

By the Committee on Banking and Insurance; and Senator Clary

311-2158A-04

1 A bill to be entitled
2 An act relating to unclaimed property; amending
3 s. 717.101, F.S.; providing definitions;
4 amending ss. 717.106, 717.107, 717.109, and
5 717.116, F.S.; revising criteria for presuming
6 as unclaimed certain bank deposits and funds in
7 financial organizations, funds owing under life
8 insurance policies, funds held by business
9 associations, and property held in a
10 safe-deposit box or other safekeeping
11 repository, respectively; amending s. 717.117,
12 F.S.; revising reporting requirements for
13 unclaimed property; presuming certain accounts
14 as unclaimed under certain circumstances;
15 amending s. 717.118, F.S.; providing
16 requirements for notification of apparent
17 owners of unclaimed property; amending s.
18 717.119, F.S.; revising requirements for
19 delivery of certain unclaimed property;
20 providing penalties for late deliveries;
21 amending s. 717.1201, F.S.; revising certain
22 holder payment and repayment requirements;
23 amending s. 717.122, F.S.; revising certain
24 public sale requirements; authorizing the
25 Department of Financial Services to deduct
26 certain auction fees, costs, and expenses;
27 prohibiting actions or proceedings against the
28 department for certain decisions relating to
29 auctions of unclaimed property; specifying that
30 certain sales of unclaimed property are not
31 subject to the sales tax; amending s. 717.123,

1 F.S.; increasing a maximum amount of funds the
2 department may retain from certain funds
3 received; amending s. 717.124, F.S.; providing
4 additional requirements for filing unclaimed
5 property claims; providing for the return or
6 withdrawal of certain claims under certain
7 circumstances; specifying a time period for
8 department determination of claims; authorizing
9 the department to deny claims under certain
10 circumstances; specifying an exclusive remedy
11 for subsequent claimants; revising requirements
12 for a power of attorney; requiring direct
13 delivery of safe-deposit boxes under certain
14 circumstances; revising payment of fees and
15 costs requirements; creating s. 717.12403,
16 F.S.; providing presumptions for certain
17 unclaimed demand, savings, or checking accounts
18 in financial institutions with more than one
19 beneficiary; creating s. 717.12404, F.S.;
20 providing requirements for claims for property
21 reported in the name of an active or dissolved
22 corporation for which the last annual report is
23 unavailable; creating s. 717.12405, F.S.;
24 providing requirements; for claims by estates;
25 amending s. 717.1241, F.S.; revising
26 requirements for remittance of property subject
27 to conflicting claims; amending s. 717.1242,
28 F.S.; clarifying legislative intent relating to
29 filing certain claims; creating s. 717.1244,
30 F.S.; providing criteria for department
31 determinations of claims; amending s. 717.126,

1 F.S.; providing a criterion for proof of
2 entitlement; specifying venue in certain
3 unclaimed property actions; creating s.
4 717.1261, F.S.; requiring a death certificate
5 in claiming entitlement to certain unclaimed
6 property; creating s. 717.1262, F.S.; requiring
7 certain court documents in claiming entitlement
8 to certain unclaimed property; amending s.
9 717.1301, F.S.; revising certain fee and
10 expense requirements for investigations or
11 examinations; providing for interest on such
12 amounts under certain circumstances; amending
13 s. 717.1315, F.S.; clarifying a record
14 retention requirement for owner
15 representatives; amending s. 717.132, F.S.;
16 specifying criteria for certain corrective
17 actions; creating s. 717.1322, F.S.; specifying
18 grounds for certain disciplinary actions;
19 providing for certain disciplinary actions;
20 creating s. 717.1331, F.S.; providing for
21 department actions against certain lienholders
22 under certain circumstances; creating s.
23 717.1333, F.S.; providing for admitting certain
24 documents into evidence in certain actions;
25 amending s. 717.134, F.S.; authorizing the
26 department to impose and collect penalties for
27 failing to report certain information;
28 authorizing the department waive such penalties
29 under certain circumstances; creating s.
30 717.1341, F.S.; prohibiting receipt of
31 unentitled unclaimed property; providing for

1 liability for such property under certain
2 circumstances; authorizing the department to
3 maintain certain civil or administrative
4 actions; providing for fines, costs, and
5 attorney fees; prohibiting filing claims for
6 unentitled unclaimed property; providing
7 criminal penalties; amending s. 717.135, F.S.;
8 revising requirements for agreements to recover
9 certain property; providing an agreement form;
10 creating s. 717.1351, F.S.; providing
11 requirements for acquisition of unclaimed
12 property by certain persons; providing certain
13 contract requirements; providing a contract
14 form; creating s. 717.1400, F.S.; providing
15 requiring certain licensed persons to register
16 with the department for certain purposes;
17 providing registration requirements; providing
18 for denial of registration under certain
19 circumstances; providing registration
20 limitations; amending s. 212.02, F.S.; revising
21 a definition to conform; amending ss. 322.142
22 and 395.3025, F.S.; providing for disclosure of
23 certain confidential information to the
24 department under certain circumstances;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (15) of section 717.101, Florida
30 Statutes, is renumbered as subsection (16) and amended,
31 subsections (5) through (18) are renumbered as subsections (6)

1 through (19), respectively, present subsection (19) is
2 renumbered as subsection (21), and new subsections (5) and
3 (20) are added to that section, to read:

4 717.101 Definitions.--As used in this chapter, unless
5 the context otherwise requires:

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

8 ~~(16)~~~~(15)~~ "Owner" means a depositor in the case of a
9 deposit, a beneficiary in case of a trust or ~~other than~~ a
10 deposit in trust, ~~a claimant~~, or a payee in the case of other
11 intangible property, or a person having a legal or equitable
12 interest in property subject to this chapter or his or her
13 legal representative.

