

Insurance & Banking Subcommittee

Tuesday, February 3, 2026
2:30 PM - 6:00 PM
Morris Hall (17 HOB)

Meeting Packet

Daniel Perez
Speaker

Bradford Yeager
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Insurance & Banking Subcommittee

Start Date and Time: Tuesday, February 03, 2026 02:30 PM

End Date and Time: Tuesday, February 03, 2026 06:00 PM

Location: Morris Hall (17 HOB)

Duration: 3.50 hrs

Consideration of the following bill(s):

HB 99 Reinsurance Intermediary Managers by Gentry
HB 943 Citizens Property Insurance Corporation by Redondo
HB 1221 Department of Financial Services by LaMarca
HB 1231 Final Disposition, Funeral, and Cemetery Services by Oliver

NOTICE FINALIZED on 01/30/2026 4:24PM by Marks.Amie

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 99	**COMPANION BILL:** SB 394 (Leek)
TITLE: Reinsurance Intermediary Managers	**LINKED BILLS:** None
SPONSOR(S): Gentry	**RELATED BILLS:** None

Committee References

Insurance & Banking ➤ Commerce

SUMMARY

Effect of the Bill:
The bill exempts underwriting managers who manage facultative risks for a reinsurer from licensure requirements if the facultative reinsurance business managed by the underwriting manager is less than 10% of the assumed annual gross written premium of the reinsurer.

Fiscal or Economic Impact:
The bill may have an indeterminate economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill exempts underwriting managers from the reinsurance intermediary manager licensing requirements if those underwriting managers manage facultative risks for a reinsurer and the facultative reinsurance business managed by the underwriting manager is less than 10% of the assumed annual gross written premium of the reinsurer. (Section 1).

The bill provides an effective date of July 1, 2026. (Section 3).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate economic impact, as it will allow certain firms to operate as reinsurance intermediary managers without having to obtain a producer license.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Reinsurance

Reinsurance is a contract between a reinsurer and an insurer, in which the insurance company (known as the "cedent") transfers risk to the reinsurance company – who assumes all or part of one or more insurance policies issued by the cedent.[1] Reinsurance is commonly referred to as "insurance for insurance companies."[2] Reinsurance contracts may be negotiated directly between the insurer and reinsurer, or they may use a third party to enter into these arrangements – either a reinsurance broker or a reinsurance intermediary.[3]

[1] National Association of Insurance Commissioners (NAIC), *Reinsurance* (Oct. 24, 2025), https://content.naic.org/insurance-topics/reinsurance (last visited Jan. 29, 2026).
[2] *Id.*
[3] *Id.*

The main types of reinsurance are treaty and facultative.

Treaty Reinsurance
Treaty reinsurance allows an insurance company to transfer a portfolio of risks to a reinsurer. Treaty reinsurance implicates a broad, automatic coverage of classes of risk, rather than reinsurance of individual policies on a case-by-case basis.[4]

Facultative Reinsurance
In facultative reinsurance, the insurer presents a specific risk to a reinsurer.[5] The submission includes information about the risk so that the reinsurer can conduct a thorough underwriting assessment.[6] The reinsurer can then accept or decline the risk, and if they accept it, set the terms and pricing.[7] Unlike blanket agreements that cover multiple policies with different risk levels and characteristics, facultative reinsurance allows for more precise pricing and for terms that reflect the actual risk being covered.[8] Reinsurers are not obligated to accept all risks offered to them.[9]

Reinsurance Intermediary Managers
A reinsurance intermediary manager is a person that a reinsurer authorizes to run or make decisions about some or all of its reinsurance business. Florida law defines reinsurance intermediary manager as "any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term."[10]

The following persons are not considered reinsurance intermediary manager for licensing purposes: [11]

- an employer of the reinsurer;
- a manager of the United States branch of an alien reinsurer;
- an underwriting manager which, pursuant to the contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written; or
- the manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located.

Under current law, a reinsurance intermediary manager must be a licensed producer.[12] Additionally, the Department of Financial Services ("DFS") may require a reinsurance intermediary manager to file a bond from an insurer in an amount acceptable to DFS for the protection of the reinsurer, and maintain an errors and omissions insurance policy in an amount acceptable to DFS.[13]

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[4] International Risk Management Institute (IRMI), *Treaty Reinsurance*, https://www.irmi.com/term/insurance-definitions/treaty-reinsurance (last visited Jan. 29, 2026).
[5] International Risk Management Institute (IRMI), *Facultative Reinsurance*, https://www.irmi.com/term/insurance-definitions/facultative-reinsurance (last visited Jan. 29, 2026).
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] S. 626.7492(2)(g), F.S.
[11] *Id.*
[12] S. 626.7492(3)(b), F.S.
[13] S. 626.7492(2)(c), F.S.

Reinsurance intermediary managers also require an appointment from an insurer, and DFS may refuse, suspend, or revoke the appointment for the same grounds as they could for any other insurance representative under the Florida Insurance Code.[14]

Reinsurance intermediary managers are subject to examination by DFS and must allow DFS access to all books, bank accounts, and records of the reinsurance intermediary in a form usable to DFS.[15] A reinsurance intermediary manager may be examined as if it were the reinsurer.[16]

Current law authorizes DFS to issue reinsurance intermediary licenses, but does not require DFS to do so.[17] In 2023, the Bureau of Licensing, a unit of DFS' Division of Insurance Agent and Agency Services, issued a memo notifying the industry that they would no longer offer licensing for Reinsurance Intermediary Brokers and Managers.[18] Instead, firms wanting to act as a reinsurance intermediary would be required to hold an insurance agency license and a Reinsurance Intermediary Broker or Reinsurance Intermediary Manager appointment.[19]

Producers

A producer is an insurance agent or agents or any other person who aids in soliciting, negotiating, or procuring the making of any insurance contract on behalf of an insured other than the person.[20] In the context of reinsurance intermediaries, a producer may be a licensed agent, broker, or a person who has an insurance agency license that is appointed as a reinsurance intermediary.[21]

To obtain a reinsurance intermediary manager, DFS requires an agency license.[22] To obtain an agency license, a person must have an agent-in-charge who is licensed and appointed in at least one of the following lines of authority:[23]

- General Lines.
- Health and Life including Variable Annuity.
- Health and Life.
- Health.
- Life Including Variable Annuity.
- Life.
- Personal Lines.
- Surplus Lines.

The applicant must then submit a completed application on the DFS website, and get fingerprinted.[24]

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[14] S. 626.7492(3)(f), F.S.
[15] S. 626.7492(10)(a), F.S.
[16] S. 626.7492(10)(b), F.S.
[17] S. 626.7492(3)(d), F.S.
[18] Department of Financial Services, *Reinsurance Intermediary Brokers and Managers Appointment – Firms*, (July 1, 2023), https://www.myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/00-65-68-firm-reinsurance-broker-manager-license.pdf?sfvrsn=6dbd95be_8 (last visited Oct. 17, 2025).
[19] *Id*.
[20] S. 626.7491, F.S.
[21] S. 626.7492, F.S.
[22] Department of Financial Services, *supra* note 18.
[23] Department of Financial Services, *Resident and Non-Resident Insurance Agency License*, https://myfloridacfo.com/docs-sf/insurance-agents-and-agency-services-libraries/agents-docs/licensure/agents-adjusters/21-05-insurance-agency-license.pdf?sfvrsn=141e2e51_6 (last visited Jan. 30, 2026).
[24] *Id*.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee			Brackett	Miguez
Commerce Committee				

A bill to be entitled

An act relating to reinsurance intermediary managers; amending s. 626.7492, F.S.; revising the definition of the term "controlling person" to make technical changes and the term "reinsurance intermediary manager" to exclude certain underwriting managers; reenacting s. 626.022(1)(a), F.S., relating to scope of part, to incorporate the amendment made to s. 626.7492, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraphs (b) and (g) of subsection (2) of section 626.7492, Florida Statutes, are amended to read:

626.7492 Reinsurance intermediaries.—

(2) DEFINITIONS.—As used in this section:

(b) "Controlling ~~person~~" means having the direct or indirect power, as a ~~any~~ person, firm, association, or corporation, ~~who directly or indirectly has the power~~ to direct or cause to be directed~~,~~ the management, control, or activities of the reinsurance intermediary.

(g) "Reinsurance intermediary manager" means any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

management of a separate division, department, or underwriting office, and acts as a representative for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term. Notwithstanding the above, none of the following persons is a reinsurance intermediary manager with respect to the reinsurer for the purposes of this section:

1. An employee of the reinsurer;

2. A manager of the United States branch of an alien reinsurer;

3. An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written.

4. The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located.

5. An underwriting manager which manages assumed facultative risks for a reinsurer if the facultative reinsurance business managed by the underwriting manager is less than 10 percent of the assumed annual gross written premium of the reinsurer.

Section 2. For the purpose of incorporating the amendment

made by this act to section 626.7492, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 626.022, Florida Statutes, is reenacted to read:

626.022 Scope of part.—

(1) This part applies as to insurance agents, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(a) It does not apply as to reinsurance, except that ss. 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss. 626.291-626.301, s. 626.331, ss. 626.342-626.511, ss. 626.541-626.591, and ss. 626.601-626.711 shall apply as to reinsurance intermediaries as defined in s. 626.7492.

Section 3. This act shall take effect July 1, 2026.

HB 943

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 943	**COMPANION BILL:** CS/SB 1028 (Gruters)
TITLE: Citizens Property Insurance Corporation	**LINKED BILLS:** None
SPONSOR(S): Redondo	**RELATED BILLS:** None

Committee References

Insurance & Banking ➤ Commerce

SUMMARY

Effect of the Bill:
The bill requires Citizens Property Insurance Corporation ("Citizens") to establish a commercial lines clearinghouse program for new and existing policyholders. Citizens must determine eligibility of surplus lines insurers to participate in the clearinghouse and may be financially responsible for the implementation and facilitation of the clearinghouse. New and renewal commercial residential and commercial nonresidential policyholders remain eligible for coverage with Citizens if they receive an offer of coverage from a surplus lines insurer within 120% of Citizens' offer. However, Citizens must charge the greater of the premium amounts to the policyholder if they elect to place coverage with Citizens instead of the surplus lines carrier. The bill also revises agent rights, commissions, and appointment rules and expands confidentiality protections for proprietary underwriting information.

Fiscal or Economic Impact:
The bill may have an indeterminate fiscal impact on Citizens regarding the implementation and facilitation of the clearinghouse. The bill may also have an indeterminate fiscal impact on new and renewal policyholders seeking insurance coverage from Citizens.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires Citizens Property Insurance Corporation ("Citizens") to establish a commercial lines clearinghouse to facilitate offers of coverage from surplus lines insurers for all commercial residential and nonresidential applicants and policyholders by January 1, 2027. Additionally, Citizens must establish procedures to facilitate offers of coverage from authorized insurers for all commercial residential and nonresidential applicants and policyholders by January 1, 2028. (Section 2)

The bill provides that an offer of coverage from an approved surplus lines clearinghouse insurer has no effect on the coverage eligibility of a commercial residential policyholder or commercial nonresidential policyholder with Citizens. (Section 2)

However, if an offer of substantially equivalent coverage from an approved surplus lines clearinghouse insurer is made to a commercial residential or nonresidential policyholder within 120% of Citizens' coverage offer, Citizens will be required to charge the policyholder the greater of the two premiums for such coverage if the policyholder elects to remain with Citizens. (Section 1 and 2)

Commercial residential policyholders remain eligible for coverage with Citizens if they receive offers of substantially equivalent coverage from authorized insurers or approved surplus lines clearinghouse insurers that exceed 120% of Citizens' offer. (Section 2)

In order to participate in the commercial lines clearinghouse, a surplus lines insurer must be an "approved surplus lines clearinghouse insurer." The bill defines an "approved surplus lines clearinghouse insurer" as an eligible surplus lines insurer that has a financial strength rating of "A- "or higher from A.M. Best Company[1] and that Citizens determines has demonstrated competence in writing the types of risk for which it will make offers of coverage through the program. (Section 2)

The bill clarifies that approved surplus lines clearinghouse insurers may participate in the commercial lines clearinghouse, but are not required to do so. The bill prohibits approved surplus lines clearinghouse insurers from participating in the personal lines clearinghouse. (Section 2)

The bill provides that in establishing a commercial clearinghouse, Citizens must:

- require all new and renewal policy commercial residential and nonresidential submissions to be submitted to the clearinghouse; and
- establish criteria to determine the capabilities necessary to provide and manage the commercial clearinghouse for facilitating offers from approved surplus lines clearinghouse insurers. The criteria must include:
    - confirmed expertise in the surplus lines market;
    - at least 5 years of publicly available audited financial statements;
    - the ability to facilitate all approved surplus lines clearinghouse insurers to participate by established terms; and
    - any other criteria Citizens determines necessary. (Section 2)

The bill provides the following rights and responsibilities for approved surplus lines clearinghouse insurers:

- may appoint a surplus line agent whose direct or indirect customer is initially underwritten and bound through the clearinghouse program;
- must enter into a limited agency agreement[2] with each surplus lines agent that is not appointed and whose customer is underwritten and bound through the clearinghouse program[3];
- must enter into a standard agency agreement[4] with each surplus lines agent whose customer is underwritten and bound through the program;
- must comply with notice of non-renewal and cancellation standards outlined for surplus lines insurers; and
- must pay commission on premiums, excluding fees, surcharges, and taxes, to the surplus agent, managing general agent, or managing general underwriter placing the risk subject to the following:
    - the producing agent[5] must receive a commission at least equal to the commission that Citizens pays agents for coverage placement; and
    - agents are not prohibited from accepting lower commissions voluntarily. (Section 2)

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[1] AM Best Company assesses an insurance company's ability to pay claims, debts, and other financial obligations in a timely manner. AM Best is registered as a Nationally Recognized Statistical Rating Organization by the Securities & Exchange Commission (SEC) and as a Credit Rating Provider by the National Association of Insurance Commissioners (NAIC). AM Best Company, *About Us,* https://web.ambest.com/about-us (last visited Jan. 30, 2026).

[2] A limited agency agreement is a written contract between an insurer and an agent that authorizes the agent to act on behalf of the insurer for specific, defined purposes and scopes, rather than full general authority. *See* Florida Association of Insurance Agents, *Limited Agency Agreement,* https://www.faia.com/getmedia/1cd9f4bd-4fac-4a6b-998e-1ef541e4edd7/BankersLSA.pdf. (last visited Jan. 30, 2026).

[3] In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program. (Section 2)

[4] A standard agency agreement is a contractual relationship between an insurer and an appointed agent that grants the agent general authority to transact insurance on behalf of the insurer, consistent with agent appointment requirements in Ch. 626, F.S. *See* S. 626.015(1), F.S. S. 626.112(1), F.S.

[5] A producing agent is understood to be a licensed insurance agent who actually solicits, negotiates, and procures an insurance policy on behalf of a policyholder. *See* S. 626.7491(2)(f), F.S.

The bill provides that contracts between an independent agent[6] and Citizens, any insurer, or any surplus lines agent do not amend, modify, interfere with, or limit the independent agent's rights of ownership of specified records and information directly related to applications or renewals written through the program or an insurer participating in the clearinghouse program. (Section 2)

The bill is effective upon becoming law. (Section 3)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have indeterminate fiscal impact on Citizens from costs associated with the implementation and facilitation of the commercial lines clearinghouse. Facilitating market access through the clearinghouse may encourage policyholders to place coverage in the voluntary market, and therefore potentially lower Citizens' total liability exposure.

PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on new and renewal policyholders seeking coverage with Citizens. If new and renewal policyholders receive an offer of coverage from certain insurers, they may be required to pay up to 20% more in premium for substantially equivalent coverage.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Authorized Insurers

An authorized insurer is an insurer authorized by a certificate of authority issued by the Office of Insurance Regulation (OIR) to transact insurance in Florida.[7] The term "authorized insurer" is used interchangeably with "admitted insurer".

Insurers that obtain state authorization are able to participate in Florida's admitted insurance marketplace. Additionally, authorized insurers are required to participate in the Florida Insurance Guaranty Association ("FIGA"). FIGA will pay out claims to policyholders of authorized insurers in the event the insurer becomes insolvent.[8]

The admitted market is a segment of the insurance marketplace that is subject to comprehensive regulatory oversight regarding rates, forms, and solvency. Insurance rates must be filed with OIR and deemed by OIR to not be excessive, inadequate or unfairly discriminatory, and that and that the pricing supports market stability and insurer solvency.[9]

Policy forms offered in the admitted market must also be filed with OIR for approval or informational review and must comply with statutory requirements and mandated consumer disclosures.[10] In addition, the admitted marketplace is subject to ongoing financial oversight, including annual and quarterly financial statement submissions[11], minimum capital and surplus requirements, risk-based capital standards, which allow OIR to

[6] An independent agent is a licensed insurance agent who may represent multiple insurers rather than being contractually exclusive to one insurer. *See* S. 627.3518(1)(c), F.S.
[7] S. 624.09, F.S.
[8] S. 631.55, F.S.
[9] S. 627.974(2), F.S.
[10] S. 627.410, F.S.
[11] S. 624.424, F.S.

monitor solvency and take corrective action to protect policyholders and the overall stability of the admitted marketplace.[12]

As of late November 2025, OIR received 73 filings for rate decreases and 94 filings for 0% rate increases from in the admitted market. Following a quiet hurricane season, continuing decreases in reinsurance costs, and an overall increased underwriting appetite among carriers, the admitted marketplace is showing signs of stabilizing and bringing more favorable insurance conditions to consumers.[13]

Surplus Lines Insurers

Surplus lines insurers are insurers that participate in the excess and surplus ("E&S") marketplace. They are non-admitted insurers, meaning they do not hold a license in the state where the insured risk is located, but they are eligible to transact insurance in Florida by filing certain information with OIR.[14]

Because surplus lines insurers are not licensed in the state, they are not subject to the same rate and policy form regulation that apply to admitted carriers. In the event of insolvency, surplus lines insurers are not protected by FIGA.[15] Policyholders of surplus lines insurers must be notified by a mandated disclosure that their coverage is being placed outside the admitted market, that such coverage lacks Florida guaranty protections and regulatory approval of rates and forms, and that the insured is presumed to understand that coverage may be available in the admitted market.[16]

The E&S marketplace is a segment of the insurance marketplace that provides coverage for risk that the admitted market either cannot or will not cover. It is designed to insure unique, high-risk, or complex risks, such as unusual liability exposures, specialty coverages, or very high coverage limits that don't fit the underwriting criteria of admitted insurers. Examples of typical risks who find coverage in the E&S market are coastal homes and condominiums, high-hazard contractors, and multi-million dollar liability programs.[17]

Florida's E&S market continued growing overall (~2%) in 2025, but with slowing premium growth and signs of stabilization to the market as a whole. In 2025, total premiums in the E&S market reached $17.3 billion, with new business to the E&S market accounting for 42% of this activity and renewals representing 58%. In terms of cost per policy, commercial property and commercial wind coverage saw a decrease of 33% and 47% per policy respectively, and personal property & casualty coverage saw a decrease of 15% per policy. This mix highlights a stable renewal environment for insureds, even as carriers remain engaged in writing new placements. In other words, as the insurance market continues to stabilize, risks are able to find placements in markets other than those of last resort at a competitive price.[18]

Citizens Property Insurance Corporation (Citizens)

Citizens is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary market.[19] Citizens was created in 2002 by the Florida Legislature by combining the Florida Residential Property and Casualty Joint

[12] S. 624.4085, F.S.
[13] James Moore, *Florida Home Insurance Costs Show Signs of Stabilizing After Years of Increases* (Dec. 17, 2025), https://www.jmco.com/articles/real-estate/florida-home-insurance-costs-show-signs-of-stabilizing-after-years-of-increases/ (last visited Jan. 29, 2026).
[14] Florida Office of Insurance Regulation, *Surplus Lines Company Search,* https://floir.gov/resources-and-reports/surplus-lines-search (last visited Jan. 29, 2026).
[15] S. 631.55, F.S.
[16] S. 626.916(1)(d), F.S.
[17] Florida Surplus Lines Association, *Surplus Lines 101*, https://myfsla.com/surpluslines101/ (last visited Jan, 28, 2026).
[18] Florida Surplus Lines Service Office, *Florida Premium Report* (Jan. 7, 2026), https://createsend.com/t/r-2759AB083BDB82662540EF23F30FEDED (last visited Jan. 29, 2026).
[19] S. 627.351(6)(a)1., F.S.

