directed to
2386 prepare a reviser's bill for the 2025 Regular Session of the
2387 Legislature to change the term "Division of Investigative and
2388 Forensic Services" wherever the term appears in the Florida



203882

2389 Statutes to "Division of Criminal Investigations."
2390
2391 ===== T I T L E A M E N D M E N T =====
2392 And the title is amended as follows:
2393 Delete lines 19 - 237
2394 and insert:
2395 amending s. 284.44, F.S.; deleting provisions relating
2396 to certain quarterly reports prepared by the Division
2397 of Risk Management; amending s. 440.13, F.S.;
2398 providing the reimbursement schedule requirements for
2399 emergency services and care under workers'
2400 compensation under certain circumstances; requiring
2401 the department to engage with an actuarial services
2402 firm under certain circumstances; providing for future
2403 expiration; authorizing the department to adopt rules;
2404 amending s. 440.385, F.S.; providing requirements for
2405 certain contracts entered into and purchases made by
2406 the Florida Self-Insurers Guaranty Association,
2407 Incorporated; providing duties of the department and
2408 the association relating to these contracts and
2409 purchases; providing that certain contracts are exempt
2410 from certain provisions; amending s. 497.101, F.S.;
2411 revising the requirements for appointing and
2412 nominating members of the Board of Funeral, Cemetery,
2413 and Consumer Services; revising the members' terms;
2414 revising the authority to remove board members;
2415 providing for appointments to fill vacancies on the
2416 board; providing that board members are subject to the
2417 code of ethics under part III of ch. 112, F.S.;



203882

2418 providing requirements for board members' conduct;
2419 specifying prohibited acts; providing penalties;
2420 providing requirements for board meetings, books, and
2421 records; requiring notices of board meetings;
2422 providing requirements for board meetings; amending s.
2423 497.153, F.S.; authorizing service by e-mail of
2424 administrative complaints against certain licensees
2425 under certain circumstances; amending s. 497.155,
2426 F.S.; authorizing service of citations by e-mail under
2427 certain circumstances; amending s. 497.172, F.S.;
2428 revising the information made confidential and exempt
2429 which may be disclosed by the department; amending s.
2430 497.386, F.S.; authorizing the department to take
2431 certain actions in the event of an emergency
2432 situation; requiring the department to make certain
2433 determinations; prohibiting a licensee or licensed
2434 facility that accepts the transfer of human remains
2435 and cremains from being liable for the condition of
2436 human remains and cremains under certain
2437 circumstances; revising criminal penalties for
2438 violations of provisions related to storage,
2439 preservation, and transportation of human remains and
2440 cremains; creating s. 497.469, F.S.; authorizing a
2441 preneed licensee to withdraw a specified amount
2442 deposited into trust under certain circumstances;
2443 providing that certain documentation is the only
2444 satisfactory evidence to show that a preneed contract
2445 has been fulfilled; requiring a preneed licensee to
2446 maintain certain documentation for a specified



2447 timeframe; amending s. 624.307, F.S.; requiring
2448 eligible surplus lines insurers to respond to the
2449 department or the Office of Insurance Regulation after
2450 receipt of requests for documents and information
2451 concerning consumer complaints; providing penalties
2452 for failure to comply; requiring authorized insurers
2453 and eligible surplus lines insurers to file e-mail
2454 addresses with the department and to designate contact
2455 persons for specified purposes; authorizing changes of
2456 designated contact information; amending s. 626.171,
2457 F.S.; requiring the department to make provisions for
2458 certain insurance license applicants to submit
2459 cellular telephone numbers for a specified purpose;
2460 amending s. 626.221, F.S.; providing a qualification
2461 for an all-lines adjuster license; amending s.
2462 626.601, F.S.; revising construction; amending s.
2463 626.7351, F.S.; providing a qualification for a
2464 customer representative's license; amending s.
2465 626.878, F.S.; providing duties and prohibited acts
2466 for adjusters; amending s. 626.929, F.S.; specifying
2467 that licensed and appointed general lines agents,
2468 rather than general lines agents, may engage in
2469 certain activities while also licensed and appointed
2470 as surplus lines agents; authorizing general lines
2471 agents that are also licensed as surplus lines agents
2472 to make certain appointments; authorizing such agents
2473 to originate specified business and accept specified
2474 business; prohibiting such agents from being appointed
2475 by a certain insurer or transacting certain insurance;