14 (20) "Ultimate equitable owner" means a natural person
15 who, directly or indirectly, owns or controls an ownership
16 interest in a corporation, a foreign corporation, an alien
17 business organization, or any other form of business
18 organization, regardless of whether such natural person owns
19 or controls such ownership interest through one or more
20 natural persons or one or more proxies, powers of attorney,
21 nominees, corporations, associations, partnerships, trusts,
22 joint stock companies, or other entities or devices, or any
23 combination thereof.

24 Section 2. Subsection (1) of section 717.106, Florida
25 Statutes, are amended to read:

26 717.106 Bank deposits and funds in financial
27 organizations.--

28 (1) Any demand, savings, or matured time deposit with
29 a banking or financial organization, including deposits that
30 are automatically renewable, and any funds paid toward the
31 purchase of shares, a mutual investment certificate, or any

1 other interest in a banking or financial organization is
2 presumed unclaimed unless the owner has, within 5 years:
3 (a) Increased or decreased the amount of the deposit
4 or presented the passbook or other similar evidence of the
5 deposit for the crediting of interest;
6 (b) Communicated in writing or by telephone with the
7 banking or financial organization concerning the property;
8 (c) Otherwise indicated an interest in the property as
9 evidenced by a memorandum or other record on file with the
10 banking or financial organization;
11 (d) Owned other property to which paragraph (a),
12 paragraph (b), or paragraph (c) is applicable and if the
13 banking or financial organization communicates in writing with
14 the owner with regard to the property that would otherwise be
15 presumed unclaimed under this subsection at the address to
16 which communications regarding the other property regularly
17 are sent; or
18 (e) Had another relationship with the banking or
19 financial organization concerning which the owner has:
20 1. Communicated in writing with the banking or
21 financial organization; or
22 2. Otherwise indicated an interest as evidenced by a
23 memorandum or other record on file with the banking or
24 financial organization and if the banking or financial
25 organization communicates in writing with the owner with
26 regard to the property that would otherwise be unclaimed under
27 this subsection at the address to which communications
28 regarding the other relationship regularly are sent ~~or~~
29 ~~(f) Received first-class mail from the banking or~~
30 ~~financial organization or a subsidiary of such banking or~~
31 ~~financial organization, which was not returned as~~

1 ~~undeliverable, in the ordinary course of business at the~~
2 ~~address reflected in the banking or financial organization's~~
3 ~~records.~~

4 Section 3. Subsection (1) of section 717.107, Florida
5 Statutes, is amended to read:

6 717.107 Funds owing under life insurance policies.--

7 (1) Funds held or owing under any life or endowment
8 insurance policy or annuity contract which has matured or
9 terminated are presumed unclaimed if unclaimed for more than 5
10 years after the funds became due and payable as established
11 from the records of the insurance company holding or owing the
12 funds, but property described in paragraph (3)(b) is presumed
13 unclaimed if such property is not claimed for more than 2
14 years. The amount presumed unclaimed shall include any amount
15 due and payable under s. 627.4615.

16 Section 4. Section 717.109, Florida Statutes, is
17 amended to read:

18 717.109 Refunds held by business associations.--Except
19 ~~as to the extent~~ otherwise provided ~~ordered by law the court~~
20 ~~or administrative agency~~, any sum that a business association
21 has been ordered to refund by a court or administrative agency
22 which has been unclaimed by the owner for more than 1 year
23 after it became payable in accordance with the final
24 determination or order providing for the refund, regardless of
25 whether the final determination or order requires any person
26 entitled to a refund to make a claim for it, is presumed
27 unclaimed.

28 Section 5. Section 717.116, Florida Statutes, is
29 amended to read:

30 717.116 Contents of safe-deposit box or other
31 safekeeping repository.--All tangible and intangible property

1 held by a banking or financial organization in a safe-deposit
2 box or any other safekeeping repository in this state in the
3 ordinary course of the holder's business, and proceeds
4 resulting from the sale of the property permitted by law, that
5 has not been claimed by the owner for more than 3 years after
6 the lease or rental period on the box or other repository has
7 expired are presumed unclaimed.

8 Section 6. Subsections (1), (3), and (4) of section
9 717.117, Florida Statutes, are amended to read:

10 717.117 Report of unclaimed property.--

11 (1) Every person holding funds or other property,
12 tangible or intangible, presumed unclaimed and subject to
13 custody as unclaimed property under this chapter shall report
14 to the department on such forms as the department may
15 prescribe by rule. In lieu of forms, any ~~the~~ holder of of
16 unclaimed property belonging to 25 or more apparent owners
17 must ~~may~~ submit the required information via electronic medium
18 as the department may prescribe by rule. The report must
19 include:

20 (a) Except for traveler's checks and money orders, the
21 name, social security number or taxpayer identification
22 number, and date of birth, if known, and last known address,
23 if any, of each person appearing from the records of the
24 holder to be the owner of any property which is presumed
25 unclaimed and which has a value of \$50 or more.

26 (b) For unclaimed funds which have a value of \$50 or
27 more held or owing under any life or endowment insurance
28 policy or annuity contract, the full name, taxpayer
29 identification number or social security number, date of
30 birth, if known, and last known address of the insured or
31

1 annuitant and of the beneficiary according to records of the
2 insurance company holding or owing the funds.

3 (c) For all tangible property held in a safe-deposit
4 box or other safekeeping repository, a description of the
5 property and the place where the property is held and may be
6 inspected by the department, and any amounts owing to the
7 holder. Contents of a safe-deposit box or other safekeeping
8 repository which consist of documents or writings of a private
9 nature and which have little or no apparent value shall not be
10 presumed unclaimed.

11 (d) The nature and identifying number, if any, or
12 description of the property and the amount appearing from the
13 records to be due. Items of value under \$50 each may be
14 reported in the aggregate.

15 (e) The date the property became payable, demandable,
16 or returnable, and the date of the last transaction with the
17 apparent owner with respect to the property.