Underwriting Association and the Florida Windstorm Underwriting Association.[20] Current law requires Citizens to provide coverage for personal lines residential property and casualty coverages[21] and commercial lines residential and commercial lines nonresidential property insurance forms.[22]

In October of 2023, Citizens' policy count peaked at roughly 1.42 million. In December of 2025, Citizens' projected policy count to fall to around 385,000, or a 73% decrease from the recent October peak and the lowest reported policy count for Citizens since inception.[23] Year end of 2025, Citizens reported that their policy count comprised of 389,157 personal residential policies (98.5%), 2,837 commercial residential policies (0.7%), and 3,343 commercial nonresidential policies (0.85%). Policy count has continued to fall; as of January 16, 2026, Citizens reports 393,861 active policies. While commercial policies only make up 1.55% of Citizens' policy count, the policies represent 19.6% (~$25. 2 billion) of Citizens total liability exposure (~$128.4 billion).[24]

Citizens Coverage Eligibility

In effort to remain a market of last resort for insureds, Citizens may provide insurance only for property owners who are "in good faith unable to procure insurance through the voluntary market". To be eligible for a new or renewal residential policy, one of the following must be true: [25]

- no comparable offer is available from a Florida-authorized insurer; or
- premiums from Florida-authorized insurers are more than 120% of the Citizens premium for comparable coverage.

Personal Residential Eligibility

Generally, a personal dwelling must have a replacement cost below $700,000 to be eligible for coverage. However, Citizens is allowed to insure personal dwellings with a replacement cost of up to $1 million in counties that OIR deems to lack sufficiently competitive insurance options.[26] Additionally, Citizens may deem a property ineligible if it has significant structural deficiencies or has been deemed unsafe for occupancy. [27]

Eligibility for personal residential risks is confirmed through the current Citizens Clearinghouse Program.[28]

Commercial Residential Eligibility

As with personal residential policies, underwriting criteria for safety and structural soundness must be satisfied in order to obtain coverage with Citizens. In addition, properties with existing damage are not eligible for coverage with Citizens and properties may be deemed ineligible if they have significant short-term rental or transient occupancy exposure.[29]

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[20] Florida Office of Insurance Regulation, *Market Conduct Final Examination Report of Citizens Property Insurance Corporation* (January 11, 2021), https://floir.gov/docs-sf/property-casualty-libraries/market-regulation/2021/citizens-property-insurance-corporation-1-11-2021.pdf (last visited Jan. 29, 2026).

[21] Used in many personal and business policies, property and casualty insurance is an umbrella term for insurance policies that provide two distinct types of coverage: property coverage to repair or replace physical assets if they are damaged or destroyed in a covered event and casualty coverage for bodily injury or property damage to a third party. Coz-Steib, J. *What is property and casualty insurance?* Bankrate. https://www.bankrate.com/insurance/car/property-and-casualty/ (last visited Jan. 29, 2026).

[22] S. 627.351(6)(c)1., F.S.

[23] Citizens Property Insurance Corporation, *Press Release* (December 10, 2025), https://www.citizensfla.com/-/20251210-citizens-recommends-rate-cuts-for-most-policyholders (last visited Jan. 30, 2026).

[24] Citizens Property Insurance Corporation, *Policies in Force: Current Snapshot*: *January 16, 2026* https://www.citizensfla.com/policies-in-force (last visited January 29, 2026).

[25] S. 627.351(6)(c), F.S.

[26] S. 627.351(6)(b), F.S.

[27] S. 627.351(6)(a), F.S.

[28] S. 627.3518(2), F.S.

[29] Citizens Property Insurance Corporation, *Commercial Lines New Business Submission Guide* *https://citizenstraining.citizensfla.com/courses/core/CIS_Resources/Job_Aids/PolicyCenter/CommercialLines/CLNewBusinessSubmissionGuide.pdf* (last visited Jan. 29, 2026).

Eligibility for commercial residential risks is confirmed through procedures established by Citizens.[30]

Commercial Non-residential Eligibility
Commercial non-residential properties are ineligible for Citizens if an authorized insurer makes a coverage offer, no matter the cost. The 120% eligibility threshold does not apply for commercial non-residential risks. [31]

Citizens Current Clearinghouse Program
The intention of the clearinghouse program is to facilitate consistent enforcement of Citizens premium comparison eligibility rules and allow carriers to present their offered premiums in an accessible way to insureds. [32]

Under the program, new and renewal personal lines residential policies for Citizens are submitted into the clearinghouse.[33] Participating insurers[34] have 2 business days to review and optionally select any risk for which they would like to make an offer of coverage.[35] If a participating insurer makes an offer of coverage that is within 120% of Citizens' coverage offer for the same risk, the risk is no longer eligible to be placed with Citizens.[36]

Currently, there is no clearinghouse for commercial risks. Instead, Citizens is required develop procedures for diverting ineligible applicants and existing policyholders of commercial residential coverage to the private insurance market.[37] To prove that a commercial residential risk is eligible for coverage with Citizens, the insured's agent must submit at least one quote from an authorized insurer showing that comparable coverage exceeds Citizens' premium by more than 20%, or at least one authorized insurer statement indicating that no comparable coverage will be offered.[38]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee			Brackett	Veigle
Commerce Committee				

[30] S. 627.351(6)(c), F.S.
[31] Citizens Property Insurance Corporation, *Commercial Lines New Business Submission Guide* *https://citizenstraining.citizensfla.com/courses/core/CIS_Resources/Job_Aids/PolicyCenter/CommercialLines/CLNewBusinessSubmissionGuide.pdf* (last visited Jan. 29, 2026).
[32] Citizens Property Insurance Corporation, *Commercial Lines Current State and Clearinghouse*, pg. 6
[33] S. 627.3518(2), F.S.
[34] Any admitted insurer may participate in the clearinghouse program. S. 627.3518(4), F.S. Insurers are not required to pay a fee to offset or partially offset the cost of the program or use the program for renewal S. 627.3518(3)(d), F.S.
[35] S. 627.3518(3)(f), F.S.
[36] S. 627.3518(5), F.S.
[37] S. 627.3518(2), F.S.
[38] Citizens Property Insurance Corporation, *Commercial Lines New Business Submission Guide* *https://citizenstraining.citizensfla.com/courses/core/CIS_Resources/Job_Aids/PolicyCenter/CommercialLines/CLNewBusinessSubmissionGuide.pdf* (last visited Jan. 29, 2026).

A bill to be entitled

An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; requiring the corporation to charge a specified premium on certain risks; specifying that the premium for subsequent renewals of a corporation policy is subject to certain requirements; providing an exception; amending s. 627.3518, F.S.; deleting an obsolete provision; defining terms; revising the definition of the term "program"; requiring the corporation to establish a personal lines clearinghouse for specified purposes; requiring, on or before a specified date, the corporation to implement a commercial lines clearinghouse for specified purposes; requiring, on or before a specified date, the corporation to develop and implement certain procedures; deleting reporting requirements; revising the rights and responsibilities the corporation has in establishing the program; authorizing approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse; prohibiting such insurers from participating in the personal lines clearinghouse; specifying that participation in the program is not mandatory for such insurers; revising prohibitions and requirements for insurers making offers of coverage to

new applicants or renewal policyholders through the program; providing construction; specifying that applicants for new commercial lines residential coverage are not eligible for coverage from the corporation under certain circumstances; deleting the definition of the term "primary residence"; specifying the circumstances under which policyholders of the corporation are not eligible for commercial lines residential coverage with the corporation; authorizing applicants or insureds to elect to accept coverage with specified insurers or elect to accept or continue coverage with the corporation under certain circumstances; authorizing insureds to elect to accept coverage with specified insurers or elect to accept or continue coverage with the corporation under certain circumstances; providing applicability; specifying that certain applicants remain eligible for coverage from the corporation; authorizing such applicants to elect to accept coverage with specified insurers or elect to accept or continue coverage with the corporation; requiring certain applicants to pay a specified premium for corporation coverage; providing applicability; revising the rights and authorizations for certain independent insurance agents; deleting a prohibition relating to commercial nonresidential

policies; providing an effective date.

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

Section 1. Paragraph (oo) is added to subsection (6) of section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(oo) The corporation must charge a premium on a commercial residential or commercial nonresidential risk that has received an offer of coverage under s. 627.3518(5)(c)2., which premium is the greater of the premium offered by the approved surplus lines clearinghouse insurer for such coverage or the premium for coverage from the corporation calculated pursuant to paragraph (n). The premium for subsequent renewals of a corporation policy that is charged a premium equivalent to the premium offered by an approved surplus lines insurer under s. 627.3518(5)(c)2. is subject to the requirements of paragraph (n) as applied to the premium that was applied pursuant to this paragraph, unless the risk receives an offer at the subsequent renewal under s. 627.3518(5)(c)2., in which case the premium shall be the greater of the premium offered at the subsequent renewal by the surplus lines insurer or the corporation's premium on the risk.

Section 2. Section 627.3518, Florida Statutes, is amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program ~~by January 1, 2014~~.

(1) As used in this section, the term:

(a) "Approved surplus lines clearinghouse insurer" means an eligible surplus lines insurer that has a financial strength rating of "A-" or higher from A.M. Best Company and that the corporation determines has demonstrated competence in writing the types of risks for which it will make offers of coverage through the program.

(b) "Corporation" means Citizens Property Insurance Corporation.

(c) ~~(b)~~ "Exclusive agent" means any licensed insurance agent that has, by contract, agreed to act exclusively for one company or group of affiliated insurance companies and is disallowed by the provisions of that contract to directly write for any other unaffiliated insurer absent express consent from the company or group of affiliated insurance companies.

(d) ~~(c)~~ "Independent agent" means any licensed insurance agent not described in paragraph (c) ~~(b)~~.

(e) "Primary residence" has the same meaning as in s. 627.351(6)(c)2.a.

(f) ~~(d)~~ "Program" means the clearinghouse created under this section, consisting of the personal lines clearinghouse and

the commercial lines clearinghouse.

(g) "Surplus lines agent" means an insurance agent licensed pursuant to s. 626.927 or s. 626.9272.

(2)(a) The corporation shall establish a personal lines clearinghouse ~~in order~~ to confirm an applicant's eligibility with the corporation, ~~and~~ to enhance access of new applicants for personal lines coverage and existing personal lines policyholders of the corporation to offers of coverage from authorized insurers, and ~~the corporation shall establish a program for personal residential risks in order~~ to facilitate the diversion of ineligible applicants and existing policyholders from the corporation into the voluntary insurance market.

(b) The corporation shall implement, on or before January 1, 2027, a commercial lines clearinghouse in order to enhance new applicants' access to commercial residential coverage and commercial nonresidential coverage and existing policyholders of the corporation to offers of coverage from approved surplus lines clearinghouse insurers. The corporation shall also develop and implement, on or before January 1, 2028, appropriate procedures for facilitating the diversion of new ~~ineligible~~ applicants and existing policyholders of the corporation to offers of commercial residential and commercial nonresidential coverage from authorized insurers ~~for commercial residential coverage into the private insurance market and shall report such~~

~~procedures to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014~~.

(3) The corporation board shall establish the ~~clearinghouse~~ program as an organizational unit within the corporation. The program shall have all the rights and responsibilities in carrying out its duties as a licensed general lines agent and a surplus lines agent, but may not be required to employ or engage a licensed general lines agent or a surplus lines agent, or to maintain an insurance agency license to carry out its activities in the solicitation and placement of insurance coverage. In establishing the program, the corporation has all of the following rights and responsibilities ~~may~~:

(a) May require all new applications, and all policies due for renewal, to be submitted for coverage to the program in order to facilitate obtaining an offer of coverage from an authorized insurer or, if the risk is a commercial risk, obtaining an offer of coverage from an approved surplus lines clearinghouse insurer, before binding or renewing coverage by the corporation.

(b) May employ or otherwise contract with individuals or other entities for appropriate administrative or professional services to effectuate the plan within the corporation in accordance with the applicable purchasing requirements under s. 627.351 and, for purposes of implementing the commercial lines clearinghouse and providing offers of coverage from approved

surplus lines clearinghouse insurers on or before January 1, 2028, contract with such individuals or entities in accordance with s. 287.057(3)(c).

(c) May enter into contracts with any authorized insurer and any approved surplus lines clearinghouse insurer to participate in the program and accept an appointment by such insurer.

(d) May provide funds to operate the program. Insurers and agents participating in the program are not required to pay a fee to offset or partially offset the cost of the program or use the program for renewal of policies initially written through the clearinghouse.

(e) May develop an enhanced application that includes information to assist private insurers in determining whether to make an offer of coverage through the program.

(f) For personal lines residential risks, may require that, before approving all new applications for coverage by the corporation, ~~that~~ every application be subject to a period of 2 business days when any insurer participating in the program may select the application for coverage. The insurer may issue a binder on any policy selected for coverage for a period of at least 30 days but not more than 60 days.

(g) Shall, in creating the commercial lines clearinghouse, establish criteria to determine the capabilities necessary to effectively provide and manage the commercial lines

clearinghouse. For facilitating offers of surplus lines coverage, such criteria must include confirmed expertise in the surplus lines market, at least 5 years of publicly available audited financial statements, the ability to facilitate all approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse on terms established by the corporation, and other criteria that the corporation determines necessary to effectively establish and manage offers of surplus lines coverage through the commercial lines clearinghouse.

(4) Any authorized insurer may participate in the program; however, participation is not mandatory for any insurer. Approved surplus lines clearinghouse insurers may participate in the commercial lines clearinghouse but may not participate in the personal lines clearinghouse; however, participation in the program is not mandatory for any approved surplus lines insurer. Insurers making offers of coverage to new applicants or renewal policyholders through the program:

(a) May not be required to individually appoint any agent whose customer is underwritten and bound through the program. Notwithstanding s. 626.112, insurers are not required to appoint any agent on a policy underwritten through the program for as long as that policy remains with the insurer. Insurers may, at their election, appoint any agent or surplus lines agent whose direct or indirect customer is initially underwritten and bound through the program. In the event an insurer accepts a policy

from an agent who is not appointed pursuant to this paragraph, and thereafter elects to accept a policy from such agent, the provisions of s. 626.112 requiring appointment apply to the agent.

(b) Must enter into a limited agency agreement with each agent or surplus lines agent that is not appointed in accordance with paragraph (a) and whose customer is underwritten and bound through the program. In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

(c) Must enter into its standard agency agreement with each agent or surplus lines agent whose customer is underwritten and bound through the program when that agent or surplus lines agent has been appointed by the insurer pursuant to s. 626.112.

(d) Must comply with s. 627.4133(2) or, if the insurer is an approved surplus lines clearinghouse insurer, s. 626.9201.

(e) May participate through their single-designated managing general agent or broker; however, the provisions of paragraph (6)(a) regarding ownership, control, and use of the expirations continue to apply.

(f) For authorized insurers, must pay to the producing agent a commission equal to that paid by the corporation or the

usual and customary commission paid by the insurer for that line of business, whichever is greater.

(g) For approved surplus lines clearinghouse insurers, must pay a commission on premiums, exclusive of fees, surcharges, and taxes, to the surplus lines agent, managing general agent, or managing general underwriter placing the risk. The surplus lines agent, managing general agent, or managing general underwriter must pay the producing agent a commission at least equal to the commission the corporation pays agents for coverage, calculated in the same manner and on the same basis used by the corporation, and shall retain the remainder of the total commission or equivalent compensation. This paragraph does not prohibit an agent from voluntarily accepting a lower commission at the agent's sole discretion.

(5)(a) Notwithstanding s. 627.3517, any applicant for new personal lines coverage from the corporation is not eligible for coverage from the corporation if provided an offer of comparable coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or for applicants for new coverage of a risk that is not a primary residence established in s. 627.351(6)(c)5.b. Whenever an offer of comparable coverage for a personal lines risk is received for a policyholder of the corporation at renewal from an authorized insurer through the

program which is at or below the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the risk is not eligible for coverage with the corporation. In the event an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or the eligibility threshold for applicants for new coverage on a risk that is not a primary residence established in s. 627.351(6)(c)5.b., the applicant or insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. In the event an offer of coverage for a personal lines risk is received from an authorized insurer at renewal through the program, and the premium offered exceeds the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or exceeds the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not

apply to an offer of coverage from an authorized insurer obtained through the program. ~~As used in this subsection, the term "primary residence" has the same meaning as in s. 627.351(6)(c)2.a.~~

(b) Notwithstanding s. 627.3517, an applicant for new commercial lines residential coverage from the corporation is not eligible for coverage from the corporation if the applicant is provided an offer of comparable coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage established in s. 627.351(6)(c)5.c. Whenever an offer of comparable coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program which is at or below the eligibility threshold in s. 627.351(6)(c)5.c., the risk is not eligible for coverage with the corporation. In the event an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold established in s. 627.351(6)(c)5.c., the applicant or insured may elect to accept such coverage or to accept or continue coverage with the corporation. In the event an offer of coverage for a commercial lines residential risk is received from an authorized insurer at renewal through the program, and the premium offered exceeds the eligibility threshold for policyholders of the corporation

established in s. 627.351(6)(c)5.c., the insured may elect to accept such coverage or to accept or continue coverage with the corporation. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program.

(c)1. Except as provided in subparagraph 2., any applicant for new coverage from the corporation and any policyholder of the corporation that is offered commercial lines residential or commercial lines residential coverage pursuant to the program by an approved surplus lines clearinghouse insurer remains eligible for coverage from the corporation. The applicant or insured receiving an offer from an approved surplus lines clearinghouse insurer may elect to accept such coverage or may elect to accept or continue coverage with the corporation.

2. Any applicant for new coverage from the corporation and any policyholder of the corporation that is offered commercial lines residential or commercial lines nonresidential coverage by an approved surplus lines insurer pursuant to the program, if such coverage is equivalent to or greater than coverage from the corporation as to all aspects of such coverage and is for a premium that is not more than 20 percent greater than the premium for corporation coverage that will be paid by an applicant for corporation coverage or will be paid at renewal by a policyholder of the corporation, may elect to accept such coverage from the approved surplus lines clearinghouse insurer

or may elect to accept or continue coverage with the corporation, but, if electing corporation coverage, such applicant or policyholder must pay a premium for corporation coverage that is the greater of the premium for such coverage from the corporation or from the approved surplus lines clearinghouse insurer.

3. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an approved surplus lines clearinghouse insurer obtained through the program.

(6) Independent insurance agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(5)(a), s. 627.351(6)(c)5.a.(I)(B) and (II)(B), or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation, ~~or~~ required by the corporation, or with any insurer or surplus lines agent must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an

application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) May accept an appointment from any insurer participating in the program.

(d) May enter into either a standard or limited agency agreement with the insurer, at the insurer's option, and may enter into agreements with a surplus lines agent.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their independent agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer participating in the program.

(7) Exclusive agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts with the corporation or required by the corporation must not

amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) Must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

(d) May enter into a limited servicing agreement with the insurer making an offer of coverage, and only after the exclusive agent's insurer has approved the limited servicing agreement terms. The exclusive agent's insurer must approve a limited service agreement for the program for any insurer for which it has approved a service agreement for other purposes.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their exclusive agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer making an offer of coverage to that applicant.