203882

2476 amending s. 627.351, F.S.; providing requirements for
2477 certain contracts entered into and purchases made by
2478 the Florida Joint Underwriting Association; providing
2479 duties of the department and the association regarding
2480 such contracts and purchases; amending s. 631.59,
2481 F.S.; providing requirements for certain contracts
2482 entered into and purchases made by the Florida
2483 Insurance Guaranty Association, Incorporated;
2484 providing duties of the department and the association
2485 regarding such contracts and purchases; providing
2486 applicability; amending ss. 631.722, 631.821, and
2487 631.921, F.S.; providing requirements for certain
2488 contracts entered into and purchases made by the
2489 Florida Life and Health Insurance Guaranty
2490 Association, the board of directors of the Florida
2491 Health Maintenance Organization Consumer Assistance
2492 Plan, and the board of directors of the Florida
2493 Workers' Compensation Insurance Guaranty Association,
2494 respectively; providing duties of the department and
2495 of the associations and boards regarding such
2496 contracts and purchases; amending s. 633.124, F.S.;
2497 updating the edition of a manual for the use of
2498 pyrotechnics; amending s. 633.202, F.S.; revising the
2499 duties of the State Fire Marshal; amending s. 633.206,
2500 F.S.; revising the requirements for uniform firesafety
2501 standards established by the department; amending s.
2502 634.041, F.S.; specifying the conditions under which
2503 service agreement companies do not have to establish
2504 and maintain unearned premium reserves; amending s.



203882

2505 634.081, F.S.; specifying the conditions under which
2506 service agreement companies' licenses are not
2507 suspended or revoked under certain circumstances;
2508 amending s. 634.3077, F.S.; specifying requirements
2509 for certain contractual liability insurance obtained
2510 by home warranty associations; providing that such
2511 associations are not required to establish unearned
2512 premium reserves or maintain contractual liability
2513 insurance; authorizing such associations to allow
2514 their premiums to exceed certain limitations under
2515 certain circumstances; amending s. 634.317, F.S.;
2516 providing that certain entities and their employees
2517 and agents are exempt from certain licensing and
2518 appointment requirements; amending s. 648.25, F.S.;
2519 defining terms; amending s. 648.26, F.S.; revising the
2520 circumstances under which investigatory records of the
2521 department are confidential and exempt from public
2522 records requirements; revising construction; amending
2523 s. 648.30, F.S.; revising circumstances under which a
2524 person or entity may act in the capacity of a bail
2525 bond agent or bail bond agency and perform certain
2526 functions, duties, and powers; amending s. 648.355,
2527 F.S.; revising the requirements for limited surety
2528 agents and professional bail bond agents license
2529 applications; amending s. 648.43, F.S.; revising
2530 requirements for bail bond agents to execute and
2531 countersign transfer bonds; amending s. 717.101, F.S.;
2532 defining and revising terms; amending s. 717.102,
2533 F.S.; providing a rebuttal to a presumption of