18 (f) Any person or business association or public
19 corporation ~~entity~~ holding funds presumed unclaimed and having
20 a total value of \$10 or less may file a zero balance report
21 for that reporting period. The balance brought forward to the
22 new reporting period is zero.

23 (g) Such other information as the department may
24 prescribe by rule as necessary for the administration of this
25 chapter.

26 (h) Credit balances, customer overpayments, security
27 deposits, and refunds having a value of less than \$10 shall
28 not be presumed unclaimed.

29 (3) The report must be filed before May 1 of each
30 year. Such report shall apply to the preceding calendar year.
31 ~~if such report is not filed on or before the applicable filing~~

1 ~~date, the holder shall pay to~~ The department may impose and
2 collect a penalty of \$10 per day up to a maximum of ~~for each~~
3 ~~day the report is delinquent, but such penalty shall not~~
4 exceed \$500 for the failure to timely report or the failure to
5 include in a report information required by this chapter. The
6 penalty shall be remitted to the department within 30 days
7 after the date of the notification to the holder that the
8 penalty is due and owing. As necessary for proper
9 administration of this chapter, the department may waive any
10 penalty due with appropriate justification. On written request
11 by any person required to file a report and upon a showing of
12 good cause, the department may postpone the reporting date.
13 The department must provide information contained in a report
14 filed with the department to any person requesting a copy of
15 the report or information contained in a report, to the extent
16 the information requested is not confidential, within 90 days
17 after the report has been processed and added to the unclaimed
18 property data base subsequent to a determination that the
19 report is accurate and that the reported property is the same
20 as the remitted property.

21 (4) Holders of inactive accounts having a value of \$50
22 or more shall use due diligence to locate apparent owners.

23 (a) When an owner's account becomes inactive, the
24 holder shall conduct at least one search for the apparent
25 owner using due diligence. For purposes of this section,
26 ~~except for banks, credit unions, and state or federal savings~~
27 ~~associations,~~ an account is inactive if 2 years have
28 transpired after the last owner-initiated account activity, if
29 2 years have transpired after the expiration date on the
30 instrument or contract, or if 2 years have transpired since
31 first-class mail has been returned as undeliverable. ~~With~~

1 ~~respect to banks, credit unions, and state or federal savings~~
2 ~~associations, an account is inactive if 2 years have~~
3 ~~transpired after the last owner-initiated account activity and~~
4 ~~first-class mail has been returned as undeliverable or 2 years~~
5 ~~after the expiration date on the instrument or contract and~~
6 ~~first-class mail has been returned as undeliverable.~~

7 (b)1. Within 180 days after an account becomes
8 inactive, the holder shall conduct a search to locate the
9 apparent owner of the property. The holder may satisfy such
10 requirement by conducting one annual search for the owners of
11 all accounts which have become inactive during the prior year.

12 (c)2. Within 30 days after receiving updated address
13 information, the holder shall provide notice by telephone or
14 first-class mail to the current address notifying the apparent
15 owner that the holder is in possession of property which is
16 presumed unclaimed and may be remitted to the department. The
17 notice shall also provide the apparent owner with the address
18 or the telephone number of an office where the apparent owner
19 may claim the property or reestablish the inactive account.

20 (d) The account shall be presumed unclaimed if the
21 holder is not able to contact the apparent owner by telephone,
22 the first-class mail notice is returned to the holder as
23 undeliverable, or the apparent owner does not contact the
24 holder in response to the first-class mail notice.

25 ~~(b) The claim of the apparent owner is not barred by~~
26 ~~the statute of limitations.~~

27 Section 7. Section 717.118, Florida Statutes, is
28 amended to read:

29 717.118 Notification of apparent owners ~~Notice and~~
30 ~~publication of lists~~ of unclaimed property.--

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1 (1) It is specifically recognized that the state has
2 an obligation to make an effort to notify owners of unclaimed
3 property in a cost-effective manner. In order to provide all
4 the citizens of this state an effective and efficient program
5 for the recovery of unclaimed property, the department shall
6 use cost-effective means to make at least one active attempt
7 to notify owners of unclaimed property accounts valued at more
8 than \$100 with a reported address or taxpayer identification
9 number ~~the existence of unclaimed property held by the~~
10 ~~department~~. Such active attempt to notify ~~locate~~ apparent
11 owners shall include any attempt by the department to directly
12 contact the owner. Other means of notification, such as
13 publication of the names of owners in the newspaper, on
14 television, on the Internet, or through other promotional
15 efforts and items in which the department does not directly
16 attempt to contact the owner are expressly declared to be
17 passive attempts. Nothing in this subsection precludes other
18 agencies or entities of state government from notifying owners
19 of the existence of unclaimed property or attempting to notify
20 ~~locate~~ apparent owners of unclaimed property.

21 (2) ~~The following notification requirements shall~~
22 ~~apply:~~

23 ~~(a) Notifications that are published or televised may~~
24 ~~consist of the names of apparent owners of unclaimed property,~~
25 ~~and information regarding recovery of unclaimed property from~~
26 ~~the department. Such notification may be televised or~~
27 ~~published in the county in which the last known address of the~~
28 ~~apparent owner is located or, if the address is unknown, in~~
29 ~~the county in which the holder has its principal place of~~
30 ~~business. Published notifications may be in accordance with s.~~
31 ~~50.011.~~

1 ~~(b)~~ Notification provided directly to individual
2 apparent owners shall consist of a description of the property
3 and information regarding recovery of unclaimed property from
4 the department.

5 ~~(3)~~ ~~The department may publish in the notice any items~~
6 ~~of more than \$100.~~

7 ~~(3)~~~~(4)~~ This section is not applicable to sums payable
8 on traveler's checks, money orders, and other written
9 instruments presumed unclaimed under s. 717.104.