(8) Submission of an application for coverage by the corporation to the program does not constitute the binding of coverage by the corporation, and failure of the program to

obtain an offer of coverage by an insurer may not be considered acceptance of coverage of the risk by the corporation.

(9) The 45-day notice of nonrenewal requirement set forth in s. 627.4133(2)(b)5. applies when a policy is nonrenewed by the corporation because the risk has received an offer of coverage pursuant to this section which renders the risk ineligible for coverage by the corporation.

(10) ~~The program may not include commercial nonresidential policies.~~

~~(11)~~ Proprietary business information provided to the corporation's clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(a) As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

1. Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;

2. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and

3. Includes:

a. Trade secrets, as defined in s. 688.002.

b. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks through the program for an offer of coverage and are shared with the clearinghouse to facilitate the shopping of risks with the insurer.

(b) The clearinghouse may disclose confidential and exempt proprietary business information:

1. If the insurer to which it pertains gives prior written consent;

2. Pursuant to a court order; or

3. To another state agency in this or another state or to a federal agency if the recipient agrees in writing to maintain the confidential and exempt status of the document, material, or other information and has verified in writing its legal authority to maintain such confidentiality.

Section 3. This act shall take effect upon becoming a law.

INSURANCE & BANKING COMMITTEE

HB 943 by Rep. Redondo
Citizens Property Insurance Corporation

AMENDMENT SUMMARY
February 3, 2026

Amendment 005511 by Rep. Redondo (strike-all):

- Creates the term “premium equalization adjustment” to mean the difference in total cost between Citizens’ offer and an approved surplus lines insurer’s offer that is within 120% of Citizens’ offer.
- Provides that any applied premium equalization adjustment expires at the end of the policy term.
- Requires Citizens to contract with a commercial clearinghouse administrator to establish and maintain a commercial clearinghouse for approved surplus lines insurers within 90 days of the bill becoming law.
- Clarifies that Citizens must establish a commercial clearinghouse for authorized insurers on or before January 1, 2028.
- Requires OIR to verify surplus lines clearinghouse insurers within 5 business days of the commercial clearinghouse administrator’s recommendation.
- Provides that a commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers participating in the program reasonable transaction, technology, administration, and other similar fees.
- Provides that every application to the commercial clearinghouse is subject to a period of 5 business days when any participating insurer may select the application for coverage prior to Citizens extending an offer of coverage.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Redondo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (oo) is added to subsection (6) of section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(oo) For commercial residential and commercial nonresidential risks, if an approved surplus lines clearinghouse insurer offers coverage under s. 627.3518(5)(c)2. and the total cost of such coverage is not more than 20 percent greater than the total cost of insurance coverage from the corporation, the corporation may not issue or renew coverage unless it imposes a

premium equalization adjustment on such policy equal to the amount by which the total cost of insurance coverage offered by the approved surplus lines clearinghouse insurer exceeds the total cost of insurance coverage from the corporation. If the total cost of insurance from the approved surplus lines clearinghouse insurer does not exceed the total cost of corporation coverage, the corporation may not impose the premium equalization adjustment. If more than one approved surplus lines clearinghouse insurer offers coverage under s. 627.3518(5)(c)2., the lowest offered total cost of insurance coverage applies for purposes of this paragraph. The total cost of insurance coverage includes, but is not limited to, the premium, fees, surcharges, and applicable taxes. A premium equalization adjustment applied pursuant to this paragraph expires at the end of the policy term.

Section 2. Section 627.3518, Florida Statutes, is amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program ~~by January 1, 2014~~.

(1) As used in this section, the term:

(a) "Approved surplus lines clearinghouse insurer" means an eligible surplus lines insurer that has a financial strength rating of "A-" or higher and a financial size category of A-VII

or higher from A.M. Best Company which the clearinghouse administrator recommends for participation in the program and which the office verifies meets the requirements for participation in the program within 5 business days after the commercial lines clearinghouse administrator's recommendation.

(b) "Commercial lines clearinghouse administrator" means the individual or entity employed or otherwise contracted by the corporation to provide administrative or professional services to implement the commercial lines clearinghouse required pursuant to subparagraph (2)(b)1. within the corporation as set forth in paragraph (3)(b).

(c) "Corporation" means Citizens Property Insurance Corporation.

(d) ~~(b)~~ "Exclusive agent" means any licensed insurance agent that has, by contract, agreed to act exclusively for one company or group of affiliated insurance companies and is disallowed by the provisions of that contract to directly write for any other unaffiliated insurer absent express consent from the company or group of affiliated insurance companies.

(e) ~~(c)~~ "Independent agent" means any licensed insurance agent not described in paragraph (d) ~~(b)~~.

(f) "Primary residence" has the same meaning as in s. 627.351(6)(c)2.a.

(g) ~~(d)~~ "Program" means the clearinghouse created under this section, consisting of the personal lines clearinghouse and the commercial lines clearinghouse.

(h) "Surplus lines agent" means an insurance agent licensed pursuant to s. 626.927 or s. 626.9272.

(2)(a) The corporation shall establish a personal lines clearinghouse ~~in order~~ to confirm an applicant's eligibility with the corporation, ~~and~~ to enhance access of new applicants for personal lines coverage and existing personal lines policyholders of the corporation to offers of coverage from authorized insurers, and ~~the corporation shall establish a program for personal residential risks in order~~ to facilitate the diversion of ineligible applicants and existing policyholders from the corporation into the voluntary insurance market.

(b)1. The corporation shall implement on or before January 1, 2027, a commercial lines clearinghouse in order to enhance access to offers of coverage from approved surplus lines clearinghouse insurers for new applicants for commercial residential coverage and commercial nonresidential coverage and existing commercial residential and commercial nonresidential policyholders of the corporation.

2. To facilitate the diversion of ineligible applicants and existing policyholders from the corporation to authorized insurers, the corporation shall also develop and implement a

separate commercial lines clearinghouse on or before January 1, 2028 to confirm eligibility with the corporation and to enhance access to offers of such coverage from authorized insurers for new applicants for commercial residential or commercial nonresidential coverage and existing commercial residential and commercial nonresidential policyholders of the corporation ~~appropriate procedures for facilitating the diversion of ineligible applicants and existing policyholders for commercial residential coverage into the private insurance market and shall report such procedures to the President of the Senate and the Speaker of the House of Representatives by January 1, 2014~~.

(3) The corporation board shall establish the ~~clearinghouse~~ program as an organizational unit within the corporation. The program shall have all the rights and responsibilities in carrying out its duties as a licensed general lines agent and a surplus lines agent, but may not be required to employ or engage a licensed general lines agent or a surplus lines agent, or to maintain an insurance agency license to carry out its activities in the solicitation and placement of insurance coverage. In establishing the program, the corporation has all of the following rights and responsibilities ~~may~~:

(a) May require all new applications for personal lines coverage, and all personal lines policies due for renewal, to be submitted for coverage to the program in order to facilitate obtaining an offer of coverage from an authorized insurer or, if

the risk is a commercial risk, shall require all new applications for commercial lines coverage, and all commercial lines policies due for renewal, to be initially submitted for coverage through the commercial clearinghouse as a single point of intake for both the corporation and the program in order to facilitate obtaining an offer of coverage from an approved surplus lines clearinghouse insurer, before binding or renewing coverage by the corporation.

(b) Shall establish and maintain the operational systems and procedures necessary to implement the program.

(c) May employ or otherwise contract with individuals or other entities for appropriate administrative or professional services to effectuate the plan within the corporation in accordance with the applicable purchasing requirements under s. 627.351 and, for purposes of implementing the commercial lines clearinghouse and providing offers of coverage from approved surplus lines clearinghouse insurers on or before January 1, 2027, contract with such individuals or entities in accordance with s. 287.057(3)(c).

(d) ~~(c)~~ May enter into contracts with any authorized insurer and any approved surplus lines clearinghouse insurer to participate in the program and accept an appointment by such insurer.

(e) ~~(d)~~ May provide funds to operate the program. Insurers and agents participating in the program are not required to pay

a fee to offset or partially offset the cost of the program or use the program for renewal of policies initially written through the clearinghouse. Notwithstanding this paragraph, any commercial lines clearinghouse administrator may charge approved surplus lines clearinghouse insurers participating in the program reasonable transaction, technology, administration, and other similar fees.

(f) ~~(e)~~ May develop an enhanced application that includes information to assist private insurers in determining whether to make an offer of coverage through the program.

(g) ~~(f)~~ For personal lines residential risks, may require that, before approving all new applications for coverage by the corporation, ~~that~~ every application be subject to a period of 2 business days when any insurer participating in the program may select the application for coverage. For commercial lines residential and commercial lines nonresidential risks, the corporation may require, before approving all new applications for commercial lines coverage by the corporation, that every application be subject to a period of 5 business days when any insurer participating in the program may select the application for coverage. The insurer may issue a binder on any policy selected for coverage for a period of at least 30 days but not more than 60 days.

(h) Shall, in creating the commercial lines clearinghouse, establish criteria to determine the capabilities necessary for

the commercial lines clearinghouse administrator. For facilitating offers of surplus lines coverage, such criteria must include confirmed expertise in the surplus lines market, at least 5 years of publicly available audited financial statements, the ability to facilitate all approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse on terms established by the corporation, and other criteria that the corporation determines necessary to effectively establish, administer, and manage offers of surplus lines coverage through the commercial lines clearinghouse.

(i) Shall select a commercial lines clearinghouse administrator within 90 days after the effective date of this act.

(j) May allow the commercial lines clearinghouse administrator to establish procedures and account clearance requirements the commercial lines clearinghouse administrator deems necessary to ensure an orderly process for offers of coverage to be provided by approved surplus lines clearinghouse insurers participating in the commercial lines clearinghouse and to avoid multiple offers of coverage from the same insurer for the same risk.

(k) Must submit to the commercial lines clearinghouse administrator its coverage terms and conditions, deductible structures, and its unalterable indicated total cost of insurance coverage, which must include, but is not limited to,

the premium, fees, surcharges, and applicable taxes for the subject risk before any approved surplus lines clearinghouse insurer is provided a submission for coverage pursuant to the program by any applicant for new coverage from the corporation or any policyholder of the corporation. The commercial lines clearinghouse administrator shall provide the corporation's unalterable indicated coverage terms and conditions and deductible structures, but may not provide the indicated total cost of corporation insurance coverage, to the approved surplus lines clearinghouse insurers participating in the program. The commercial lines clearinghouse administrator shall then use the corporation's unalterable indication to determine whether any offers of coverage from approved surplus lines clearinghouse insurers satisfy the requirements set forth in s. 627.351(6)(oo) and subparagraph (5)(c)2. The corporation may not bind or otherwise communicate, indicate, or make an offer of coverage to an applicant or policyholder, or its agent, or otherwise accept coverage until 5 business days have elapsed from the date that it provided its unalterable indication to the commercial lines clearinghouse administrator unless the time limit is waived in writing. Any change to the corporation's coverage terms and conditions, deductible structures, or indicated total cost of insurance coverage constitutes a new submission by the corporation under this paragraph. The validation period described in this paragraph applies regardless of any proposed

effective date, renewal date, or expiration date of the policy and may not be shortened or bypassed based on timing considerations relating to binding or renewal.

(4) Any authorized insurer may participate in the program; however, participation is not mandatory for any insurer. Approved surplus lines clearinghouse insurers may participate in the commercial lines clearinghouse but may not participate in the personal lines clearinghouse; however, participation in the program is not mandatory for any surplus lines insurer. Insurers making offers of coverage to new applicants or renewal policyholders through the program:

(a) May not be required to individually appoint any agent whose customer is underwritten and bound through the program. Notwithstanding s. 626.112, insurers are not required to appoint any agent on a policy underwritten through the program for as long as that policy remains with the insurer. Insurers may, at their election, appoint any agent or surplus lines agent whose direct or indirect customer is initially underwritten and bound through the program. In the event an insurer accepts a policy from an agent who is not appointed pursuant to this paragraph, and thereafter elects to accept a policy from such agent, the provisions of s. 626.112 requiring appointment apply to the agent.

(b) Must enter into a limited agency agreement with each agent or surplus lines agent that is not appointed in accordance

with paragraph (a) and whose direct or indirect customer is underwritten and bound through the program. In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

(c) Must enter into its standard agency agreement with each agent or surplus lines agent whose direct or indirect customer is underwritten and bound through the program when that agent or surplus lines agent has been appointed by the insurer pursuant to s. 626.112. In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a standard agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

(d) Must comply with s. 627.4133(2) or, if the insurer is an approved surplus lines clearinghouse insurer, s. 626.9201.

(e) May participate through their single-designated managing general agent or broker or surplus lines agent; however, the provisions of paragraph (6)(a) regarding ownership, control, and use of the expirations continue to apply.

(f) For authorized insurers, must pay to the producing agent a commission equal to that paid by the corporation or the usual and customary commission paid by the insurer for that line of business, whichever is greater.

(g) For approved surplus lines clearinghouse insurers, when coverage is placed through the clearinghouse with an approved surplus lines clearinghouse insurer, must pay a total commission or equivalent compensation on gross written premium, exclusive of fees, surcharges, and taxes, to the surplus lines agent, managing general agent, or managing general underwriter placing the risk. The surplus lines agent, managing general agent, or managing general underwriter must pay the producing agent a commission that results in an effective commission percentage at least equal to the commission percentage published by the corporation and in effect on January 1, 2026, calculated in the same manner and on the same basis used by the corporation, and shall retain the remainder of the total commission or equivalent compensation. This paragraph does not prohibit an agent from voluntarily accepting a lower commission at the agent's sole discretion. As used in this paragraph, the term "effective commission percentage" means the commission expressed as a percentage of premium, exclusive of all fees, assessments, surcharges, and taxes.

(5)(a) Notwithstanding s. 627.3517, any applicant for new personal lines coverage from the corporation is not eligible for

coverage from the corporation if provided an offer of comparable coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or for applicants for new coverage of a risk that is not a primary residence established in s. 627.351(6)(c)5.b. Whenever an offer of comparable coverage for a personal lines risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program which is at or below the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the risk is not eligible for coverage with the corporation. In the event an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or the eligibility threshold for applicants for new coverage on a risk that is not a primary residence established in s. 627.351(6)(c)5.b., the applicant or insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. In the event an offer of coverage for a personal lines risk is

received from an authorized insurer at renewal through the program, and the premium offered exceeds the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or exceeds the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program. ~~As used in this subsection, the term "primary residence" has the same meaning as in s. 627.351(6)(c)2.a.~~

(b) Any applicant for new commercial lines residential coverage from the corporation is not eligible for coverage from the corporation if provided an offer of comparable coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage established in s. 627.351(6)(c)5.c. Whenever an offer of comparable coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program which is at or below the eligibility threshold in s. 627.351(6)(c)5.c., the risk is not eligible for coverage from the corporation. In the event that an offer of coverage for a new applicant is received

from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold established in s. 627.351(6)(c)5.c., the applicant or insured may elect to accept such coverage or may elect to accept or continue coverage with the corporation. In the event that an offer of coverage for a commercial lines residential risk is received from an authorized insurer at renewal through the program, and the premium offered exceeds the eligibility threshold for policyholders of the corporation established in s. 627.351(6)(c)5.c., the insured may elect to accept such coverage or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program.

(c)1. Except as provided in subparagraph 2., any applicant for new commercial lines residential coverage or commercial lines nonresidential coverage from the corporation and any policyholder of the corporation, when such applicant or corporation policyholder is offered commercial lines residential or commercial lines nonresidential coverage pursuant to the program by an approved surplus lines clearinghouse insurer, remains eligible for coverage from the corporation. The applicant or policyholder receiving an offer from an approved surplus lines clearinghouse insurer may elect to accept such coverage or may elect to accept or continue coverage with the corporation.

2. Any applicant for new commercial lines residential coverage or commercial lines nonresidential coverage from the corporation and any policyholder of the corporation, when such applicant or corporation policyholder is offered commercial lines residential or commercial lines nonresidential coverage by an approved surplus lines insurer pursuant to the program and such offered coverage has material terms and conditions that are substantially equivalent to or better than coverage from the corporation as to all aspects of such coverage, as determined by the corporation through the clearinghouse process and applicable program standards, and the total cost of such insurance coverage is not more than 20 percent greater than the total cost of insurance coverage from the corporation, may elect to accept such coverage from the approved surplus lines clearinghouse insurer or may elect to accept or continue coverage with the corporation, but, if electing corporation coverage, such applicant or policyholder must pay a premium for corporation coverage that is subject to s. 627.351(6)(oo).

3. Section 627.351(6)(c)5.c.(I) does not apply to an offer of coverage from an approved surplus lines clearinghouse insurer obtained through the program.

4. Any policyholder seeking coverage from the personal lines clearinghouse, shall be offered coverage that has material terms and conditions that are substantially equivalent to or

better coverage from the corporation as to all aspects of coverage.

(6) Independent insurance agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(5)(a), s. 627.351(6)(c)5.a.(I)(B) and (II)(B), or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation or required by the corporation or with any insurer or surplus lines agent may ~~must~~ not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) May accept an appointment from any insurer participating in the program.

(d) May enter into either a standard or limited agency agreement with the insurer, at the insurer's option, and may enter into agreements with a surplus lines agent.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their independent agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer participating in the program.

(7) Exclusive agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts with the corporation or required by the corporation must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) Must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

(d) May enter into a limited servicing agreement with the insurer making an offer of coverage, and only after the exclusive agent's insurer has approved the limited servicing agreement terms. The exclusive agent's insurer must approve a limited service agreement for the program for any insurer for which it has approved a service agreement for other purposes.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their exclusive agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer making an offer of coverage to that applicant.

(8) Submission of an application for coverage by the corporation to the program does not constitute the binding of coverage by the corporation, and failure of the program to obtain an offer of coverage by an insurer may not be considered acceptance of coverage of the risk by the corporation.

(9) The 45-day notice of nonrenewal requirement set forth in s. 627.4133(2)(b)5. applies when a policy is nonrenewed by the corporation because the risk has received an offer of

coverage pursuant to this section which renders the risk ineligible for coverage by the corporation.

(10) ~~The program may not include commercial nonresidential policies.~~

~~(11)~~ Proprietary business information provided to the corporation's clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(a) As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

1. Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company's business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;

2. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and

3. Includes:

a. Trade secrets, as defined in s. 688.002.

b. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Proprietary business information may be found in underwriting criteria or instructions which are used to identify and select risks through the program for an offer of coverage and are shared with the clearinghouse to facilitate the shopping of risks with the insurer.

(b) The clearinghouse may disclose confidential and exempt proprietary business information:

1. If the insurer to which it pertains gives prior written consent;

2. Pursuant to a court order; or

3. To another state agency in this or another state or to a federal agency if the recipient agrees in writing to maintain the confidential and exempt status of the document, material, or other information and has verified in writing its legal authority to maintain such confidentiality.