203882

2534 unclaimed property; providing requirements for such
2535 rebuttal; amending s. 717.106, F.S.; conforming a
2536 cross-reference; creating s. 717.1065, F.S.; providing
2537 circumstances under which virtual currency held or
2538 owing by banking organizations is not presumed
2539 unclaimed; prohibiting virtual currency holders from
2540 deducting certain charges from the amount of certain
2541 virtual currency under certain circumstances;
2542 providing an exception; amending s. 717.1101, F.S.;;
2543 revising the date on which stocks and other equity
2544 interests in business associations are presumed
2545 unclaimed; amending s. 717.112, F.S.; providing that
2546 certain intangible property held by attorneys in fact
2547 and by agents in a fiduciary capacity are presumed
2548 unclaimed under certain circumstances; revising the
2549 requirements for claiming such property; amending s.
2550 717.117, F.S.; deleting the paper option for reports
2551 by holders of unclaimed funds and property; revising
2552 the requirements for reporting the owners of unclaimed
2553 property and funds; authorizing the department to
2554 extend reporting dates under certain circumstances;
2555 revising the circumstances under which the department
2556 may impose and collect penalties; requiring holders of
2557 certain inactive accounts to notify apparent owners;
2558 revising the manner of sending such notices; providing
2559 requirements for such notices; amending s. 717.119,
2560 F.S.; requiring certain virtual currency to be
2561 remitted to the department; providing requirements for
2562 the liquidation of such virtual currency; providing



2563 that holders of such virtual currency are relieved of
2564 all liability upon delivery of the virtual currency to
2565 the department; prohibiting holders from assigning or
2566 transferring certain obligations or from complying
2567 with certain provisions; providing that certain
2568 entities are responsible for meeting holders'
2569 obligations and complying with certain provisions
2570 under certain circumstances; providing construction;
2571 amending s. 717.1201, F.S.; providing that good faith
2572 payments and deliveries of property to the department
2573 relieve holders of all liability; authorizing the
2574 department to refund and redeliver certain money and
2575 property under certain circumstances; amending s.
2576 717.1242, F.S.; revising legislative intent; providing
2577 circumstances under which the department is considered
2578 an interested party in probate proceedings; amending
2579 s. 717.1243, F.S.; revising applicability of certain
2580 provisions relating to unclaimed small estate
2581 accounts; amending s. 717.129, F.S.; revising the
2582 requirements and the tolling for the periods of
2583 limitation relating to duties of holders of unclaimed
2584 funds and property; amending s. 717.1301, F.S.;
2585 revising the department's authorities on the
2586 disposition of unclaimed funds and property for
2587 specified purposes; prohibiting certain materials from
2588 being disclosed or made public under certain
2589 circumstances; revising the basis for the department's
2590 cost assessment against holders of unclaimed funds and
2591 property; amending s. 717.1311, F.S.; revising the



203882

2592 recordkeeping requirements for funds and property
2593 holders; amending s. 717.1322, F.S.; revising acts
2594 that are violations of specified provisions and
2595 constitute grounds for administrative enforcement
2596 actions and civil enforcement by the department;
2597 providing that claimants' representatives, rather than
2598 registrants, are subject to civil enforcement and
2599 disciplinary actions for certain violations; amending
2600 s. 717.1333, F.S.; conforming provisions to changes
2601 made by the act; amending s. 717.134, F.S.; conforming
2602 provisions to changes made by the act; amending s.
2603 717.135, F.S.; revising the information that certain
2604 agreements relating to unclaimed property must
2605 disclose; applying certain provisions relating to such
2606 agreements to purchasers; deleting a requirement for
2607 Unclaimed Property Purchase Agreements; providing
2608 nonapplicability; amending s. 717.1400, F.S.; deleting
2609 a circumstance under which certain persons must
2610 register with the department; amending ss. 197.582 and
2611 717.1382, F.S.; conforming cross-references; amending
2612 s. 766.302, F.S.; revising the manner reasonable
2613 charges for expenses for family residential or
2614 custodial care are determined; amending s. 766.314,
2615 F.S.; revising the prohibition relating to accepting
2616 new claims to the Florida Birth-Related Neurological
2617 Injury Compensation Plan; providing that such plan
2618 does not constitute the exclusive remedy for certain
2619 persons; requiring the Florida Birth-Related
2620 Neurological Injury Compensation Association to submit



203882

2621 a specified report to the Governor, the Chief
2622 Financial Officer, and the Legislature; requiring
2623 recommendations made in the report to be in
2624 consultation with specified stakeholders; providing a
2625 directive to the Division of Law Revision; providing
2626 effective dates.