10 Section 8. Subsection (5) of section 717.119, Florida
11 Statutes, is amended to read:

12 717.119 Payment or delivery of unclaimed property.--

13 (5) All intangible and tangible property held in a
14 safe-deposit box or any other safekeeping repository reported
15 under s. 717.117 shall not be delivered to the department
16 until 120 days after the report due date. The delivery of the
17 property, through the United States mail or any other carrier,
18 shall be insured by the holder at an amount equal to the
19 estimated value of the property. Each package shall be clearly
20 marked on the outside "Deliver Unopened." A holder's
21 safe-deposit box contents shall be delivered to the department
22 in a single shipment. In lieu of a single shipment, holders
23 may provide the department with a single detailed shipping
24 schedule that includes package tracking information for all
25 packages being sent pursuant to this section.

26 (a) Holders may remit the value of cash and coins
27 found in unclaimed safe-deposit boxes to the department by
28 cashier's check or by electronic funds transfer, unless the
29 cash or coins have a value above face value. The department
30 shall identify by rule those cash and coin items having a
31 numismatic value. Cash and coin items identified as having a

1 numismatic value shall be remitted to the department in their
2 original form.

3 (b) Any firearm or ammunition found in an unclaimed
4 safe-deposit box or any other safekeeping repository shall be
5 delivered by the holder to a law enforcement agency for
6 disposal. However, the department is authorized to make a
7 reasonable attempt to ascertain the historical value to
8 collectors of any firearm that has been delivered to the
9 department. Any firearm appearing to have historical value to
10 collectors may be sold by the department pursuant to s.
11 717.122 to a person having a federal firearms license. Any
12 firearm which is not sold pursuant to s. 717.122 shall be
13 delivered by the department to a law enforcement agency in
14 this state for disposal. The department shall not be
15 administratively, civilly, or criminally liable for any
16 firearm delivered by the department to a law enforcement
17 agency in this state for disposal.

18 (c) If such property is not paid or delivered to the
19 department on or before the applicable payment or delivery
20 date, the holder shall pay to the department a penalty of ~~\$10~~
21 ~~for each safe-deposit box shipment received late, but such~~
22 ~~penalty shall not exceed \$1,000. The penalty shall be \$100 for~~
23 a safe-deposit box shipment container that is late 30 days or
24 less. Thereafter, the penalty shall be \$500 for a safe-deposit
25 box shipment container that is late for each additional
26 successive 30-day period. The penalty assessed against a
27 holder for a late safe-deposit box shipment container shall
28 not exceed \$4,000 annually. The penalty shall be remitted to
29 the department within 30 days after the date of the
30 notification to the holder that the penalty is due and owing.

31

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

3 ~~(e) Upon written request by any person required to~~
4 ~~deliver safe-deposit box contents, the department may postpone~~
5 ~~the delivery.~~

6 Section 9. Subsection (2) of section 717.1201, Florida
7 Statutes, is amended to read:

8 717.1201 Custody by state; holder relieved from
9 liability; reimbursement of holder paying claim; reclaiming
10 for owner; defense of holder; payment of safe-deposit box or
11 repository charges.--

12 (2) Any holder who has paid money to the department
13 pursuant to this chapter may make payment to any person
14 appearing to ~~the holder to~~ be entitled to payment and, upon
15 filing ~~proof of payment and~~ proof that the payee is was
16 entitled thereto, the department shall forthwith repay
17 ~~reimburse~~ the holder ~~for the payment~~ without deduction of any
18 fee or other charges. If repayment reimbursement is sought for
19 a payment made on a negotiable instrument, including a
20 traveler's check or money order, the holder must be repaid
21 ~~reimbursed~~ under this subsection upon filing proof that the
22 instrument was duly presented and that the payee is payment
23 ~~was made to a person who appeared to the holder to be~~ entitled
24 to payment. The holder shall be repaid reimbursed for payment
25 made under this subsection even if the payment was made to a
26 person whose claim was barred under s. 717.129(1).

27 Section 10. Subsections (1) and (3) of section
28 717.122, Florida Statutes, are amended, and subsection (5) is
29 added to that section, to read:

30 717.122 Public sale of unclaimed property.--

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1 (1) Except as provided in subsection (2), the
2 department after the receipt of unclaimed property shall sell
3 it to the highest bidder at public sale on the Internet or at
4 a specified physical location wherever in the judgment of the
5 department the most favorable market for the property involved
6 exists. The department may decline the highest bid and reoffer
7 the property for sale if in the judgment of the department the
8 bid is insufficient. The department shall have the discretion
9 to withhold from sale any unclaimed property that the
10 department deems to be of benefit to the people of the state.
11 If in the judgment of the department the probable cost of sale
12 exceeds the value of the property, it need not be offered for
13 sale and may be disposed of as the department determines
14 appropriate. Any sale at a specified physical location held
15 under this section must be preceded by a single publication of
16 notice, at least 3 weeks in advance of sale, in a newspaper of
17 general circulation in the county in which the property is to
18 be sold. The department shall proportionately deduct auction
19 fees, preparation costs, and expenses from the amount posted
20 to the owner's account when safe-deposit box contents are
21 sold. No action or proceeding may be maintained against the
22 department for or on account of any decision to decline the
23 highest bid or withhold any unclaimed property from sale.

24 (3) Unless the department deems it to be in the public
25 interest to do otherwise, all securities presumed unclaimed
26 and delivered to the department may be sold upon receipt. Any
27 person making a claim pursuant to this chapter is entitled to
28 receive either the securities delivered to the department by
29 the holder, if they still remain in the hands of the
30 department, or the proceeds received from sale, ~~less any~~
31 ~~amounts deducted pursuant to subsection (2)~~, but no person has

1 any claim under this chapter against the state, the holder,
2 any transfer agent, any registrar, or any other person acting
3 for or on behalf of a holder for any appreciation in the value
4 of the property occurring after delivery by the holder to the
5 state.

6 (5) The sale of unclaimed tangible personal property
7 is not subject to tax under chapter 212 when such property is
8 sold by or on behalf of the department pursuant to this
9 section.