Section 3. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; prohibiting the corporation from issuing or renewing coverage for commercial residential and commercial nonresidential risks under certain circumstances; prohibiting the corporation from imposing a premium equalization adjustment under certain circumstances; providing applicability; specifying the components of the total cost of insurance coverage; specifying that certain adjustments expire at a specified time; amending s. 627.3518, F.S.; deleting an obsolete provision; defining terms; revising the definition of the term "program"; requiring the corporation to establish a personal lines clearinghouse for specified purposes; requiring, on or before a specified date, the corporation to implement a commercial lines clearinghouse for a specified purpose; authorizing the corporation to develop and implement a separate commercial lines clearinghouse for specified purposes; deleting obsolete provisions; revising the program's rights and responsibilities; revising the rights and responsibilities the corporation has in establishing the program; authorizing approved surplus lines clearinghouse insurers to participate in the commercial lines clearinghouse; prohibiting such

insurers from participating in the personal lines clearinghouse; specifying that participation in the program is not mandatory for such insurers; revising prohibitions and requirements for insurers making offers of coverage to new applicants or renewal policyholders through the program; providing construction; defining the term "effective commission percentage"; specifying that applicants for new commercial lines residential coverage are not eligible for coverage from the corporation under certain circumstances; specifying the circumstances under which policyholders of the corporation are not eligible for new commercial lines residential coverage from the corporation; authorizing applicants or insureds to elect to accept coverage with authorized insurers or elect to accept or continue coverage with the corporation under certain circumstances; authorizing insureds to elect to accept coverage with specified insurers or elect to accept or continue coverage with the corporation under certain circumstances; providing applicability; specifying that certain applicants and policyholders remain eligible for coverage from the corporation; authorizing such applicants and policyholders to elect to accept coverage from clearinghouse insurers or

elect to accept or continue coverage with the corporation; authorizing certain applicants and policyholders of the corporation to elect to accept coverage from clearinghouse insurers or elect to accept or continue coverage with the corporation; requiring such applicants or policyholders to pay a specified total cost of insurance for corporation coverage; providing applicability; revising the rights and authorizations for certain independent insurance agents; deleting a prohibition relating to commercial nonresidential policies; providing an effective date.

HB 1221

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1221	**COMPANION BILL:** SB 1452 (Truenow)
TITLE: Department of Financial Services	**LINKED BILLS:** None
SPONSOR(S): LaMarca	**RELATED BILLS:** None

Committee References

Insurance & Banking ➤ State Administration Budget ➤ Commerce

SUMMARY

Effect of the Bill:
The bill enacts comprehensive reforms across multiple Department of Financial Services ("DFS") administered programs and statutes. The bill revises eligibility standards, qualifying mitigation measures, and application procedures and statuses for the My Florida Safe Home Program. The bill authorizes DFS to independently procure insurance contracts, restructure coordinating council operations, and enter into multiyear software licensing agreements. It extends the deadline for health care providers to challenge carrier payment adjustments from 45 days to 60 days and requires public adjusters to respond to informational claim requests within 14 days. The bill establishes new disqualification standards and enforcement penalties for DFS licensees, updates criminal background checks for licensees, and creates a transition framework for individuals transferring licenses into Florida. Additionally, the bill modernizes the Florida Disposition of Unclaimed Property Act by renaming it the "Abandoned Personal Property Act" and by substantially revising definitions, holder duties, notice, reporting and verification requirements, dormancy and unclaimed triggers, the Unclaimed Property State Fund, claimant representative and purchase agreement procedures, and state transparency and notification obligations.

Fiscal or Economic Impact:
The bill may have an indeterminate fiscal impact.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Prepaid Software Licenses

The bill authorizes the Department of Financial Services ("DFS ") to enter into multiyear, prepaid software licensing agreements. (Section 1)

My Florida Safe Home Program

The bill amends the My Safe Florida Home Program ("MSFHP") in the following ways:

- Replaces the term "townhome" with "attached residential property not exceeding three stories" and makes these properties eligible for all mitigation improvements grants offered by MSFHP, as opposed to only opening protection improvement.
- Clarifies that the replacement of the roof covering is a mitigation improvement eligible for a MSFHP grant, when the applicant installs secondary water resistance on the roof.
- Provides that an applicant may additionally submit a second hurricane mitigation inspection application for the same home if:
  - the first submission was denied or withdrawn due to material errors or omissions; or
  - more than 24 months have passed since the applicant received a hurricane mitigation inspection and the applicant has not received a grant payment through the MSFHP for the inspection.

- Requires a home's age to be verified through the county property appraiser's website, instead of the building permit application for initial construction of the home.
- Provides that DFS may accept a certification directly from an applicant attesting to his or her age if the applicant provides the certification in a signed or electronically verified statement made under penalty of perjury.
- Removes the option for an applicant to request a six-month extension to finalize construction and receive a final inspection, but expands the time limit to do so from 12 months to 18 months after grant application approval. (Section 2).

Florida Coordinating Council Structure

The bill amends the coordinating council by including the executive director for the Department of Revenue on the council, and removing the nonvoting members selected by the Florida Association of state agency administrative services and replacing them with nonvoting members selected by the council. The bill also adjusts the council's duties to ensure the Florida Financial Management Information System remains aligned across participating entities. (Section 3)

Insurance Contracts

The bill authorizes DFS to independently procure insurance brokerage services and enter into insurance contracts. (Sections 4 and 5)

Workers' Compensation Claim Adjudication Disputes

The bill extends the timeframe to challenge workers' compensation carrier's payment adjustment from 45 days to 60 days. The petitioner must serve a copy of the petition challenging the adjustment by USPS Certified Mail or a common carrier with similar tracking capabilities to workers' compensation carrier and all affected parties listed in the notice of disallowance or adjustment. The bill also revises panel recommendation submissions for the workers' compensation health care delivery system to be delivered on or before January 15, 2031, and take place every 5 years instead of biannually. (Section 6)

Disqualification of Licensure by Board of Funeral, Cemetery, and Consumer Services

The bill provides that any applicant applying for a license issued by the Division and the Board of Funeral, Cemetery, and Consumer Services ("Board") under the Department of Financial Services that has been found guilty or has pled no contest to any of the following offenses, regardless of ruling, is permanently barred from licensure:

- A felony in the 1st degree.
- A felony involving conduct prohibited under:
  - the Florida Funeral, Cemetery, and Consumer Services Act (Ch. 497, F.S.);
  - Kidnapping, Custody Offenses, and Human Trafficking (Ch. 787, F.S.);
  - Sexual Battery (Ch. 794, F.S.);
  - Prostitution (Ch. 796, F.S.);
  - Lewdness and Indecent Exposure (Ch. 800, F.S.);
  - Abuse, Neglect, and Exploitation of Elderly Person and Disabled Adults (Ch. 825, F.S.);
  - Abuse of Children (Ch. 827, F.S.); and
  - Obscenity (Ch. 847, F.S.).

- A felony involving moral turpitude.[1] (Section 7)

The bill also provides that any applicant who has been found guilty of, or has pled guilty or no contest to any of the following offenses, regardless of ruling, is subject to the following disqualifying periods:

- 10 years for any felony which the permanent bar does not apply[2]; or
- 5 years for all misdemeanors directly involving conduct prohibited under the Florida Funeral, Cemetery, and Consumer Services Act. (Section 7)

The bill requires the Board to adopt rules establishing additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. (Section 7)

The Board must also adopt rules establishing mitigating and aggravating factors. Mitigation factors may not reduce any disqualifying period to less than 5 years and may not reduce the 5-year period for misdemeanors involving conduct prohibited under the Florida Funeral, Cemetery, and Consumer Services Act. The Board has discretion whether to grant or deny any exemption and decisions are subject to Ch. 120. (Section 7)

The bill establishes that any applicant for licensure by the Board who has been pardoned or restored their civil rights with respect to their conviction is not barred or disqualified from licensure. However, the Board is not required to issue licensure to an applicant because they have been pardoned or had their civil rights restored. (Section 7)

The bill establishes that the Board may grant an exemption from disqualification of licensure if:

- the applicant has paid in full any fee, fine, fund, lien, civil judgement, restitution, or cost of prosecution as part of judgement and sentence for any disqualifying offense; and
- at least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

In order to receive an exemption, an applicant must clearly and convincingly demonstrate with the following evidence that they would not pose a risk to persons or property if licensed:

- facts and circumstances surrounding the disqualifying offense;
- the time that has elapsed since the offense;
- the nature of the offense and the harm caused to the victim;
- the applicant's history before and after the offense; and
- any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified. (Section 7)

The bill provides that the disqualification periods do not apply retroactively for new and renewal applications for licensure if the applicant had an active license as of July 1, 2026, and applicable criminal history was considered by the Board previously. (Section 7)

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[1] Moral turpitude describes wicked, deviant behavior constituting an immoral, unethical, or unjust departure from ordinary social standards such that it would shock a community. Merriam-Webster, https://www.merriam-webster.com/legal/moral%20turpitude (last visited Jan. 31, 2026).

[2] An applicant who has completed at least half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if the applicant was found not guilty or pled no contest to the offense. (Section 7)

The bill provides that if any applicant under the Florida Funeral, Cemetery, and Consumer Services Act has been convicted or found guilty of, or entered into a no contest plea, any crime in any jurisdiction, the application may not be deemed complete until the applicant provided certified copies of court records evidencing conviction, finding, or plea. Crimes that must be disclosed in such manner include:

- Any felony, no matter when committed;
- Any misdemeanor, no matter when committed, that was directly or indirectly related to the practice or activities regulated by the Florida Funeral, Cemetery, and Consumer Services Act; and
- Any other misdemeanors not already disclosed which were committed within the 5 years immediately preceding application. (Section 8)

Insurance License Applicant Filing Fee

The bill removes "reinsurance intermediary" from the list of license types. As of July 1, 2023, DFS no longer issues such licenses. Additionally, the bill expands the veteran license application filing fee exemption to include any veteran honorably discharged from the United States Armed Forces, instead of only who veterans who were honorably discharged within 24 months of filing their application. (Section 9)

Licensees Transitioning to Florida

The bill removes the requirement for applicants for licensure with DFS under the Florida Insurance Code to provide verification of a home state license cancellation prior to being approved as a Florida resident license and provides that an applicant must cancel their prior home state license within 30 days of receiving a license from DFS. The bill removes the requirement for a letter clearance if an applicant was licensed in another state for General Lines, Life, or Health and is transferring their license to Florida. (Section 10, Section 13, Section 14, and Section 15)

License Reexamination

The bill requires DFS to require a licensee or applicant for licensure under the Florida Insurance Code to retake a licensure exam if the licensee or applicant commits an act that requires DFS to revoke, suspend, refuse to renew a license, or deny any application, including cheating on a licensure exam or violating test center or exam procedures. The bill authorizes but does not require DFS to require a licensee or applicant for licensure under the Florida Insurance Code to retake a licensure exam if the licensee or applicant commits an act that authorizes DFS to revoke suspend, refuse to renew a license, or deny an application. (Section 11 and Section 12)

Public Adjusters

The bill requires public adjusters to respond within 14 days of a consumer's written or electronic request for claim information, and keep record of such response. (Section 16)

Bail Bond Agent Licensing and Appointment

The bill removes the requirement for an insurer appointing a bail bond agent to submit a photo to DFS as part of the bail bond application license, as their photo is already taken by the exam vendor who issues the licensing badge. The bill also provides that the appointing insurer is to obtain all Bail Bond Appointment Forms and necessary certifications of the agent, but is not required to submit them to DFS. (Section 17 and Section 18)

Unclaimed Personal Property

The bill renames "Florida's Disposition of Unclaimed Property Act" as "Florida's Dispostion of Abandoned Personal Property". (Section 19)

The bill clarifies custodial role of the state and emphasizes that property ownership rights remain with the owner and may be exercised at any time by the owner while property is in custody of the state. (Section 72)

The bill renames "unclaimed property" as "abandoned property" throughout the act, and defines "abandoned property" as property held by a holder for which all of the following are true:

- The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period.
- The holder has complied with the due diligence requirements, including the issuance of notice to apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property. (Section 20)

The bill also provides definitions for the following terms:

- "Abandoned Property Purchase Agreement" is defined as the form adopted by DFS which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.
- "Abandoned Property Recovery Agreement" is defined as the form adopted by DFS which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.
- "Authorized Representative" is defined as a person or entity legally empowered to act on behalf of the apparent owner or his estate, including but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement. (Section 20)

The bill significantly modifies the definition for the following terms:

- "Apparent owner" is amended to mean the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changed in circumstances.
- "Claimant Representatives" is amended to require claimant representatives to gain authorization to file claims on behalf of persons with DFS. The term does not include a person acting as a representative or fiduciary capacity, whose representation is not contingent upon the discovery or location of abandoned property, and the definition expressly excludes locators[3].
- "Holder" is amended to mean a person who is in the possession of property belonging to another or who owes a debt or an obligation to another person, including, but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies.
- "Owner" is amended to mean the person entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a claim with DFS. (Section 20)

The bill establishes that all intangible property, including any income or increment minus any lawful charges, is presumed abandoned if the property is held, issued, or owed by the holder's business and the apparent owner or authorized representative failed to demonstrate a continued interest for more than the applicable dormancy period. (Section 21)

[3] The bill defines locator a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with DFS.

The bill establishes that the presumption that property is abandoned may be rebutted by the affirmative demonstration of continued interest by the owner or an authorized representative, instead of just the owner. (Section 21)

The bill provides that demonstrations of continued interest can also be communicated by authorized representatives in the following forms:

- a record[4] to the holder or its agent concerning the property or the account in which the property is held;
- an oral communication concerning the property or the account in which the property is held if the holder records and preserves evidence of the communication;
- presentment of a check or other instrument for payment of dividends, interest, or other distributions related to the property;
- any account activity; and
- any deposits or withdrawals from the property or the account in which the property is held. (Section 21)

The bill also provides that routine, automatic transactions, deposits, withdrawals, or reinvestments previously authorized by an apparent owner or authorized representative do not qualify as an affirmative demonstration of continued interest. (Section 21)

The bill expressly provides that presumed abandoned property is subject to custody by DFS, so long as the holder of the property has completed all statutorily required due diligence obligations without receiving any response or claim from the apparent owner. (Section 22)

The bill expands what qualifies as an affirmative demonstration of continued interest for traveler's checks and money orders, checks, and bank deposits from just written communication with the holder to all types of affirmative demonstrations authorized for intangible property. (Section 24, Section 26, and Section 27)

The bill revises dormancy triggers for stock, equity, and debt interests of business associations by reinstating returned mail as a trigger to start a dormancy period. The bill also extends dormancy periods triggered by owner-initiated activity from 3 years to 5 years. (Section 32)

The bill requires holders of property that do not send mail to apparent owners on an annual basis to send an email within 3 years of the apparent owner's last demonstration of continued interest. (Section 32)

The bill increases due diligence requirements for holders by requiring more detailed consumer disclosures. If a property presumed abandoned is worth more than $50, holders must send written notice by first-class US mail or by e-mail if elected by the apparent owner, at least 90 days, but no more than 180 days, prior to filing the report required by DFS regarding presumed abandoned property. (Section 39)

The bill requires holders to send a second notice by certified mail to properties worth $1,000 or more at least 60 days prior to filing the report required by DFS. Additionally, the bill requires holders to certify that reports are complete and that all due diligence requirements have been satisfied. (Section 39)

[4] The bill defines a record as information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies.

The bill provides that securities identified as non-freely transferable[5] or worthless are not reportable by holders. (Section 39)

The bill revises DFS' notice requirements following property transferring into DFS custody. The bill codifies that DFS is required to maintain a publicly searchable electronic database and requires owners with property values at $10 or more to be included in such database. Property valued under $10 remains recoverable from DFS, but are not required to be on the electronic database. (Section 40)

The bill clarifies that firearms discovered in abandoned safe-deposit boxes must be delivered to law enforcement agencies for proper handling or disposal instead of just disposal. The bill also provides that if a firearm is sold by a law enforcement agency, the balance must be deposited into the State School Fund. (Section 41)

The bill also clarifies that if a will or trust instrument is included among the contents of an abandoned safe-deposit box, DFS must supply a copy of the will or trust instrument upon the request of anyone who provides a certified copy of a death certificate. (Section 41)

The bill eliminates the current $15 million cap on the Unclaimed Property Trust Fund and requires an annual forecasting estimate from the Revenue Estimating Conference[6] for distribution of retained funds. The bill clarifies that the amount of funds retained in the Unclaimed Property Trust Fund will be applied to administrative costs and claim payments. Before the end of each fiscal year, DFS will transfer funds in an amount that is no more than the amount estimated by the Revenue Estimating Conference to the State School Fund. (Section 44)

The bill creates provisions regarding the purchase of abandoned property agreements. The agreement must be written, in at least 12-pt. font, and contain:

- a title of "Florida Abandoned Property Purchase Agreement";
- the seller's social security number or taxpayer identification number;
- the seller's email address, mailing address, and telephone number;
- the name of the apparent owner as shown by DFS records;
- the name of the holder that remitted the property;
- the date of last contact;
- the purchaser's email, address, and phone number;
- a statement acknowledging that the property is currently in DFS' custody and that the seller can claim the property directly from DFS on its electronically searchable website without being charged a fee;
- the property category;
- the nature and value of the property; and
- a manual signature and dating by the seller that has been notarized. (Section 69)

The bill requires that the purchase price of the property cannot be discounted by more than 30% at the time of sale and that the amount of the purchase must be provided to the seller within 30 days of the execution of the

[5] The bill defines a non-freely transferable security as a security that cannot be delivered to the administrator by a custodian of securities providing post-trading clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes worthless security.

[6] The Revenue Estimating Conference is Florida's statutorily established, consensus-based process for producing the official revenue estimates that govern state budget, fiscal analyses, and legislative decision making. The conference is made up of professional economists and analysts from the Legislature, Executive Office of the Governor, and relevant state agencies to generate a single official estimate, which becomes the authoritative forecast for state fiscal planning. S. 216.136, F.S.

agreement. Additionally, the bill provides that the seller may cancel a purchase agreement without penalty or obligation within 15 days after the agreement was executed. (Section 69)

The bill requires a copy of executed purchase agreements be filed with purchaser claims along with proof of payment in full and other statutorily required documentation. The bill provides that if proof of payment is not submitted, DFS may not approve the claim. (Section 69)

The bill revises registration requirements for claimant representatives. Representatives must be:

- a Florida licenses private investigator;
- a Florida certified public accountant; or
- a Florida licensed attorney who has registered with DFS. (Section 73).

The bill requires active claimant representatives to file and obtain payment on at least 10 claims per calendar year following the date of initial registration. (Section 73).

The bill provides conforming and technical changes. (Multiple Sections)

The bill is effective upon becoming law. (Section 77)

RULEMAKING:

The bill expands the Chief Financial Officer's existing rulemaking authority for authorizing advanced payments to include payments to prepay for multi-year software licenses. The bill also provides the Board of Funeral, Cemetery, and Consumer Services with rulemaking authority to administer the criminal disqualifications for licenses issued by the Board.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

According to DFS, the bill allows the state to prepay for multi-year software licenses, which may result in a 10-20% decrease in cost over a 3-year period. The bill also may minimally decrease revenues by extending insurance agent application licensing fees to honorably discharged veterans of the United States Armed Forces beyond the current 24-month limit. Additionally, the bill may have an indeterminate fiscal impact on DFS' Unclaimed Property Program's postage, mailing, and data-research costs due to implementation and facilitation of additional owner notifications.[7]

PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on holders of financial accounts and securities by requiring an increase in due diligence and notification requirements.

[7] Department of Financial Services, 2026 Agency Analysis of HB 1221/SB 1452 (Jan. 28, 2026) pg. 13.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Department of Financial Services

Effective January 2003, the Department of Insurance, Treasury, State Fire Marshal, and the Department of Banking and Finance merged to form the Department of Financial Services ("DFS"). DFS consists of 12 divisions and several specialized offices.[8] Additionally, DFS is responsible for administering several programs, including the My Safe Florida Home Program,[9] My Safe Florida Condominium Pilot Program,[10] and the Florida PALM Project.[11] The following departments are housed within DFS:[12]

- Accounting & Auditing;
- Administration;
- Consumer Services;
- Criminal Investigations;
- Funeral, Cemetery, and Consumer Services;
- Insurance Agent & Agency Services;
- Rehab & Liquidation;
- Risk Management;
- State Fire Marshal;
- Treasury;
- Unclaimed Property;
- Workers' Compensation; and the
- Office of Insurance Consumer Advocate.