10 Section 11. Subsection (1) of section 717.123, Florida
11 Statutes, is amended to read:

12 717.123 Deposit of funds.--

13 (1) All funds received under this chapter, including
14 the proceeds from the sale of unclaimed property under s.
15 717.122, shall forthwith be deposited by the department in the
16 Unclaimed Property Trust Fund. The department shall retain,
17 from funds received under this chapter, an amount not
18 exceeding ~~\$15~~^{\$8} million from which the department shall make
19 prompt payment of claims allowed by the department and shall
20 pay the costs incurred by the department in administering and
21 enforcing this chapter. All remaining funds received by the
22 department under this chapter shall be deposited by the
23 department into the State School Fund.

24 Section 12. Section 717.124, Florida Statutes, is
25 amended to read:

26 717.124 Unclaimed property claims ~~Filing of claim with~~
27 ~~department.~~--

28 (1) Any person, excluding another state, claiming an
29 interest in any property paid or delivered to the department
30 under this chapter may file with the department a claim on a
31 form prescribed by the department and verified by the claimant

1 or the claimant's representative. The claimant's
2 representative must be an attorney licensed to practice law in
3 this state, a licensed Florida-certified public accountant, or
4 a private investigator licensed under chapter 493. The
5 claimant's representative must be registered with the
6 department under this chapter. The claimant, or the claimant's
7 representative, shall provide the department with a legible
8 copy of a valid driver's license of the claimant at the time
9 the original claim form is filed. If the claimant has not been
10 issued a valid driver's license at the time the original claim
11 form is filed, the department shall be provided with a legible
12 copy of a photographic identification of the claimant issued
13 by the United States or a foreign nation, a state or territory
14 of the United States or foreign nation, or a political
15 subdivision or agency thereof. Any claim filed without the
16 required identification with the original claim form and the
17 original power of attorney, if applicable, is void.

18 (a) Within 90 days after receipt of a claim, the
19 department may return any claim that provides for the receipt
20 of fees and costs greater than that permitted under this
21 chapter or that contains any apparent errors or omissions. The
22 department may also request that the claimant or the
23 claimant's representative provide additional information. The
24 department shall retain a copy or electronic image of the
25 claim.

26 (b) A claimant or the claimant's representative shall
27 be deemed to have withdrawn a claim if no response to the
28 department's request for additional information is received by
29 the department within 60 days after the notification of any
30 apparent errors or omissions.

31

1 (c) Within 90 days after receipt of the claim, or the
2 response of the claimant or the claimant's representative to
3 the department's request for additional information, whichever
4 is later, the department shall determine each claim ~~within 90~~
5 ~~days after it is filed.~~ Such determination shall contain a
6 notice of rights provided by ss. 120.569 and 120.57. The
7 90-day period shall be extended by 60 days if the department
8 has good cause to need additional time or if the unclaimed
9 property:

10 1. Is owned by a person who has been a debtor in
11 bankruptcy;

12 2. Was reported with an address outside of the United
13 States;

14 3. Is being claimed by a person outside of the United
15 States; or

16 4. Contains documents filed in support of the claim
17 that are not in the English language and have not been
18 accompanied by an English language translation.

19 (d) The department shall deny any claim under which
20 the claimant's representative has refused to authorize the
21 department to reduce the fees and costs to the maximum
22 permitted under this chapter.

23 (2) A claim for a cashier's check or a stock
24 certificate without the original instrument may require an
25 indemnity bond equal to the value of the claim to be provided
26 prior to issue of the stock or payment of the claim by the
27 department.

28 (3) The department may require an affidavit swearing
29 to the authenticity of the claim, lack of documentation, and
30 an agreement to allow the department to provide the name and
31 address of the claimant to subsequent claimants coming forward

1 with substantiated proof to claim the account. This shall
2 apply to claims equal to or less than \$250. The exclusive
3 remedy of a subsequent claimant to the property shall be
4 against the person who received the property from the
5 department.

6 (4)(a) Except as otherwise provided in this chapter,
7 if a claim is determined in favor of the claimant, the
8 department shall deliver or pay over to the claimant the
9 property or the amount the department actually received or the
10 proceeds if it has been sold by the department, together with
11 any additional amount required by s. 717.121.

12 ~~(b)(5)(a)~~ If an owner authorizes an attorney licensed
13 to practice law in this state, Florida-certified public
14 accountant, or private investigator licensed under chapter
15 493, and registered with the department under this chapter,
16 ~~investigative agency which is duly licensed to do business in~~
17 ~~this state~~ to claim the unclaimed property on the owner's
18 behalf, the department is authorized to make distribution of
19 the property or money in accordance with such power of
20 attorney. The original power of attorney must be executed by
21 the owner and must be filed with the department.

22 ~~(c)(b)1.~~ Payments of approved claims for unclaimed
23 cash accounts shall be made to the owner after deducting any
24 fees and costs authorized pursuant to a written power of
25 attorney. The contents of a safe-deposit box shall be
26 delivered directly to the claimant notwithstanding any
27 agreement to the contrary.

28 2. Payments of fees and costs authorized pursuant to a
29 written power of attorney for approved ~~cash~~ claims shall be
30 made or issued forwarded to the law firm employer of the
31 designated attorney licensed to practice law in this state,

1 the public accountancy firm employer of the licensed
2 Florida-certified public accountant, or the designated
3 employing private investigative agency licensed by this state.
4 Such payments shall ~~may~~ be made by electronic funds transfer
5 and may be made on such periodic schedule as the department
6 may define by rule, provided the payment intervals do not
7 exceed 31 days. Payment made to an attorney licensed in this
8 state, a Florida-certified public accountant, or a private
9 investigator licensed under chapter 493, operating
10 individually or as a sole practitioner, shall be to the
11 attorney, certified public accountant, or private
12 investigator.

13 ~~3. Payments of approved claims for unclaimed~~
14 ~~securities and other intangible ownership interests made to an~~
15 ~~attorney, Florida-certified public accountant, or private~~
16 ~~investigative agency shall be promptly deposited into a trust~~
17 ~~or escrow account which is regularly maintained by the~~
18 ~~attorney, Florida-certified public accountant, or the private~~
19 ~~investigative agency in a financial institution authorized to~~
20 ~~accept such deposits and located in this state.~~

21 ~~(c) Distribution of unclaimed property by the~~
22 ~~attorney, Florida-certified public accountant, or private~~
23 ~~investigative agency to the claimant shall be made within 10~~
24 ~~days following final credit of the deposit into the trust or~~
25 ~~escrow account at the financial institution, unless a party to~~
26 ~~the agreement protests in writing such distribution before it~~
27 ~~is made.~~

28 ~~(5)(6)~~ The department shall not be administratively,
29 civilly, or criminally liable for any property or funds
30 distributed pursuant to this section, provided such
31 distribution is made in good faith.

1 (6) This section does not supersede the licensing
2 requirements of chapter 493.

3 Section 13. Section 717.12403, Florida Statutes, is
4 created to read:

5 717.12403 Unclaimed demand, savings, or checking
6 account in a financial institution held in the name of more
7 than one person.--

8 (1)(a) If an unclaimed demand, savings, or checking
9 account in a financial institution is reported as an "and"
10 account in the name of two or more persons who are not
11 beneficiaries, it is presumed that each person must claim the
12 account in order for the claim to be approved by the
13 department. This presumption may be rebutted by showing that
14 entitlement to the account has been transferred to another
15 person or by clear and convincing evidence demonstrating that
16 the account should have been reported by the financial
17 institution as an "or" account.

18 (b) If an unclaimed demand, savings, or checking
19 account in a financial institution is reported as an "and"
20 account and one of the persons on the account is deceased, it
21 is presumed that the account is a survivorship account. This
22 presumption may be rebutted by showing that entitlement to the
23 account has been transferred to another person or by clear and
24 convincing evidence demonstrating that the account is not a
25 survivorship account.

26 (2) If an unclaimed demand, savings, or checking
27 account in a financial institution is reported as an "or"
28 account in the name of two or more persons who are not
29 beneficiaries, it is presumed that either person listed on the
30 account may claim the entire amount held in the account. This
31 presumption may be rebutted by showing that entitlement to the

1 account has been transferred to another person or by clear and
2 convincing evidence demonstrating that the account should have
3 been reported by the financial institution as an "and"
4 account.

5 (3) If an unclaimed demand, savings, or checking
6 account in a financial institution is reported in the name of
7 two or more persons who are not beneficiaries without
8 identifying whether the account is an "and" account or an "or"
9 account, it is presumed that the account is an "or" account.
10 This presumption may be rebutted by showing that entitlement
11 to the account has been transferred to another person or by
12 clear and convincing evidence demonstrating that the account
13 should have been reported by the financial institution as an
14 "and" account.

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

18 Section 14. Section 717.12404, Florida Statutes, is
19 created to read:

20 717.12404 Claims on behalf of a business entity or
21 trust.--

22 (1) Claims on behalf of an active or dissolved
23 corporation, for which the last annual report is not available
24 from the Department of State through the Internet, must be
25 accompanied by a microfiche copy of the records on file with
26 the Department of State or, if the corporation has not made a
27 corporate filing with the Department of State, an
28 authenticated copy of the last corporate filing identifying
29 the officers and directors from the appropriate authorized
30 official of the state of incorporation. A claim on behalf of a
31

1 corporation must be made by an officer or director identified
2 on the last corporate filing.

3 (2) Claims on behalf of a dissolved corporation, a
4 business entity other than an active corporation, or a trust
5 must include a legible copy of a valid driver's license of the
6 person acting on behalf of the dissolved corporation, business
7 entity other than an active corporation, or trust. If the
8 person has not been issued a valid driver's license, the
9 department shall be provided with a legible copy of a
10 photographic identification of the person issued by the United
11 States or a foreign nation, or a political subdivision or
12 agency thereof. Any claim filed without the required
13 identification with the original claim form and the original
14 power of attorney, if applicable, is void.

15 Section 15. Section 717.12405, Florida Statutes, is
16 created to read:

17 717.12405 Claims by estates.--An estate or any person
18 representing an estate or acting on behalf of an estate may
19 claim unclaimed property only after the heir or legatee of the
20 decedent entitled to the property has been located. Any
21 estate, or any person representing an estate or acting on
22 behalf of an estate, that receives unclaimed property before
23 the heir or legatee of the decedent entitled to the property
24 has been located, is personally liable for the unclaimed
25 property and must immediately return the full amount of the
26 unclaimed property or the value thereof to the department in
27 accordance with s. 717.1341.

28 Section 16. Subsection (1) of section 717.1241,
29 Florida Statutes, is amended, and subsection (3) is added to
30 said section, to read:

31 717.1241 Conflicting claims.--

1 (1) ~~When ownership has been established but~~
2 conflicting claims have been received by the department, the
3 property shall be remitted as follows, notwithstanding the
4 withdrawal of a claim to the:

5 (a) As between an owner and an owner's representative:

6 1. To the person submitting the first claim that is
7 complete or made complete ~~received by the department; or~~

8 2. If an owner's claim and an owner's representative's
9 claim are received by the department on the same day and both
10 claims are complete, to the owner;

11 (b) As between two or more owner's representatives, to
12 the owner's representative who has submitted the first claim
13 that is complete or made complete ~~Owner if an owner's claim~~
14 ~~and an owner's representative's claim are received by the~~
15 ~~department on the same day; or~~

16 (c) As between two or more owner's representatives
17 whose claims were complete on the same day, to the owner's
18 representative who has agreed to receive the lowest fee. If
19 two or more owner's representatives whose claims were complete
20 on the same day are charging the same lowest fee, the fees
21 shall be divided equally between the owner's representatives
22 ~~Owner's representative who has the earliest dated contract~~
23 ~~with the owner if claims by two or more owner's~~
24 ~~representatives are received by the department on the same~~
25 ~~day.~~

26 (3) A claim is complete when entitlement to the
27 unclaimed property has been established.