The Division of Accounting and Auditing

The Chief Financial Officer, as the head of the Department of Financial Services, is tasked with making salary payments to all state employees, retirement payments to the Florida Retirement System retirees statewide, and payments to vendors who conduct business with the state The Division is the final stop in the state payment process, ensuring public funds are appropriately spent.[13]

Currently, the state is only allowed to purchase subscriptions and perpetual software licenses each fiscal year. The state currently spends $55 million on software licenses each year.[14]

The Division of Insurance Agent and Agency Services

The Division of Insurance Agent and Agency Services licenses and investigates all insurance agents, agencies, adjusters, and adjusting firms in Florida. The Division monitors 1.27 million actives licenses, processes more than 2.9 million appointment requests, reviews over 100,00 applications, and conducts over 3,000 investigations each year.[15]

The current process for transferring an out-of-state license relies on the approval and actions of the previous state sending a paper letter indicating that the previous license has been canceled.[16]

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[8] Florida Department of Financial Services, *About the Agency,* https://www.myfloridacfo.com/about/about-dfs? (last visited Jan. 30, 2026).
[9] S. 215.5586, F.S.
[10] S. 215.58871, F.S.
[11] Florida Department of Financial Services, *The Florida PALM Project,* https://myfloridacfo.com/floridapalm/project-team (last visited Jan. 30, 2026).
[12] Florida Department of Financial Services, *About the Agency,* https://www.myfloridacfo.com/about/about-dfs? (last visited Jan. 30, 2026).
[13] S. 215.422, F.S.
[14] Department of Financial Services, *supra* note 7, at pg. 13.
[15] *Id.* at 2.
[16] S. 626.292, F.S.

The Division of Funeral, Cemetery, and Consumer Services

The Division of Funeral, Cemetery, and Consumer Services ("Division") establishes qualifications for professions and occupations in the death care industry. These professions and occupations include, but are not limited to: funeral directing, embalming, cremation, preneed sales, cemeteries, and monument sales.

The Division also ensures death care professionals maintain their qualifications through continuing education courses and licensure renewal. It also oversees licensed establishments, facilities, and cemetery grounds by conducting annual inspections of these entities. The Division ensures effective discipline for those licensees who have violated the law. In performing these regulatory functions, the Division works closely with the Board of Funeral, Cemetery, and Consumer Services.[17]

The Board of the Division of Funeral, Cemetery, and Consumer Services ("Board") consists of 9 members appointed by Florida's CFO and one designated member by the State Health Officer. The Board functions as the state authority that licenses, regulates, and oversees the death care industry. The Board works with the Division to enforce laws and investigate consumer complaints. When violations occur, the Board helps ensure discipline, sanctions, and/or corrective actions are administered. [18]

Licensure by the Board of Funeral, Cemetery, and Consumer Services

The current statutory scheme does not rely on a list of automatic disqualifiers for applicants seeking licensure by the Board of Funeral, Cemetery, and Consumer Services, but vests the Board with the discretion to assess criminal history, character, integrity, and public safety risk created by extending licensure to applicants.

All applicants for licensure with the Board must disclose specified criminal history and submit fingerprints for state and federal background checks. Required disclosures include:[19]

- Any felony or misdemeanor, regardless of when committed, that is directly or indirectly related to or involving any aspect of funeral directing, embalming, preneed sales, cemetery operations, or other activities regulated by the Florida Funeral, Cemetery, and Consumer Services Act;
- Any other felony committed within the 20 years preceding the application; and
- Any other misdemeanor committed within the 5 years preceding the application.

Disclosure is required regardless of whether adjudication was withheld or the record is sealed. Failure to disclose required criminal history qualifies as independent grounds for licensure denial and may itself constitute criminal or disciplinary conduct.[20]

The Board retains the authority to withhold licensure to an applicant who has a criminal record that is required to be disclosed unless the applicant affirmatively demonstrated that issuance of the license would not create a danger to the public. Current law establishes that public safety is the controlling standard for the decision to approve or deny licensure, not the existence of a criminal record. [21]

The Board may deny licensure where disclosed criminal conduct:

- demonstrates dishonesty, fraud, or financial exploitation;
- is substantially related to regulated funeral or cemetery activities; or
- reflects conduct inconsistent with public trust or consumer protection. [22]

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[17] The Department of Financial Services, *About the Division,* Funeral, Cemetery, and Consumer Services, https://myfloridacfo.com/division/funeralcemetery (last visited Feb. 1, 2026).
[18] The Department of Financial Services, *Board of Funeral, Cemetery, and Consumer Services,* https://www.myfloridacfo.com/division/funeralcemetery/Board (last visited Feb. 1, 2026).
[19] S. 497.142, F.S.
[20] *Id.*
[21] S. 497.141, F.S.
[22] *See Id.*

Current law provides that applicants providing false information in connection with a license application or attempting to obtain licensure through misrepresentation is a criminal offense and is disqualifying conduct.[23]

The Board may refuse to rule on an initial application if the applicant is currently under investigation or prosecution for conduct, that if committed in Florida, would violate the Florida Funeral, Cemetery, and Consumer Services Act. The application may be deferred until the investigation/ prosecution is complete.[24]

Prohibited Conduct

Chapter 497- Funeral, Cemetery, and Consumer Services

Prohibited conduct under Ch. 497, F.S., includes:[25]

- fraud, misrepresentation, or deceptive practices in the sale or provision of funeral, burial, or cemetery services;
- misuse, commingling, or misappropriation of trust funds or preneed contract funds;
- operating without proper licensure or exceeding the scope of licensure;
- failure to comply with statutory trust, recordkeeping, and disclosure requirements; and
- conduct demonstrating untrustworthiness or financial irresponsibility.

Chapter 787 - Kidnapping, Custody Offenses, and Human Trafficking

Prohibited conduct under Ch. 787, F.S., includes:[26]

- kidnapping;
- false imprisonment;
- luring or enticing a child;
- interference with custody;
- sheltering unmarried minors;
- removing minors from state or concealing minors contrary to state agency order or court order;
- human trafficking;
- human smuggling; and
- employing persons under the age of 21 years in adult entertainment establishments prohibited

Chapter 794- Sexual Battery

Prohibited conduct under Ch. 794 includes:[27]

- sexual acts committed without consent;
- sexual acts involving coercion, force, threats, or incapacitation;
- sexual acts involving minors or persons legally incapable of consent; and
- abuse of authority, custodial power, or supervisory position to commit sexual acts.

Chapter 796- Prostitution

Prohibited conduct under Ch. 796, F.S., includes:[28]

- Engaging in, soliciting, or procuring prostitution;
- Owning, operating, or maintaining premises for prostitution; and
- Coercion or exploitation of individuals for commercial sexual activity.

Chapter 800- Lewdness; Indecent Exposure

[23] S. 497.141, F.S.
[24] S. 497.141, F.S.
[25] Ss. 497.152, F.S., 497.153, F.S., and 497.458, F.S.
[26] *See* Ch. 787, F.S.
[27] Ss. 794.011, F.S. and 794.05, F.S.
[28] Ss. 796.07, F.S. and 796.035, F.S.

Prohibited conduct under Ch. 800, F.S., includes:[29]

- lewd or lascivious acts committed in public or in the presence of others;
- indecent exposure of sexual organs;
- lewd or lascivious acts involving minors; and
- sexual conduct that offends public decency or morals.

Chapter 825-Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults
Prohibited conduct under Ch. 825, F.S., includes:[30]

- physical, emotional, or psychological abuse;
- neglect or failure to provide necessary care or services;
- financial exploitation or misuse of assets; and
- breach of fiduciary duty or abuse of trust involving vulnerable adults.

Chapter 827- Abuse of Children
Prohibited conduct under Ch. 827, F.S., includes:[31]

- physical, emotional, or sexual abuse of a child;
- neglect, abandonment, or failure to provide care;
- endangering a child's physical or mental health; and
- exploitation of children for labor or other unlawful purposes.

Chapter 847- Obscenity
Prohibited conduct under Ch. 847, F.S., includes:[32]

- creation, possession, distribution, or promotion of obscene materials;
- obscene performances or exhibitions;
- use of minors in sexual performances or obscene material; and
- commercial exploitation involving obscene content.

Florida Coordinating Council
The Florida Coordinating Council within DFS serves as a central coordination and policy advisory mechanism for the State of Florida's financial management and information systems, most notably the Florida Financial Management Information System[33] ("FFMIS"). The Council is tasked with reviewing and coordinating annual workplans, developing standards and policies, conducting system studies, identifying conflicts or system impacts, facilitating interagency resolution, and elevating unresolved matters for further action.[34]

Structurally, the Council is composed of Florida's senior constitutional and executive officials, including the Chief Financial Officer (who serves as chair), the Attorney General, the Commissioner of Agriculture, the Secretary of Management Services, the State Chief Information Officer, and the Director of Planning and Budgeting, or their respective designees. This structure is intended to preserve the integrity, reliability, and long-term sustainability of the state's financial management architecture. [35]

[29] Ss. 800.03, F.S. and 800.04, F.S.
[30] Ss. 825.102, F.S., 825.103, F.S., and 825.1035, F.S.
[31] Ss. 827.03, F.S., 827.04, F.S., and 827.0145, F.S.
[32] Ss. 847.011, 847.013, and 847.0145, F.S.
[33] FFMIS is a unified, integrated statewide financial information system established by the Legislature to provide executive branch decisionmakers with coordinated fiscal, accounting, and management data necessary for statewide planning, management, evaluation, and accountability. S. 215.91, F.S.
[34] S. 215.96, F.S.
[35] *Id.*

The Division of Workers' Compensation

The Division of Workers' Compensation assists injured workers, employers, healthcare providers, and insurers in adhering to Florida's workers' compensation laws.[36] Additionally, the Division biennially submits a Three-Member Panel Report to the Legislature with advisement on any potential changes to the workers' compensation industry.[37]

Currently, the United States Postal Service is the only mail carrier that a healthcare provider can use to submit a dispute in claims adjudication with the workers' compensation insurer to DFS. Disputes can only be submitted by healthcare providers; healthcare providers have 45 days to submit a dispute.[38]

The Division of Risk Management

The Division of Risk Management manages the self-insurance program for all state agencies and state universities, and provides coverages for workers' compensation, general liability, automobile liability, federal civil rights, and property. Most of these coverages are currently self-insured, but the Division of Risk Management annually purchases excess property insurance for catastrophic losses and out-of-state workers' compensation insurance for state employees with job locations outside the state of Florida.[39]

Currently, the Division of Risk Management determines what coverage is necessary but may only purchase it upon the approval of the Department of Management Services ("DMS"). This requires DMS to procure the Broker of Record contract on behalf of the Division of Risk Management, maintain and monitor the contract, and approve invoices.[40]

My Safe Florida Home Program

In 2006, the Legislature created the My Safe Florida Home Program (MSFHP) within DFS, with the intent that the MSFHP provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants, subject to the availability of funds.[41] Under the MSFHP, DFS must develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include hurricane mitigation inspections, mitigation grants, education, consumer awareness, and outreach.[42]

MSFHP provides financial grants that may be used by homeowners to make improvements recommended by an inspection which increase resistance to hurricane damage.[43] When an initial hurricane mitigation inspection recommends improvements, the applicant may qualify for grants to make improvements to opening protection, the reinforcement of roof-to-wall connections, improvement of roof-deck attachments, and secondary water resistance for roofs.[44] Applicants who own a townhouse may only use grants for opening protection improvements.[45]

Applicants must complete construction and request a final inspection within one year of grant approval. They may request an extension for an additional six months.

MSFHP prioritizes applications from low-income persons who are at least 60 years old, then all other low-income persons, then moderate-income persons who are at least 60 years old, then applications from all other moderate-income persons, and last all other applications.[46] MSFHP accepts certifications from applicants about their income level if the certification is a signed or electronically verified statement made under penalty of perjury.[47]

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[36] S. 440.44, F.S.
[37] S. 440.13, F.S.
[38] *Id.*
[39] S. 284.01, F.S.
[40] S. 284.08, F.S.
[41] S. 215.5586, F.S.
[42] *Id.*
[43] *Id.*
[44] S. 215.5586, F.S.
[45] *Id.*
[46] *Id.*
[47] *Id.*

The Division of Unclaimed Property

Florida's Unclaimed Property Program is governed by the Florida Disposition of Unclaimed Property Act and is administered by the Division of Unclaimed Property within DFS. The program is designed to protect property owners by ensuring that intangible property presumed abandoned is safeguarded by the state until claimed, rather than be retained indefinitely by private holders. DFS holds unclaimed property in custody, not ownership, preserving the right of owners or heirs to reclaim the property at any time. [48]

The program applies primarily to intangible property, including but not limited to:[49]

- bank deposits and credit balances;
- uncashed checks and drafts;
- insurance policy proceeds and benefits;
- securities, dividends, and other equity interests;
- utility deposits and refunds; and
- contents of safety deposit boxes.

Property is presumed unclaimed after a specified dormancy period, which is defined as a period of owner inactivity or lack of contact. Owner activity showing an "indication of interest" in the property, such as written communication, electronic contact via email or phone, cashing a payment, or any other owner-initiated action recognized by statute resets the dormancy period.[50] Dormancy periods vary by property type and generally begin when the property becomes payable or distributable, not when it is issued. Dormancy periods include:

- 5 years for bank accounts, most uncashed checks and drafts, insurance proceeds payable but unpaid, and wages;[51]
- 3 years for stocks, dividends, and other equity interests;[52] and
- 1 year for certain governmental or court-held funds.[53]

The death of an apparent owner does not pause or reset the dormancy period, and dormancy continues to run based on the last indication of interest by the owner, regardless of whether heirs, beneficiaries, or a personal representative are aware of the property.[54] The exception to this rule is for life insurance policies, where dormancy begins when the insurer has actual or constructive knowledge of the insured's death and the proceeds become payable, even if no claim has been filed by the beneficiary.[55]

Holders of property presumed unclaimed must file an annual unclaimed property report with DFS by April 30th each year. Property is included in the report based on the recorded dormancy status as of December 31st of the prior year. Holders must deliver the property or its value to DFS at the time of the report.[56]

Before reporting property to DFS, holders are required to conduct due diligence to locate and notify the apparent owner of the property. Written notice requirements apply to property with a value of $50 or more. Notice must be sent to the apparent owner not more than 120 days but not less than 60 days before the holder's reporting deadline at the apparent owner's last known address. The notice must inform the owner of the nature of the property and the status of its potential transfer to DFS. If the apparent owner provides a document response after

[48] S. 717.1201, F.S.
[49] S. 717.101(18), F.S.
[50] *See* S, 717.105, F.S.
[51] Ss. 717.105, F.S., 717.106, F.S., 717.112, F.S., and 717.115, F.S.
[52] S. 717.1101, F.S.
[53] S. 717.113, F.S.
[54] *See* S. 717.102(4), F.S.
[55] S. 717.107, F.S.
[56] S. 717.117, F.S.

receiving the notice, it constitutes as an affirmative indication of interest in the property and prevents the property's remittance to the state.[57]

Failure from holders to complete due diligence may expose them to enforcement action from DFS. Penalties include:[58]

- interest assessments for late reporting or delivery;
- civil penalties for failure to report, underreporting, or refusal to remit property; and
- audits and examinations of holders' records.

Penalties may be imposed per violation and may be waived under limited circumstances showing good cause.[59]

Once property is remitted to state custody, DFS becomes responsible for the safekeeping of the property and making notification attempts to the apparent owner of the property.[60] DFS must maintain a publicly searchable unclaimed property database and a claims process for which apparent owners or heirs may make a claim. There is no statute of limitations for owners and heirs to file a claim to reassume their property. [61]

All funds received under the Florida Disposition of Unclaimed Property Act, including the cash value of unclaimed property and proceeds from the sale of tangible property, are initially deposited into the Unclaimed Property Trust Fund. DFS retained up to $15 million to cover claims and administrative costs associated with managing and returning unclaimed property.[62]

After administrative reserves are set aside, remaining unclaimed property receipts must be deposited into the State School Fund. The State School Fund is a constitutionally established trust that supports K-12 education and other public education purposes across Florida. Funds remitted from unclaimed property thus bolster statewide education financing until they are needed to satisfy rightful owner claims.[63]

Other provisions of Florida law addressing inactive or lost personal property, including Ch. 705 and 716, use the term "abandoned property" to describe property that remains unclaimed following a period of owner inactivity. Similarly, most other states' unclaimed property statutes employ "abandoned property" as the operative term within a custodial framework.[64]

Litigation Landscape: Florida Unclaimed Property

A constitutional challenge to Florida's unclaimed property program is currently unfolding in federal courts, centered on whether the state's handling of presumed unclaimed property constitutes a violation of the Takings Clause of the Fifth Amendment.

In *Maron vs. Chief Financial Officer of Florida*, private property owners whose unclaimed property had been delivered into the state's custody argued that Florida's Unclaimed Personal Property Act effectively takes their property without just compensation because the state retains and uses the property, and any earnings derived therefrom, and does not pay the amount of the earnings accrued on the property while in the custody of the state along with the principal value of the property back to the owner when the property is returned.[65]

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[57] *Id.*
[58] S. 717.1322, F.S.
[59] *Id.*
[60] S. 717.118, F.S.
[61] S. 717.124(8), F.S.
[62] S. 717.123, F.S.
[63] *Id.*
[64] Department of Financial Services, *supra* note 7, at pg. 5
[65] *Maron v. Chief Financial Officer of Florida*, No. 4:22-cv-00255-RH-MAF (N.D. Fla. 2023).

The United States District Court for the Northern District of Florida initially dismissed the plaintiffs' claim, concluding that the Florida Disposition of Unclaimed Property Act could constitutionally revert the property outright, and therefore, that returning the principal value of the property without the interest it accrued while in the custody of the state did not constitute an unconstitutional taking. The district court also addressed jurisdictional challenges, finding that the plaintiffs had standing but ruling that sovereign immunity barred much of their state law challenge.[66]

On appeal, the 11th Circuit vacated and remanded the district court's decision, holding that the plaintiffs had standing and that sovereign immunity did not bar the Fifth Amendment takings claim. Critically, the 11th Circuit rejected the notion that the Act transfers title to the state, emphasizing that under the Florida Disposition of Unclaimed Property Act the state merely assumes custody and responsibility for the safekeeping of unclaimed property rather than title. [67] Additionally, the court addressed that since owners are not faced with any statute of limitation in reclaiming their property, the ongoing property right of the owner undermines any claim that the property is truly "abandoned".[68]

Based on this framework, the court concluded that vesting custody, even without a formal title transfer, can constitute as a per se physical taking if the government uses the property for public purposes without just compensation. The opinion directed further proceedings to develop the factual record on whether the property remained the owner's property, the nature of the state's appropriation, and the measure of just compensation.[69] The case is currently back in the district court.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee			Brackett	Veigle
State Administration Budget Subcommittee				
Commerce Committee				

[66] *Id.*
[67] *Maron vs. Chief Financial Officer of Florida,* No. 23-13178, (11th Cir. May 16, 2025).
[68] *Id.*
[69] *Maron vs. Chief Financial Officer of Florida,* No. 23-13178, (11th Cir. May 16, 2025).

A bill to be entitled

An act relating to the Department of Financial Services; amending s. 215.422, F.S.; revising the Chief Financial Officer's rulemaking authority; amending s. 215.5586, F.S.; defining terms; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the circumstances under which applicants may submit a subsequent hurricane mitigation inspection; deleting the requirement that licensed inspectors must determine mitigation measures during initial inspections of eligible homes; deleting inspectors' authorization to inspect townhouses; revising the criteria for eligibility for a hurricane mitigation grant; revising the grant's applicant requirements; revising the improvements that grants may be used for; requiring that improvements be identified in the final hurricane mitigation inspection to receive grant funds; deleting a provision related to grants for townhouses; authorizing the program to accept a specified certification directly from applicants; requiring applicants who receive grants to finalize construction and request a final inspection within a specified timeframe; specifying that an application is deemed abandoned, rather than withdrawn, under certain

circumstances; amending s. 215.96, F.S.; revising the composition of the coordinating council; deleting a requirement for the design and coordination staff; requiring minutes of meetings to be available to interested persons; revising the composition of ex officio members of the council; revising the duties, powers, and responsibilities of the council; amending s. 284.08, F.S.; authorizing the department to determine what property insurance coverage is necessary; authorizing the department to purchase certain insurance coverages; authorizing the department to contract with insurance or reinsurance brokers for certain purposes; amending s. 284.33, F.S.; authorizing the department to purchase certain insurance coverages; authorizing the department to contract with insurance or reinsurance brokers for certain purposes; amending s. 440.13, F.S.; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant";

specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; specifying that the applicant has certain burdens to demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an exemption; specifying that the board has discretion to grant or deny an exemption; specifying that certain decisions are subject to ch. 120, F.S.; providing applicability and construction; amending s. 497.142, F.S.; prohibiting an application from being deemed complete under certain circumstances; revising the list of crimes to be disclosed on a license application; amending s. 626.171, F.S.; deleting

reinsurance intermediaries from certain application requirements; revising the list of persons from whom the department is required to accept uniform applications; making clarifying changes regarding the voluntary submission of cellular telephone numbers; revising the exemption from the application filing fee for members of the United States Armed Forces; amending s. 626.292, F.S.; revising applicant requirements for a license transfer; amending s. 626.611, F.S.; requiring the department to require license reexamination of certain persons, and suspend or revoke the eligibility to hold a license or appointment of such persons under certain circumstances; amending the grounds for suspension or revocation; amending 626.621, F.S.; authorizing the department to require an reexamination of certain persons; amending s. 626.731, F.S.; revising the qualifications for a general lines agent's license; amending s. 626.785, F.S.; revising the qualifications for a life agent's license; amending s. 626.831, F.S.; revising the qualifications for a health agent's license; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond with specific information within a specified timeframe and document in the file

the response or information provided; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising the short title; amending s. 717.101, F.S.; revising and adding definitions; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption; providing that property shall be presumed abandoned under certain circumstances; providing an exception; amending s. 717.103, F.S.; requiring that intangible property be subject to the custody of the department under certain circumstances; amending criteria for when intangible property is subject to the custody of the department; repealing s. 717.1035, F.S., relating to property originated or issued by this state, any political subdivision of this state, or any entity

incorporated, organized, created, or otherwise located in the state; amending ss. 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, and 717.109, F.S.; conforming provisions to changes made by the act; amending s. 717.1101, F.S.; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned; requiring the holder to attempt to confirm the apparent owner's interest in the equity interest by sending an e-mail communication under certain circumstances; requiring the holder to attempt to contract the apparent owner by first-class United States mail under certain circumstances; specifying that equity interest is presumed abandoned under certain circumstances; revising when unmatured, unredeemed, matured, or redeemed debt is presumed abandoned; specifying that the applicable dormancy period ceases under certain circumstances; revising the timeframe that a sum held or owing by a business association is presumed abandoned; amending ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and 717.116, F.S.; conforming provisions to changes made by the act; amending s. 717.117, F.S.; specifying that property is presumed abandoned upon the expiration of the applicable dormancy periods; specifying that

property is not deemed abandoned for certain purposes until the holder meets certain requirements; requiring holders of property presumed abandoned that has a specified value to use due diligence to locate and notify the apparent owner; requiring, before a specified timeframe, a holder in possession of presumed abandoned property to send a specified written notice to the apparent owner; specifying the method of delivery of such notice; requiring, before a specified timeframe, the holder to send a second written notice under certain circumstances; authorizing the reasonable cost for the notice to be deducted from the property; specifying that a signed return receipt constitutes an affirmative demonstration of continued interest; specifying requirements of the written notice; requiring holders of abandoned property to submit a specified report to the department; prohibiting certain balances, overpayments, deposits, and refunds from being reported as abandoned property; prohibiting certain securities from being included in the report; requiring the holder to report and deliver such securities under certain circumstances; requiring the report to be signed and verified and contain a specified statement; deleting certain provisions

relating to the due diligence and notices to apparent owners; amending s. 717.118, F.S.; revising the state's obligation to notify apparent owners that their abandoned property has been reported and remitted to the department; requiring the department to use a cost-effective means to make an attempt to notify certain apparent owners; specifying requirements for the notice; requiring the department to maintain a specified website; revising applicability; amending s. 717.119, F.S.; conforming provisions to changes made by the act; revising requirements for firearm or ammunition found in an abandoned safe-deposit box or safekeeping repository; revising requirements if a will or trust instrument is included among the contents of an abandoned safe-deposit box or safekeeping repository; amending ss. 717.1201 and 717.122, F.S.; conforming provisions to changes made by the act; amending s. 717.123, F.S.; conforming provisions to changes made by the act; revising the name of a certain trust fund; revising the amount the department must retain from certain funds received; revising a required transfer of funds to the State School Fund; amending s. 717.1235, F.S.; conforming provisions to changes made by the act; amending s. 717.124, F.S.; conforming provisions to

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

717.132, F.S.; conforming provisions to changes made by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; specifying that the agreement must contain certain language; requiring a copy of an executed Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing

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

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

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

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

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

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

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

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

(1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

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

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

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

(I) A detached residential property; or

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

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

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

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

2. An applicant may submit a subsequent hurricane

mitigation inspection application for the same home only if:

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

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

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

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

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

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

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

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

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

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

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

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

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

mitigation grant if all of the following criteria are met:

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

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

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

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

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

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

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

b. The hurricane mitigation inspection must have occurred

within the previous 24 months from the date of application.

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

d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

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

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

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

1. Opening protection improvements, including:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

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

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

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

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

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

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

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

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

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

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

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

e. Last, all other applications.

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

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

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

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

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

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

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

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

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

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

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

apparent error or omission.

(8) CONTRACT MANAGEMENT.—

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

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

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

215.96 Coordinating council and design and coordination staff.—

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

approval to the Financial Management Information Board.

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

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

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

any interested person.

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

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

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

REIMBURSEMENT ALLOWANCES.—

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

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

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

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

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

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

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

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

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

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

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

licensure under this chapter:

(a) A felony of the first degree.

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

(c) A felony involving moral turpitude.

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

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply. Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.

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

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

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

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

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

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

such license.

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

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

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

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

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

to chapter 120.

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

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

497.142 Licensing; fingerprinting and criminal background checks.—

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

(10)

(c) Crimes to be disclosed are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The applicant's native language.

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

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

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

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

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

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

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

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

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

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

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

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

626.292 Transfer of license from another state.—

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

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

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

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

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

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

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

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

exist:

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

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

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

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

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

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

provided in and contemplated by the contract.

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

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

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

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

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

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

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

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

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

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

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

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

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

3. Having received a fee, commission, or other valuable consideration for his or her services with respect to viatical settlements that involved unlicensed viatical settlement providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as

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

4. Dealing in bad faith with viators.

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

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

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

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

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

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

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

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

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

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

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

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

been entered by the court having jurisdiction of the case.

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

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

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

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

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

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

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

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

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

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

626.731 Qualifications for general lines agent's license.—

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

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

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

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

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

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

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

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

626.785 Qualifications for license.—

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

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

626.831 Qualifications for license.—

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

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

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

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

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

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

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

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

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

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

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

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

648.34 Bail bond agents; qualifications.—

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

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

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

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

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

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

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

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

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

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

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

Section 19. Section 717.001, Florida Statutes, is amended

to read:

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

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

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

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

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

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

property.

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

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

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

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

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

agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

illustration and not limitation:

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

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

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

1. A non-freely transferable security; or

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

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

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

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

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

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

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

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

security.

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

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

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

~~(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

extend the otherwise applicable dormancy period prescribed by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 23. Section 717.1035, Florida Statutes, is repealed.

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

717.104 Traveler's checks and money orders.—

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

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

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

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

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

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

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

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

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

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

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

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

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

unredeemed gift certificate or credit memo.

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

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

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

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

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

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

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

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

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

717.106 Bank deposits and funds in financial organizations.—

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

following activities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall be reportable as otherwise provided by this chapter.

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

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

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

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

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

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

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

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

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

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

3.~~2.~~ Two ~~Three~~ years after the date of the death of the apparent owner, as evidenced by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

authorized representative demonstrates continued interest under s. 717.102, including by any of the following actions ~~person~~:

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

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

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

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

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder,

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

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

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

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

717.112 Property held by agents and fiduciaries.—

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

memorandum or other record on file with the fiduciary.

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

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

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

her duties under the Florida Trust Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~apparent owner.~~

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

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

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

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

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

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

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

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

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

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

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

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

to deliver such property to the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

such extension the department may grant shall be in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717.123 Deposit of funds.—

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

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

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

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

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

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

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Payments of fees and costs authorized under an

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

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

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

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

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

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

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

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

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

3. A public school district in this state or a subdivision

thereof;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717.12406 Joint ownership of abandoned ~~unclaimed~~

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

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

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

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

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

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

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

717.1241 Conflicting claims.—

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

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

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

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

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

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

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

claimant ~~claimant's~~ representatives.

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

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

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

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

Statutes, is amended to read:

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

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

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

717.1243 Small estate accounts.—

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

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

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

Section 54. Section 717.1244, Florida Statutes, is amended to read:

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

Section 55. Section 717.1245, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717.129 Periods of limitation.—

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

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

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

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

717.1301 Investigations; examinations; subpoenas.—

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

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

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

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

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

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

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

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

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

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

717.132 Enforcement; cease and desist orders; fines.—

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

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

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

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

717.1322 Administrative and civil enforcement.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 68. Section 717.135, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

denied.

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

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

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

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

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

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

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

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

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

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

717.1356 Purchase of abandoned property.—

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

following conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717.139 Uniformity of application and construction.—

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

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

its rightful owner have been exhausted.

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

717.1400 Registration.—

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

(a) Be one of the following:

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

2. A Florida-certified public account; or

3. A Florida-licensed attorney.

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

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

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

full name and current address of such person.

(b) If the applicant is a private investigator:

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

~~(a)~~ A legible copy of the applicant's Class "A" business license under chapter 493 or that of the applicant's firm or employer which holds a Class "A" business license under chapter 493; and~~.~~

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

(c) If the applicant is a certified public account, the applicant's Florida Board of Accountancy number.

(d) If the applicant is a licensed attorney, the applicant's Florida Bar number.

(e)~~(c)~~ The business address, ~~and~~ telephone number, tax identification number, and state of domicile or incorporation of the applicant's ~~private investigative~~ firm or employer.

(f)~~(d)~~ The names of agents, ~~or~~ employees, or independent contractors, if any, who are designated or authorized to act on behalf of the applicant ~~private investigator~~, together with a legible color copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.

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

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

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

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

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

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

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

~~department, a Florida-certified public accountant must provide:~~

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

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

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

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

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

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

(3) ~~In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, an attorney licensed to practice in this state must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the~~

~~department, such attorney must provide:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) If a claimant representative fails to meet this requirement, the department must notify the claimant representative in writing and provide 30 days to demonstrate compliance or good cause for noncompliance.

(b) If the claimant representative does not cure the

deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 74. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the

addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT
.... COUNTY, FLORIDA

Tax Deed #.....
Certificate #.....
Property Description: .....

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

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the

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

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

Dated: .....

Clerk of Court

Section 75. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors prohibited.*—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in

soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 76. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this

section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or

other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance

with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Section 77. This act shall take effect upon becoming a law.

INSURANCE & BANKING COMMITTEE

HB 1221 by Rep. LaMarca
Department of Financial Services

AMENDMENT SUMMARY
February 3, 2026

Amendment 969469 by Rep. LaMarca:

- Requires DFS to notify a My Safe Florida Home Program applicant at least 5 business days before an application is deemed abandoned.
- If an applicant replies to the notice and provides good cause for why the application should not be deemed abandoned, DFS may:
    - determine the application is not abandoned; or
    - allow the applicant to submit a subsequent grant application.

Amendment 446165 by Rep. LaMarca:

- Removes the requirement for applicants for licensure by the Board of Funeral, Cemetery, and Consumer Services to disclose misdemeanors committed more than 5 year before the application that are indirectly related to the practice or activities regulated by the Board.

Amendment 705863 by Rep. LaMarca:

- Allows public officials to appoint, employ, promote, and advocate for a relative to be a firefighter as long as it is part of a competitive process in a collective bargaining agreement.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative LaMarca offered the following:

Amendment (with directory and title amendments)

Remove lines 552-563 and insert:

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

(9)~~(8)~~ CONTRACT MANAGEMENT.—

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

(11) ~~(10)~~ REPORTS.—The department shall make an annual report

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D I R E C T O R Y A M E N D M E N T

Remove lines 292-295 and insert:

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

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T I T L E A M E N D M E N T

Remove line 26 and insert:
circumstances; requiring the department to notify an applicant if an application is to be deemed abandoned; amending s. 215.96, F.S.; revising the

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative LaMarca offered the following:

Amendment

Remove lines 881-885 and insert:

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

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative LaMarca offered the following:

Amendment (with title amendment)

Between lines 1281 and 1282, insert:

Section 17. Paragraph (c) is added to subsection (2) of section 112.3135, Florida Statutes, to read:

112.3135 Restriction on employment of relatives.—

(2)

(c) To aid the recruitment of firefighters within this state, notwithstanding paragraph (a), a public official may appoint, employ, promote, or advance, or advocate for the appointment, employment, promotion, or advancement of a relative as a firefighter as defined in s. 633.102 if such appointment,

employment, promotion, or advancement is part of a competitive process provided for in a collective bargaining agreement.

T I T L E A M E N D M E N T

Remove line 101 and insert:
the response or information provided; amending s. 112.3135, F.S.; authorizing a public official to take specified actions in relation to the employment of a relative as a firefighter; amending s.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1231	**COMPANION BILL:** SB 598 (Truenow)
TITLE: Final Disposition, Funeral, and Cemetery Services	**LINKED BILLS:** None
SPONSOR(S): Oliver	**RELATED BILLS:** None

Committee References

Insurance & Banking ➤ Commerce

SUMMARY

Effect of the Bill:
The bill prohibits funeral and burial services providers from contracting to be the exclusive provider of funeral or burial services for an entity that provides medical or hospice care. The bill limits available causes of action against a funeral or burial service provider. The bill permits cemeteries to be divided by public rights of way and roads if parcels are in close proximity. The bill removes requisite education credentials for out of state embalmers, funeral directors, combination embalmer and funeral directors seeking licensure by endorsement. The bill revises education requirements for funeral director interns and combination embalmer and funeral director interns. The bill changes the timeframe in which facilities may dispose of human remains if legally authorized persons fail to direct disposition from 120 days to 90 days. The bill allows notices relating to preneed contracts to be sent by email. The bill provides that new direct disposer licenses will not be issued. The bill excludes preneed contracts from insurance contract requirements.

Fiscal or Economic Impact:
The bill may have an indeterminate economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Prohibition on solicitations
The bill prohibits funeral and burial service providers and other similar providers licensed under the Florida Funeral, Cemetery, and Consumer Services Act ("FFCCSA"), from contracting to become the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for medical providers, hospices, or similar end-of-life care providers. (Section 1).

Creating exceptions to causes of action
The bill limits the availability of private actions under the FFCCSA by excluding civil actions based on violations of conduct that constitutes grounds for disciplinary actions under the FFCCSA. (Section 2).

Land requirements for cemeteries
The bill amends requirements for cemeteries by allowing parcels to be divided by a public right-of-way or public road if the parcels are in close proximity and form a unified cemetery property. (Section 3).

The bill requires applications for cemeteries to identify any public rights-of-way or public roads dividing parcels. (Section 3).

The bill provides that parcels located in a separate or distant geographic area, even if along the same roadway or corridor, are not permissible. (Section 3).

Education and testing requirements for licensure by endorsement
The bill amends requirements for obtaining an embalmer license, funeral director license, and combination funeral director and embalmer license by endorsement. The bill provides that a person with a valid license in good standing to practice in another state that has engaged in the full-time practice of their respective license in that state for at least 5 years is exempt from educational and testing requirements. (Sections 5-6 and Section 8).

Licensure requirements for funeral director interns
The bill removes the educational requirement for applicants for a funeral director intern license to take and receive passing grades in college courses in ethics and in mortuary law or funeral service law. (Section 7)

Under the bill, applicants are still required to hold an associate degree or higher in any field from an accredited college or university. Additionally, applicants are still required to be enrolled in and attending an approved course of study in mortuary science or funeral service arts. (Section 7).

Licensure requirements for combination funeral director and embalmer interns
The bill changes the educational requirements for applicants for a combination funeral director and embalmer intern license by removing the requirements to complete 75 percent of the course of study in mortuary science and to take and receive passing grades in college credit courses in ethics and mortuary law or funeral law. (Section 9).

The bill replaces these requirements with the requirement for applicants to hold an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education. Under the bill, applicants are still required to be enrolled in and attending an accredited college in a course of study in mortuary science. (Section 9).

Nonissuance of new licenses for direct disposers and direct disposal establishments
The bill provides that new licenses for direct disposers and direct disposal establishments will not be issued, effective July 1, 2026. (Section 12).

The bill provides that applications for direct disposer licenses and direct disposal establishment licenses will not be authorized after July 1, 2026. The bill provides that those licensed as a direct disposer or a direct disposal establishment before July 1, 2026, may continue to practice direct disposition if the licensee renews their license upon expiration. (Sections 12 and 13).

Accordingly, under the bill, only licensed funeral directors and grandfathered direct disposers or direct disposal establishments may engage in direct disposition. (Sections 12 and 13).

Disposal of human remains
The bill permits a licensee or facility to dispose of human remains without the direction of a legally authorized person if:

- The licensee or facility had lawful possession of the human remains for at least 90 days; and
- The legally authorized person[1] of the decedent fails, neglects, or refuses to direct the disposition of the human remains. (Section 10).

Decrease of the wait time period for disposal of cremated remains
The bill decreases the amount of time that a funeral or direct disposal establishment must wait before disposing of cremated remains that have not been claimed from 120 days to 90 days. (Section 14).

[1] The priority for "legally authorized person" in arranging the disposition of a human body is generally (1) someone designated by the deceased in writing prior to their death; (2) surviving spouse; (3) adult children; (4) parents; (5) siblings; (6) other next of kin; (7) a guardian, personal representative of the estate, or friend if no next of kin. S. 497.005(43), F.S.

Notices relating to unfilled preneed contracts
The bill permits licensees to send notices related to unfilled preneed contracts by e-mail. The bill further revises the process when a notice is returned undeliverable by allowing the trustee's required diligent search and inquiry to seek an alternative e-mail address for the purchaser or beneficiary of the contract, in addition to a mailing address. (Section 11).

The bill removes provisions that define and expand the scope of a trustee's diligent search, including detailed requirements specifying what mailing addresses must be identified and used for follow-up notices. (Section 11).

Insurable interest consent
The bill excludes preneed contracts from the requirement that insured persons apply for and consent to contract terms. (Section 15).