28 Section 17. Subsection (1) of section 717.1242,
29 Florida Statutes, is amended to read:

30 717.1242 Restatement of jurisdiction of the circuit
31 court sitting in probate and the department.--

1 (1) It is and has been the intent of the Legislature
2 that, pursuant to s. 26.012(2)(b), circuit courts have
3 jurisdiction of proceedings relating to the settlement of the
4 estates of decedents and other jurisdiction usually pertaining
5 to courts of probate. It is and has been the intent of the
6 Legislature that, pursuant to s. 717.124, the department
7 determines the merits of claims for property paid or delivered
8 to the department under this chapter. Consistent with this
9 legislative intent, any estate or beneficiary, as defined in
10 s. 731.201, ~~heir~~ of an estate seeking to obtain property paid
11 or delivered to the department under this chapter must file a
12 claim with the department as provided in s. 717.124.

13 Section 18. Section 717.1244, Florida Statutes, is
14 created to read:

15 717.1244 Determinations of unclaimed property
16 claims.--In rendering a determination regarding the merits of
17 an unclaimed property claim, the department shall rely on the
18 applicable statutory, regulatory, common, and case law. Agency
19 statements applying the statutory, regulatory, common, and
20 case law to unclaimed property claims are not agency
21 statements subject to s. 120.56(4).

22 Section 19. Section 717.126, Florida Statutes, is
23 amended to read:

24 717.126 Administrative hearing; burden of proof; proof
25 of entitlement; venue.--

26 (1) Any person aggrieved by a decision of the
27 department may petition for a hearing as provided in ss.
28 120.569 and 120.57. In any proceeding for determination of a
29 claim to property paid or delivered to the department under
30 this chapter, the burden shall be upon the claimant to
31 establish entitlement to the property by a preponderance of

1 evidence. Having the same name as that reported to the
2 department is not sufficient, in the absence of other
3 evidence, to prove entitlement to unclaimed property.

4 (2) Unless otherwise agreed by the parties, venue
5 shall be in Tallahassee, Leon County, Florida. However, upon
6 the request of a party, the presiding officer may, in the
7 presiding officer's discretion, conduct the hearing at an
8 alternative remote video location.

9 Section 20. Section 717.1261, Florida Statutes, is
10 created to read:

11 717.1261 Death certificates.--Any person who claims
12 entitlement to unclaimed property by means of the death of one
13 or more persons shall file a copy of the death certificate of
14 the decedent or decedents that has been certified as being
15 authentic by the issuing governmental agency.

16 Section 21. Section 717.1262, Florida Statutes, is
17 created to read:

18 717.1262 Court documents.--Any person who claims
19 entitlement to unclaimed property by reason of a court
20 document shall file a certified copy of the court document
21 with the department.

22 Section 22. Subsections (1) and (6) of section
23 717.1301, Florida Statutes, are amended to read:

24 717.1301 Investigations; examinations; subpoenas.--

25 (1) The department may make investigations and
26 examinations within or outside this state of claims, reports,
27 and other records ~~within or outside this state~~ as it deems
28 necessary to administer and enforce the provisions of this
29 chapter. In such investigations and examinations the
30 department may administer oaths, examine witnesses, issue
31 subpoenas, and otherwise gather evidence. The department may

1 request any person who has not filed a report under s. 717.117
2 to file a verified report stating whether or not the person is
3 holding any unclaimed property reportable or deliverable under
4 this chapter.

5 (6) If an investigation or an examination of the
6 records of any person results in the disclosure of property
7 reportable and deliverable under this chapter, the department
8 may assess the cost of investigation or the examination
9 against the holder at the rate of \$100 per 8-hour day for each
10 per investigator or examiner. Such fee shall be calculated on
11 an hourly basis and shall be rounded to the nearest hour. The
12 person shall also pay the travel expense and per diem
13 subsistence allowance provided for state employees in s.
14 112.061. The person shall not be required to pay a per diem
15 fee and expenses of an examination or investigation which
16 shall consume more than 30 worker-days in any one year unless
17 such examination or investigation is due to fraudulent
18 practices of the person, in which case such person shall be
19 required to pay the entire cost regardless of time consumed.
20 The fee shall be remitted to the department within 30 days
21 after the date of the notification that the fee is due and
22 owing. Any person who fails to pay the fee within 30 days
23 after the date of the notification that the fee is due and
24 owing shall pay to the department interest at the rate of 12
25 percent per annum on such fee from the date of the
26 notification.

27 Section 23. Subsection (2) of section 717.1315,
28 Florida Statutes, is amended to read:

29 717.1315 Retention of records by owner's
30 representative.--

31

1 (2) An owner's representative, operating at two or
2 more places of business in this state, may maintain the books,
3 accounts, and records of all such offices at any one of such
4 offices, or at any other office maintained by such owner's
5 representative, upon the filing of a written notice with the
6 department designating in the written notice the office at
7 which such records are maintained.

8 ~~(3) An However, the~~ owner's representative shall make
9 all books, accounts, and records available at a convenient
10 location in this state upon request of the department.

11 Section 24. Subsection (2) of section 717.132, Florida
12 Statutes, is amended to read:

13 717.132 Enforcement; cease and desist orders;
14 administrative fines.--

15 (2) In addition to any other powers conferred upon it
16 to enforce and administer the provisions of this chapter, the
17 department may issue and serve upon a person an order to cease
18 and desist and to take corrective action whenever the
19 department finds that such person is violating, has violated,
20 or is about to violate any provision of this chapter, any rule
21 or order promulgated under this chapter, or any written
22 agreement entered into with the department. For purposes of
23 this subsection, the term "corrective action" includes
24 refunding excessive charges, requiring a person to return
25 unclaimed property, requiring a holder to remit unclaimed
26 property, and requiring a holder to correct a report that
27 contains errors or omissions.Any such order shall contain a
28 notice of rights provided by ss. 120.569 and 120.57.