Effective date:
The bill provides an effective date of July 1, 2026. (Section 16),

RULEMAKING:

The bill permits the Board of Funeral, Cemetery, and Consumer Services to adopt rules to implement the provisions related to permitting notices on unfilled preneed contracts.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have a positive fiscal impact on the private sector by reducing the licensing requirements to obtain a funeral director intern license and a combination funeral director and embalmer intern license. The bill may also have a positive fiscal impact by reducing the requirements to obtain licensure by endorsement for embalmer licenses, funeral director licenses, and combination funeral director and embalmer licenses.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Funeral, Cemetery, and Consumers Services Act
Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act ("FFCCSA"), regulates funeral and cemetery services.[2] The FFCCSA authorizes the Board of Funeral, Cemetery, and Consumer Services ("Board") within the Department of Financial Services ("DFS") to regulate cemeteries, columbaria,[3] cremation services, mausoleums, cemetery companies, dealers and monument builders, funeral directors, and funeral

[2] S. 497.001, F.S.
[3] "Columbarium" means a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. S. 497.005(18), F.S.

establishments.[4] The Board oversees licensing and rulemaking for the death care industry, including examinations and facility standards.[5] The death care industry includes the following individuals and entity licenses:

- Brokers of burial rights
- Cemeteries
- Central embalming facilities
- Cinerator facilities
- Direct disposer and direct disposal establishments
- Embalmers (including apprentices, interns, and by endorsement)
- Funeral directors and funeral establishments (including interns and by endorsement)
- Preneed, preneed branches, and preneed sales agents
- Monument establishments and monument establishment sales agents
- Refrigeration facilities
- Removal services
- Training facilities[6]

Solicitation

The FFCCSA authorizes the Board to regulate solicitation of sales of burial rights, merchandise, or services by licensees.[7] The Board is required to regulate such solicitation to protect the public from solicitation which:

- is intimidating, overreaching, fraudulent, or misleading;
- utilizes undue influence; or
- takes undue advantage of a person's ignorance or emotional vulnerability.[8]

Currently, the FFCCSA does not prohibit funeral homes, burial service providers, and other similar licensed providers from contracting to become the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for medical providers, hospices, or similar end-of-life care providers.[9]

Causes of action

The Attorney General, or DFS on behalf of Florida residents, or any person may bring a civil action against a person or company violating the FFCCSA.[10] Upon adverse adjudication, the defendant shall be liable for actual damages caused by such violation.[11] The cause of actions provided by the FFCCSA are in addition to rights under general civil and common law.[12]

Disciplinary grounds

The FFCCSA provides that the following conduct is prohibited and constitutes grounds for the denial of any application, imposition of discipline, or other enforcement actions:

- Violating the FFCCSA, lawful orders from the Board or DFS, failing to comply with licensure requirements, or engaging in fraud, deceit, negligence, incompetency, misconduct, or discrimination.
- A conviction of or entering a plea of guilty or nolo contendere to, a crime in any jurisdiction relating to a licensee's profession or ability to practice under the FFCCSA, regardless of adjudication.
- Having a license revoked, suspended, fined, denied, or otherwise disciplined by the licensing authority of another state, for conduct that would constitute a violation of the FFCCSA.

[4] *See* Ss. 497.101, F.S. and 479.103, F.S.
[5] *Id.*
[6] Funeral, Cemetary, and Consumer Services, *Who We Regulate,* https://myfloridacfo.com/division/funeralcemetery/who-we-regulate (last visited on Jan. 30, 2026).
[7] S. 497.164, F.S.
[8] *Id.*
[9] *See* Ch. 497, F.S.
[10] S. 497.169, F.S.
[11] *Id.*
[12] *Id.*

- Obstructing investigations, failing to report violations or comply with legal obligations, or using bribery or misrepresentation to obtain or renew a license.
- Practicing beyond permitted scope of license, practicing without competence, or aiding unlicensed practice.
- Failing to comply with required educational courses (including HIV/AIDS-related training) or to complete continuing education timely.
- Filing false complaints or making misleading statements about competitors.
- Violating laws or rules on handling, custody, care, or transport of human remains.
- Failing to make required disclosures or using fraud, undue influence, or misleading advertising; misrepresenting pricing, disclosures, or written agreements.
- Failing to timely honor contracts for funeral or burial merchandise or services.
- Failing to adopt standards for investigating and resolving customer claims and complaints.
- Failing to pay fees on time; failing to remit required trust fund amounts; or paying or receiving commissions, bonuses, kickbacks, or rebates for regulated businesses.[13]

Cemetery regulation

The FFCCSA defines "cemetery" as a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.[14]

Under current law, cemeteries must contain at least 30 contiguous acres.[15] Cemetery applications must state the exact number of acres in a proposed cemetery.[16] Further, cemeteries must contain at least 30 contiguous acres to be sold, conveyed, or disposed of.[17]

Embalmers

Embalming is the disinfecting or preserving or attempting to disinfect or preserve dead human bodies by replacing certain body fluids with preserving and disinfecting chemicals.[18] To be licensed as an embalmer in Florida, an applicant must:

- Complete coursework in mortuary science;
- Complete coursework in communicable diseases;
- Complete a one-year internship under a licensed embalmer;
- Pass a written exam on the disposal of dead bodies;
- Pass a licensing exam;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[19]

[13] S. 497.152, F.S.
[14] S. 497.005(13), F.S.
[15] S. 497.263, F.S.
[16] *Id.*
[17] S. 497.270(2), F.S.
[18] S. 497.005, F.S.
[19] S. 497.368, F.S.

Applicants licensed as an embalmer in another state may seek licensure by endorsement. There are two distinct endorsement pathways:

Option One: The applicant must hold a valid embalmer license in good standing issued by another U.S. state and have engaged in the full-time practice of embalming for at least five years in that state and:
- Provide documentation showing coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[20]

Option Two: The applicant must:
- Have practiced as a licensed embalmer for at least one year;
- Have passed a state, regional, or national licensing exam during the 10 years prior to application deemed to be at least as rigorous as Florida's;
- Provide documentation showing coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[21]

Funeral Directors

Persons who sell and make financial arrangements for funeral services (including the disposition of human remains through embalming, cremation or other means) must be licensed as funeral directors and be affiliated with a licensed funeral establishment.[22] To be licensed as a funeral director, an applicant must:
- Submit an application and pay a $200 application fee;
- Submit fingerprints for a background check;
- Have an associates' degree in mortuary science or an associates' degree in another subject and also have completed an approved course of study in mortuary science;
- Complete a course on communicable diseases;
- Complete a one-year internship under a licensed funeral director;
- Pass an exam on the disposal of dead bodies; and
- Pass a licensing exam.[23]

Applicants licensed as a funeral director in another state may seek licensure by endorsement. There are two distinct endorsement pathways:

Option One: The applicant must hold a valid funeral director license in good standing issued by another U.S. state and have engaged in the full-time practice of funeral directing for at least five years in that state and:
- Complete coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check;
- Submit an application and pay a $200 application fee.[24]

[20] S. 497.369, F.S.
[21] *Id.*
[22] S. 497.372, F.S.
[23] S. 497.373, F.S.
[24] S. 497.374, F.S.

Option Two: The applicant must have completed a licensing exam in another state that is substantially equivalent or more stringent than the licensing exam in Florida, and:

- Hold an associate's degree or higher or a certificate from an accredited program in mortuary science;
- Complete coursework in communicable diseases;
- Complete a one-year internship under a licensed funeral director;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[25]

Combination embalmers and funeral directors

The FFCCSA permits persons to hold licenses in both embalming and funeral directing at the same time.[26] Applicants seeking licensure by endorsement for a combination license must satisfy the educational requirements for funeral directors which include:

- Holding an associate degree or higher in mortuary science; or
- Holding an associate degree or higher from an accredited college or university and has completed an approved mortuary science or funeral service arts program at an institution accredited by the American Board of Funeral Service Education.[27]

Licensure requirements for funeral director interns

Funeral director interns must apply for and obtain a license.[28] To become an intern, applicants must meet one of the following two educational credentials:

- Holds an associate degree or higher in mortuary science; or
- Hold an associate degree or higher from an accredited college or university and complete an approved mortuary science or funeral service arts program at an institution accredited by the American Board of Funeral Service Education.[29]

An individual who does not yet meet those requirements may still qualify for an intern license if the individual:

- Holds at least an associate degree or higher in any field from an accredited college or university;
- Is enrolled in and attending an approved mortuary science or funeral service education program; and
- Successfully completed college-level coursework in funeral or mortuary law and ethics.[30]

Licensure requirements for combination funeral director and embalmer interns

Applicants seeking a combination funeral directing and embalming internship license must meet the education requirements for a combination funeral directing and embalming license.[31] Applicants who have not yet completed the requirements can still obtain a license as an intern if the applicant:

- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education ("ABFSE") in a course of study in mortuary science accredited by ABFSE;
- Completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled; and
- Received a passing grade in a college credit course in mortuary law or funeral service law and received a passing grade in a college credit course in ethics.[32]

[25] *Id.*
[26] S. 497.376, F.S.
[27] Ss. 497.376, F.S. and 497.375, F.S.
[28] S. 497.375, F.S.
[29] S. 497.375, F.S.
[30] *Id.*
[31] S. 497.377, F.S.
[32] *Id.*

Nonissuance of new licenses for direct disposers and direct disposal establishments

Direct disposition is the cremation of human remains without preparation of the human remains by embalming and without any attendant services or rites such as funeral or graveside services or the making of arrangements for such final disposition.[33] Any person who is not a funeral director must obtain a direct disposer license to engage in the practice of direct disposition.[34] To obtain a direct disposition license, applicants must submit an application and approval from the Board.[35]

In addition to requiring licensure of direct disposers, the FFCCSA also requires licensure of direct disposal establishments.[36]

As of June 2025, there are 59 direct disposer licenses and 75 direct disposer establishment licenses in Florida.[37]

Storage of human remains

A person may not store or maintain human remains at any establishment or facility except an establishment or facility licensed under the FFCCSA or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.[38]

If a legally authorized person fails to claim or direct disposition of human remains, the remains are treated as unclaimed, and the person or entity in possession must immediately notify the Anatomical Board of the State headquartered at the University of Florida Health Science Center.[39] and make reasonable efforts to identify and notify relatives.[40] In the absence of available family, a licensed funeral director may assume the role of a legally authorized person after 24 hours have elapsed since the time of death, in order to embalm, store, and deliver unclaimed remains to the Anatomical Board.[41] Unclaimed remains must be delivered to the Anatomical Board as soon as possible after death.[42]

If the Anatomical Board does not accept the unclaimed remains, the board of county commissioners or its designated county department for the county in which the death occurred or the remains were found may authorize and arrange for the burial or cremation of the human remains.[43]

Wait time for disposing of cremated remains

With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains.[44]

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[33] S. 497.005, F.S.
[34] S. 497.602, F.S.
[35] *Id.*
[36] S. 497.604, F.S.
[37] Funeral, Cemetary, and Consumer Services, *Who We Regulate,* https://myfloridacfo.com/division/funeralcemetery/who-we-regulate (last visited on Jan. 30, 2026).
[38] S. 497.386, F.S.
[39] The Anatomical Board of the State of Florida is a nonprofit state organization responsible for receiving, preparing (embalming), storing and distributing donations of human cadavers used in medical education and research programs throughout the state. Anatomical Board of the State of Florida, *About the Anatomical Board*, https://anatbd.acb.med.ufl.edu/ (last visited Jan. 31, 2026).
[40] S. 406.50, F.S.
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] S. 497.607, F.S.

Preneed contracts

A preneed contract is an arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of the contract beneficiary.[45]

If any obligation of the preneed contract remains unfulfilled under certain conditions, a preneed licensee must provide to the purchaser of the contract or the legally authorized beneficiary of the contract written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract.[46] The notice must be provided by certified mail, registered mail, or permitted delivery service.[47]

Insurable interest contracts

Except for group life or group accident, health, or disability insurance, an insurance policy on an individual's life may not be issued unless the individual being insured provides written consent to the policy and its terms at or before issuance.[48] An exception applies to insurance on the life of a child under age 15, which may be issued without the child's written consent if the applicant has an insurable interest in the child or in a person upon whom the child depends for support.[49]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee			Brackett	Highsmith
Commerce Committee				

[45] S. 497.005, F.S.
[46] S. 497.459, F.S.
[47] *Id.*
[48] S. 627.404, F.S.
[49] *Id.*

A bill to be entitled

An act relating to final disposition, funeral, and cemetery services; amending s. 497.164, F.S.; prohibiting solicitations of sales of final disposition, funeral, and cemetery services by licensees of such services under certain circumstances; amending s. 497.169, F.S.; providing exceptions to civil actions against persons and companies offering final disposition, funeral, and cemetery services; amending s. 497.263, F.S.; revising land requirements for proposed cemeteries; amending s. 497.270, F.S.; conforming a provision to changes made by the act; amending ss. 497.369 and 497.374, F.S.; specifying educational and testing requirements for licensure as embalmers and funeral directors by endorsement, respectively; amending s. 497.375, F.S.; revising requirements for licensure for funeral director interns; amending s. 497.376, F.S.; specifying educational and testing requirements for licensure as both funeral directors and embalmers by endorsement; amending s. 497.377, F.S.; revising requirements for combination licensure as funeral director and embalmer interns; amending s. 497.386, F.S.; authorizing persons, establishments, and facilities licensed in final disposition, funeral, and

cemetery services to dispose of human remains under certain circumstances; amending s. 497.459, F.S.; revising requirements for notices to purchasers and legally authorized persons of unfulfilled preneed contracts; providing rulemaking authority; amending s. 497.602, F.S.; prohibiting new applications for direct disposer licenses and prohibiting issuances of such licenses on or after a specified date; authorizing practices of direct disposition for grandfathered licensees under a specified circumstance; amending s. 497.604, F.S.; prohibiting new applications for direct disposal establishment licenses and prohibiting issuances of such licenses on or after a specified date; authorizing practices of direct disposition for grandfathered establishments under a specified circumstance; amending s. 497.607, F.S.; decreasing the waiting time period for funeral and direct disposal establishments to dispose of cremated remains; amending s. 627.404, F.S.; excluding preneed contracts from requirements that insured persons apply for or consent to such contracts and terms; providing an effective date.

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

Section 1. Subsection (6) is added to section 497.164, Florida Statutes, to read:

497.164 Solicitation of goods or services.—

(6) A licensee may not enter into a contract, agreement, or other arrangement whereby the licensee or any licensee's affiliate becomes the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for an entity that provides medical, palliative, or other end-of-life care and services to the general public.

Section 2. Subsection (1) of section 497.169, Florida Statutes, is amended to read:

497.169 Private actions; actions on behalf of consumers; attorney's fee.—

(1) The Attorney General, or the department on behalf of Florida residents, or any person may bring a civil action against a person or company violating the provisions of this chapter, except for the provisions of s. 497.152, in the appropriate court of the county in which the alleged violator resides or has her or his or its principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages caused by such violation. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this chapter.

Section 3. Paragraph (g) of subsection (2) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure requirements and procedures.—

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30 ~~contiguous~~ acres. Such acreage must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous for purposes of this paragraph, provided that the parcels are in close proximity and form a unified cemetery property. The application shall state the exact number of acres in the proposed cemetery and shall identify any public rights-of-way or public roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement.

Section 4. Subsection (2) of section 497.270, Florida Statutes, is amended to read:

497.270 Minimum acreage; sale or disposition of cemetery lands.—

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which meet the criteria for cemeteries provided in s. 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres~~, may be sold, conveyed, or disposed of by the

licensee, after obtaining written approval pursuant to procedures and utilizing forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 497.152(8)(e) and 497.384 must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

Section 5. Subsection (4) of section 497.369, Florida Statutes, is amended to read:

497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.368 and which shall be given by the licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.368(2)(a).

Section 6. Subsection (4) of section 497.374, Florida

Statutes, is amended to read:

497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.373 and which shall be given by the licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.373(2)(b).

Section 7. Paragraph (b) of subsection (1) of section 497.375, Florida Statutes, is amended to read:

497.375 Funeral directing; licensure of a funeral director intern.—

(1)

(b)1. Except as provided in subparagraph 2., an applicant must hold the educational credentials required for licensure of a funeral director under s. 497.373(1)(d).

2. An applicant who has not completed the educational credentials required for a funeral director license is eligible for licensure as a funeral director intern if the applicant:

a. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

b. Is currently enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure of a funeral director under s. 497.373(1)(d)2.

~~c. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

Section 8. Subsection (3) is added to section 497.376, Florida Statutes, to read:

497.376 License as funeral director and embalmer permitted.—

(3) An applicant for a combination license as both a funeral director by endorsement under s. 497.374 and embalmer by endorsement under s. 497.369 need not meet any educational or testing requirements other than those required under ss. 497.373(2)(b) and 497.368(2)(a).

Section 9. Paragraph (a) of subsection (2) of section 497.377, Florida Statutes, is amended to read:

497.377 Combination funeral director and embalmer internships.—

(2)(a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

1. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE; or

2. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

~~2. Has completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled.~~

~~3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

Section 10. Subsections (6) and (7) of section 497.386, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

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

(6) If any human remains have been in the lawful possession of a licensee or licensed establishment or facility for at least 90 days and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the human remains, the licensee or licensed establishment or

facility having lawful possession of the human remains may dispose of the human remains.

Section 11. Subsection (7) of section 497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed contracts; required notice.—

(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary's legally authorized person written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.

2. The beneficiary of the preneed contract attains the age of 105 years of age or older.

3. The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

(b)1. The notice in paragraph (a) must be provided by e-mail, certified mail, registered mail, or permitted delivery

service~~, return receipt requested,~~ to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the preneed licensee sent the notice, the trustee shall perform a diligent search and inquiry to obtain a different e-mail address or address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. ~~For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed

notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

(c) This subsection does not affect a purchaser's rights to cancel the preneed contract and receive a refund or a preneed licensee's obligations to refund established by this chapter.

(d)1. The board may adopt rules to implement this subsection.

2. The licensing authority may ~~shall have authority to~~ adopt rules for the review and approval of notice forms used by preneed licensees to provide notice under this subsection.

Section 12. Section 497.602, Florida Statutes, is amended to read:

497.602 Nonissuance of new direct disposer licenses ~~disposers, license required; licensing procedures and criteria; regulation~~. ~~—~~Effective July 1, 2026, new applications for a direct disposer license are not authorized, and new direct disposer licenses may not be issued. However, a person licensed as a direct disposer before July 1, 2026, may continue to practice direct disposition if the person renews the direct disposer license pursuant to s. 497.603 whenever the license expires.

~~(1) LICENSE REQUIRED.—Any person who is not a licensed funeral director and who engages in the practice of direct~~

~~disposition must be licensed pursuant to this section as a direct disposer.~~

~~(2) APPLICATION PROCEDURES.—~~

~~(a) A person seeking licensure as a direct disposer shall apply for such licensure using forms prescribed by rule.~~

~~(b) The application shall require the name, residence address, date and place of birth, and social security number of the applicant.~~

~~(c) The application may require information as to the educational and employment history of the applicant.~~

~~(d) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.~~

~~(e) The application shall require the applicant to disclose whether the applicant has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.~~

~~(f) The applicant shall submit fingerprints in accordance with s. 497.142.~~

~~(g) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.~~

~~(h) The application shall be signed by the applicant.~~

~~(i) The application shall be accompanied by a nonrefundable fee of $300. The licensing authority may from time to time increase the fee by rule but not to exceed more than $500. A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within the 2 years preceding application for licensure are exempt from the application fee. To qualify for the application fee exemption, an applicant must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper, or separation document that indicates such member is currently in good standing or such veteran was honorably discharged.~~

~~(3) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure under this section, accompanied by the required fees, shall be approved if the licensing authority determines that the following conditions are met:~~

~~(a) The applicant is a natural person at least 18 years of age and a high school graduate or equivalent.~~

~~(b) The applicant has taken and received a passing grade~~

~~in a college credit course in mortuary law and has taken and received a passing grade in a college credit course in ethics.~~

~~(c) The applicant has completed a course on communicable diseases approved by the licensing authority.~~

~~(d) The applicant has passed an examination prepared by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.~~

~~(e) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for.~~

~~(f) The applicant is of good character and has no demonstrated history of lack of trustworthiness or integrity in business or professional matters.~~

~~(4) ISSUANCE OF LICENSE.—Upon approval of the application by the licensing authority, the license shall be issued. The licensing authority shall recognize military-issued credentials relating to funeral and cemetery services for purposes of licensure as a direct disposer. A member of the United States Armed Forces and a veteran of the United States Armed Forces seeking licensure as a direct disposer under this section shall submit to the licensing authority a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the requirements of this chapter for licensure as a direct disposer. The licensing authority shall adopt rules specifying forms and procedures to~~

~~be used by members and veterans of the United States Armed Forces seeking licensure under this section. The licensing authority may conduct investigation and further inquiry of any person regarding any military-issued credential sought to be recognized.~~

Section 13. Subsections (6) through (10) of section 497.604, Florida Statutes, are renumbered as subsections (2) through (6), respectively, and subsection (1), present subsections (2) through (5), paragraph (a) of present subsection (8), and paragraphs (b) and (c) of present subsection (9) of that section are amended, to read:

497.604 Direct disposal establishment license renewals ~~establishments, license required; licensing procedures and criteria; license renewal~~; regulation; display of license.—

(1) LICENSE REQUIRED.—A direct disposer shall practice only at a direct disposal establishment that ~~which~~ has been licensed under this section and that ~~which~~ may be a cinerator facility licensed under s. 497.606. A ~~No~~ person may not open or maintain an establishment at which to engage in or hold herself or himself out as engaging in the practice of direct disposition unless such establishment is licensed pursuant to this section before July 1, 2026. Effective July 1, 2026, new applications for a direct disposal establishment license are not authorized, and new direct disposal establishment licenses may not be issued. However, an establishment licensed as a direct disposal

establishment before July 1, 2026, may continue to practice direct disposition if the establishment renews the direct disposal establishment license pursuant to subsection (2) whenever the license expires.

~~(2) APPLICATION PROCEDURES.—~~

~~(a) A person seeking licensure as a direct disposal establishment shall apply for such licensure using forms prescribed by rule.~~

~~(b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business phone number, of the applicant and all principals of the applicant. the application shall require the applicant's social security number or, if the applicant is an entity, its federal tax identification number.~~

~~(c) The application shall name the licensed direct disposer or licensed funeral director acting as the direct disposer in charge of the direct disposal establishment.~~

~~(d) The application may require information as to the applicant's financial resources.~~

~~(e) The application may require information as to the educational and employment history of an individual applicant; and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.~~

~~(f) The applicant shall be required to make disclosure of~~

~~the applicant's criminal records, if any, as required by s. 497.142.~~

~~(g) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals including its proposed supervising licensee has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.~~

~~(h) The applicant shall submit fingerprints in accordance with s. 497.142.~~

~~(i) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.~~

~~(j) The application shall be signed in accordance with s. 497.141(12).~~

~~(k) The application shall be accompanied by a nonrefundable fee of $300. The licensing authority may from time to time by rule increase the fee but not to exceed $500.~~

~~(3) ACTION CONCERNING APPLICATIONS.—A duly completed~~

~~application for licensure under this section, accompanied by the required fee, shall be approved if the licensing authority determines that the following conditions are met:~~

~~(a) The applicant is a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.~~

~~(b) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for. The applicant shall have passed an inspection prior to issuance of a license under this section, in accordance with rules of the licensing authority.~~

~~(c) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of trustworthiness or integrity in business or professional matters.~~

~~(4) ISSUANCE OF LICENSE.—Upon approval of the application by the licensing authority, the license shall be issued.~~

~~(5) PROBATIONARY STATUS.—It is the policy of this state to encourage competition for the public benefit in the direct disposal establishment business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this~~

~~section on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibleness, competency, financial stability, and compliance with this chapter. However, no such probationary license shall be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must within 24 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.~~

(4)~~(8)~~ SUPERVISION OF FACILITIES.—

(a) Each direct disposal establishment shall have a funeral director in charge, subject to s. 497.380(7). However, a licensed direct disposer may continue acting as the direct disposer in charge if, as of September 30, 2010:

1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.

2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.

3. The name of the licensed direct disposer was included~~, as required in paragraph (2)(c),~~ in the direct disposal establishment's most recent application for ~~issuance or~~ renewal

of its license or was included in the establishment's notice of change provided under subsection (3) ~~(7)~~.

(5)~~(9)~~ REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

(b) The practice of direct disposition must be engaged in at a fixed location of at least 625 contiguous interior ~~contiguous~~ square feet, to be used solely for the business of the establishment, and must maintain or make arrangements for suitable capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment.

(c) Each direct disposal establishment shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department, the Department of Health, and local government inspectors and by their agents. There shall be adopted rules which establish such inspection requirements. There shall be adopted by rule of the licensing authority an annual inspection fee not to exceed $300, payable upon ~~issuance of license and upon~~ each renewal of such license.

Section 14. Paragraph (a) of subsection (3) of section 497.607, Florida Statutes, is amended to read:

497.607 Cremation; procedure required.—

(3)(a) With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 90 ~~120~~ days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may

dispose of the cremated remains. Such disposal shall include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

Section 15. Subsection (5) of section 627.404, Florida Statutes, is amended to read:

627.404 Insurable interest; personal insurance.—

(5) A contract of insurance upon a person, other than a preneed contract, a policy of group life insurance, or a policy of group or blanket accident, health, or disability insurance, may not be effectuated unless, on or before the time of entering into such contract, the person insured, having legal capacity to contract, applies for or consents in writing to the contract and its terms, except that any person having an insurable interest in the life of a minor younger than 15 years of age or any person upon whom a minor younger than 15 years of age is dependent for support and maintenance may effectuate a policy of insurance on the minor.

Section 16. This act shall take effect July 1, 2026.

INSURANCE & BANKING SUBCOMMITTEE

HB 1231 by Rep. Oliver
Final Disposition, Funeral, and Cemetery Services

AMENDMENT SUMMARY
February 3, 2026

Amendment 027301 by Rep. Oliver (strike-all):

- Amends the definition of “cremation” to include natural organic reduction.
- Defines “natural organic reduction” and “natural organic reduction facility.”
- Removes provisions that would have limited causes of action arising out of violations of the Florida Funeral, Cemetery, and Consumer Services Act.
- Removes a provision that prohibited the issuance of new direct disposer licenses and new direct disposal establishment licenses after a specified date.
- Creates a licensing framework and application process for natural organic reduction facilities.
- Explicitly authorizes natural organic reduction of human remains and establishes required procedures governing such reduction of human remains.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Insurance & Banking Subcommittee

Representative Oliver offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (22) of section 497.005, Florida Statutes, is amended to read:

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

(22) "Cremation" means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity, including Natural Organic Reduction.

Section 2. Subsections (50) through (79) of section 497.005, Florida Statutes, are renumbered as subsections (52), through (81), respectively, and subsections (50) and (51) are added to that section, to read:

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

(50) "Natural organic reduction" means the contained, accelerated conversion of human remains to soil.

(51) "Natural organic reduction facility" means a structure, room, or other space in a building or a real property where natural organic reduction of a human body occurs.

Section 3. Subsection (6) is added to section 497.164, Florida Statutes, to read:

497.164 Solicitation of goods or services.—

(6) A licensee may not enter into a contract, agreement, or other arrangement whereby the licensee or any licensee's affiliate becomes the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for an entity that provides medical, palliative, or other end-of-life care and services to the general public.

Section 4. Paragraph (g) of subsection (2) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure requirements and procedures.—

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30 ~~contiguous~~ acres. Such acreage must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous for purposes of this paragraph, provided that the parcels are in close proximity and form a unified cemetery property. The application shall state the exact number of acres in the proposed cemetery and shall identify any public rights-of-way or public roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement.

Section 5. Subsection (2) of section 497.270, Florida Statutes, is amended to read:

497.270 Minimum acreage; sale or disposition of cemetery lands.—

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which meet the criteria for cemeteries provided in s. 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres~~, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval pursuant to procedures and utilizing forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of;

however, the provisions of ss. 497.152(8)(e) and 497.384 must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

Section 6. Subsection (4) of section 497.369, Florida Statutes, is amended to read:

497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.368 and which shall be given by the licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.368(2)(a).

Section 7. Subsection (4) of section 497.374, Florida Statutes, is amended to read:

497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is

required under s. 497.373 and which shall be given by the licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.373(2)(b).

Section 8. Paragraph (b) of subsection (1) of section 497.375, Florida Statutes, is amended to read:

497.375 Funeral directing; licensure of a funeral director intern.—

(1)

(b)1. Except as provided in subparagraph 2., an applicant must hold the educational credentials required for licensure of a funeral director under s. 497.373(1)(d).

2. An applicant who has not completed the educational credentials required for a funeral director license is eligible for licensure as a funeral director intern if the applicant:

a. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

b. Is currently enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure of a funeral director under s. 497.373(1)(d)2.

~~c. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has~~

~~taken and received a passing grade in a college credit course in ethics.~~

Section 9. Subsection (3) is added to section 497.376, Florida Statutes, to read:

497.376 License as funeral director and embalmer permitted.—

(3) An applicant for a combination license as both a funeral director by endorsement under s. 497.374 and embalmer by endorsement under s. 497.369 need not meet any educational or testing requirements other than those required under ss. 497.373(2)(b) and 497.368(2)(a).

Section 10. Paragraph (a) of subsection (2) of section 497.377, Florida Statutes, is amended to read:

497.377 Combination funeral director and embalmer internships.—

(2)(a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

1. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE; or

2. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

~~2. Has completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled.~~

~~3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

Section 11. Subsections (6) and (7) of section 497.386, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

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

(6) If any human remains have been in the lawful possession of a licensee or licensed establishment or facility for at least 90 days and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the human remains, the licensee or licensed establishment or facility having lawful possession of the human remains may dispose of the human remains.

Section 12. Subsection (7) of section 497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed contracts; required notice.—

(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary's legally authorized person written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.

2. The beneficiary of the preneed contract attains the age of 105 years of age or older.

3. The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

(b)1. The notice in paragraph (a) must be provided by <u>e-mail,</u> certified mail, registered mail, or permitted delivery service~~, return receipt requested,~~ to the last known <u>e-mail or</u> mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable

within 30 calendar days after the preneed licensee sent the notice, the trustee shall perform a diligent search and inquiry to obtain a different e-mail address or address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. ~~For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

(c) This subsection does not affect a purchaser's rights to cancel the preneed contract and receive a refund or a preneed licensee's obligations to refund established by this chapter.

(d)1. The board may adopt rules to implement this subsection.

2. The licensing authority may ~~shall have authority to~~ adopt rules for the review and approval of notice forms used by preneed licensees to provide notice under this subsection.

Section 13. Section 497.6065, Florida Statutes, is created to read:

497.6065 Natural Organic Reduction Facility; license required.—

(1) LICENSE REQUIRED.- No person may conduct, maintain, manage, or operate a natural organic reduction facility unless a license for such facility has been issued and is in good standing under this section.

(2) APPLICATION PROCEDURES.-

(a) A person seeking licensure as a natural organic reduction facility shall apply for such licensure using forms prescribed by rule.

(b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business phone number, of the applicant and all principals of the applicant. The application shall require

the applicant's social security number or, if the applicant is an entity, its federal tax identification number.

(c) The application shall name the licensed funeral director and national or state certified natural organic reduction operator who will be in charge of the natural organic reduction facility.

(d) The application may require information as to the applicant's financial resources.

(e) The application may require information as to the educational and employment history of an individual applicant, and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.

(f) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(g) The applicant and its principals shall submit fingerprints in accordance with s. 497.142.

(h) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals including its proposed supervising licensee has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a

relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(i) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.

(j) The application shall be signed in accordance with s. 497.141(12).

(k) There shall not be any licensure or license renewal fees for natural organic reduction facilities.

(3) ACTION CONCERNING APPLICATIONS.- A duly completed application for licensure under this section, shall be approved if the licensing authority determines that the following conditions are met:

(a) The applicant has been inspected and approved as meeting all requirements as set forth by the department, the Department of Health, the Department of Environmental Protection, or any local ordinance regulating the facility.

(b) The applicant is a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.

(c) The applicant does or will prior to commencing operations under the license comply with all requirements of this chapter relating to the license applied for.

(d) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(4) The department, Department of Health and the Department of Environmental Protection shall adopt rules establishing health and environmental inspection standards for natural organic reduction facilities.

(4) PROBATIONARY STATUS.- It is the policy of this state to encourage competition for the public benefit in the natural organic reduction facility business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this section on a probationary basis, subject to conditions specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibleness, competency, financial stability, and compliance with this chapter. However, no such probationary license shall be issued unless the

licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must within 24 months after issuance of the license either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.

(6) ISSUANCE OF LICENSE.- Upon approval of the application by the licensing authority, the license shall be issued.

(7) RENEWAL OF LICENSE.- Licenses under this section shall be renewed annually in accordance with a schedule, forms, and procedures established by rule.

(8) CHANGES SUBSEQUENT TO LICENSURE.— Each licensee under this section shall provide notice as required by rule prior to any change in location, ownership or control of the licensee or licensed person in charge of the licensee’s operations. A change in control is subject to approval by the licensing authority and to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter. Operations by the licensee at a new location may not commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(9) SUPERVISION OF FACILITIES.- Each natural organic reduction facility shall have a funeral director in charge for that facility. The funeral director in charge shall be licensed

as a funeral director and national or state certified natural organic reduction operator. Such funeral director in charge shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, natural organic reduction facilities, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line.

(10) REGULATION OF NATURAL ORGANIC REDUCTION FACILITIES.—

(a) There shall be established by rule standards for natural organic reduction facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(b) The practice of natural organic reduction must be engaged in at a fixed location of at least 1,250 interior contiguous square feet and must maintain or make arrangements for suitable capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment.

(c) No more than one dead human body may be placed in an organic human reduction container at one time, unless written

permission has been received from a legally authorized person for each body.

(d) Each natural organic reduction facility shall at all times be subject to the inspection of all its buildings, grounds, records, equipment, and vehicles used in the conduct of its business, by the department, the Department of Environmental Protection, the Department of Health, and local government inspectors and by their agents. Rules shall be adopted which establish such inspection requirements.

(e) Each natural organic reduction facility must display at its public entrance the name of the facility and the name of the funeral director in charge of that facility. A natural organic reduction facility must transact its business under the name by which it is licensed.

(f) Human remains may be transported in a cremation container or stored if they are completely covered, and at all times treated with dignity and respect.

(g) There shall be rules adopted requiring each facility to submit periodic reports to the department that include the names of persons undergoing natural organic reduction, the date and county of death, the name of each person supervising each natural organic reduction, the name and license number of the establishment requesting natural organic reduction, the types of containers used to hold the body during the natural organic

reduction process, the annual quantity of reduced human remains, and any additional information required by rule.

(h) The natural organic reduction facility may not offer its services to the public. The facility may only operate through a funeral establishment.

(i) Each natural organic reduction facility shall be inspected prior to the initial issuance of its license and annually thereafter and shall:

1. Be at a specific address or location;

2. The location must be at least 1,250 contiguous feet of space.

3. Have at least one operable organic human reduction container;

4. Have at least one operable processing station for grinding of organically reduced remains.

5. Place human remains within an operable organic human reduction container within eight hours of receipt, or maintain refrigeration that satisfies the standards set by the Department of Health and contains sufficient refrigerated space for the average daily number of bodies stored.

6. Maintain the premises in a clean and sanitary condition.

Section 14. Paragraph (a) of subsection (3) of section 497.607, Florida Statutes, is amended to read:

497.607 Cremation; procedure required.—

(3)(a) With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 90 ~~120~~ days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal shall include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

Section 15. Section 497.6075, Florida Statutes, is created to read:

497.6075 Natural Organic Reduction; procedure required.-

(1) At the time of the arrangement for a reduction performed by any person licensed pursuant to this chapter, the legally authorized person contracting for reduction services shall be required to designate her or his intentions with respect to disposition of the reduced remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A reduction may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the reduction remains, for such natural organic reduction process. The reduction must be initiated within 48 hours after a specified time which has been agreed to in writing by the person authorizing the reduction. A funeral

establishment making arrangements for a reduction shall not be responsible for or take possession of unclaimed reduced remains.

(2) Reduced remains are not property, as defined in s. 731.201(32), and are not subject to partition for purposes of distribution under s. 733.814. A division of reduced remains requires the consent of the legally authorized person who approved the reduction or, if the legally authorized person is the decedent, the next legally authorized person pursuant to s. 497.005(43). A dispute regarding the division of reduced remains shall be resolved by a court of competent jurisdiction.

(3) With respect to any person who intends to provide for the reduction of the deceased, if, after a period of 120 days from the time the reduction is finalized the reduced remains have not been claimed, the funeral establishment may dispose of the reduced remains. Such disposal shall include placement within a conservation area or otherwise disposing of the remains as provided by rule.

(4) The Board may adopt and enforce such rules and regulations as may be reasonable and necessary to provide for the sanitary disposal of dead human bodies by natural organic reduction and prevent the spread of disease and to protect the health, safety, and welfare of the people of this state. Such rules and regulations may include required inspections of any natural organic reduction container by the manufacturer or other

authorized repair company once every year to ensure proper operations.

(5) Upon completion of the reduction process, the reduced remains shall be pulverized until no single fragment is recognizable as skeletal tissue. Such pulverized remains shall then be transferred to a container or multiple containers, if so requested by the legally authorized person, and delivered to the legally authorized person or otherwise disposed of as set forth herein.

Section 16. Subsection (5) of section 627.404, Florida Statutes, is amended to read:

627.404 Insurable interest; personal insurance.—

(5) A contract of insurance upon a person, other than a preneed contract, a policy of group life insurance, or a policy of group or blanket accident, health, or disability insurance, may not be effectuated unless, on or before the time of entering into such contract, the person insured, having legal capacity to contract, applies for or consents in writing to the contract and its terms, except that any person having an insurable interest in the life of a minor younger than 15 years of age or any person upon whom a minor younger than 15 years of age is dependent for support and maintenance may effectuate a policy of insurance on the minor.

Section 17. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to final disposition, funeral, and cemetery services; amending s. 497.005, F.S.; revising the definition of cremation to include natural organic reduction; defining the term "natural organic reduction"; defining the term "natural organic reduction facility"; amending s. 497.164, F.S.; prohibiting solicitations of sales of final disposition, funeral, and cemetery services by licensees of such services under certain circumstances; amending s. 497.263, F.S.; revising land requirements for proposed cemeteries; amending s. 497.270, F.S.; conforming a provision to changes made by the act; amending ss. 497.369 and 497.374, F.S.; specifying educational and testing requirements for licensure as embalmers and funeral directors by endorsement, respectively; amending s. 497.375, F.S.; revising requirements for licensure for funeral director interns; amending s. 497.376, F.S.; specifying educational and testing requirements for licensure as both funeral directors and embalmers by endorsement; amending s. 497.377, F.S.; revising

requirements for combination licensure as funeral director and embalmer interns; amending s. 497.386, F.S.; authorizing persons, establishments, and facilities licensed in final disposition, funeral, and cemetery services to dispose of human remains under certain circumstances; amending s. 497.459, F.S.; revising requirements for notices to purchasers and legally authorized persons of unfulfilled preneed contracts; providing rulemaking authority; creating s. 497.6065, F.S.; requiring licensure of natural organic reduction facilities; creating licensure requirements; amending s. 497.607, F.S.; decreasing the waiting time period for funeral and direct disposal establishments to dispose of cremated remains; creating s. 497.6075, F.S.; establishing procedure requirements for natural organic reduction; amending s. 627.404, F.S.; excluding preneed contracts from requirements that insured persons apply for or consent to such contracts and terms; providing an effective date.