29 Section 25. Section 717.1322, Florida Statutes, is
30 created to read:

31 717.1322 Grounds for disciplinary action.--

1 (1) The following acts are violations of this chapter
2 and constitute grounds for the disciplinary actions specified
3 in subsection (2):

4 (a) Failure to comply with any provision of this
5 chapter, any rule or order adopted pursuant to this chapter,
6 or any written agreement entered into with the department.

7 (b) Fraud, misrepresentation, deceit, or gross
8 negligence in any matter within the jurisdiction of the
9 department.

10 (c) Fraudulent misrepresentation, circumvention, or
11 concealment of any matter required to be stated or furnished
12 to an owner or apparent owner pursuant to this chapter,
13 regardless of reliance by or damage to the owner or apparent
14 owner.

15 (d) Imposition of illegal or excessive charges in any
16 unclaimed property transaction.

17 (e) False, deceptive, or misleading solicitation or
18 advertising.

19 (f) Failure to maintain, preserve, and keep available
20 for examination, all books, accounts, or other documents
21 required by this chapter, by any rule or order adopted
22 pursuant to this chapter, or by any agreement entered into
23 with the department.

24 (g) Refusal to permit inspection of books and records
25 in an investigation or examination by the department or
26 refusal to comply with a subpoena issued by the department.

27 (h) Criminal conduct in the course of a person's
28 business.

29 (i) Failure to timely pay any fee, charge, or fine
30 imposed or assessed pursuant to this chapter or any rule
31 adopted under this chapter.

1 (j) For compensation or gain or in the expectation of
2 compensation or gain, filing a claim for unclaimed property
3 owned by another unless such person is a registered attorney
4 licensed to practice law in this state, registered
5 Florida-certified public accountant, or a registered private
6 investigator licensed under chapter 493. This subsection shall
7 not apply to a person who has been granted a durable power of
8 attorney to convey and receive all of the real and personal
9 property of the owner, is the court-appointed guardian of the
10 owner, has been employed as an attorney or qualified
11 representative to contest the department's denial of a claim,
12 or has been employed as an attorney to probate the estate of
13 the owner or an heir or legatee of the owner.

14 (k) Commission of fraud, misrepresentation,
15 concealment, dishonest dealing by trick, scheme, or device,
16 culpable negligence, or breach of trust in any business
17 transaction in any state, nation, or territory; or aiding,
18 assisting, or conspiring with any other person engaged in any
19 such misconduct and in furtherance thereof.

20 (l) Failing to authorize the release of records in the
21 possession of a third party after being requested to do so by
22 the department regarding a pending examination or
23 investigation.

24 (m) Receiving or soliciting consideration to be paid
25 in advance of the approval of a claim under this chapter.

26 (2) Upon a finding by the department that any person
27 has committed any of the acts set forth in subsection (1), the
28 department may enter an order:

29 (a) Denying a registration pursuant to this chapter
30 based on an act that occurred before, on or after the
31 effective date of this section;

1 (b) Revoking or suspending a registration previously
2 granted pursuant to this chapter;

3 (c) Placing a registrant or an applicant for a
4 registration on probation for a period of time and subject to
5 such conditions as the department may specify;

6 (d) Placing permanent restrictions or conditions upon
7 issuance or maintenance of a registration pursuant to this
8 chapter;

9 (e) Issuing a reprimand;

10 (f) Imposing an administrative fine not to exceed
11 \$2,000 for each such act; or

12 (g) Prohibiting any person from being an agent,
13 employee, or ultimate equitable owner of the registrant's
14 employer.

15 (3) In addition to the acts specified in subsection
16 (1), the following shall be grounds for revocation,
17 suspension, or restriction of a registration previously
18 granted:

19 (a) A material misstatement of fact in an application
20 for a registration;

21 (b) Having a license, registration, or the equivalent,
22 to practice any profession or occupation denied, suspended,
23 revoked, or otherwise acted against by a licensing authority
24 in any jurisdiction for fraud, dishonest dealing, or any act
25 of moral turpitude;

26 (c) Pleading nolo contendere to, or having been
27 convicted or found guilty of, a crime involving fraud,
28 dishonest dealing, or any act of moral turpitude, regardless
29 of whether adjudication is withheld; or

30 (d) Being insolvent or having a demonstrated lack of
31 honesty or financial responsibility.

1 (4) A person is subject to the disciplinary actions
2 specified in subsection (2) for violations of subsection (1)
3 by an agent or employee of such person.

4 (5) A person who has designated an agent or employee
5 to act on his or her behalf is subject to the disciplinary
6 actions specified in subsection (2) for violations of
7 subsection (1) by a designated agent or designated employee.

8 Section 26. Section 717.1331, Florida Statutes, is
9 created to read:

10 717.1331 Actions against holders.--The department may
11 initiate, or cause to be initiated, an action against a holder
12 to recover unclaimed property. If the department prevails in a
13 civil or administrative action to recover unclaimed property
14 initiated by or on behalf of the department, the holder shall
15 be ordered to pay the department reasonable costs and
16 attorney's fees.

17 Section 27. Section 717.1333, Florida Statutes, is
18 created to read:

19 717.1333 Evidence; audit reports; examiner's
20 worksheets, investigative reports, other related
21 documents.--In any proceeding under s. 120.569 or s. 120.57 in
22 which an auditor, examiner, or investigator acting under
23 authority of this chapter is available for cross-examination,
24 any official written report, worksheet, or other related
25 paper, or copy thereof, compiled, prepared, drafted, or
26 otherwise made or received by the auditor, examiner, or
27 investigator, after being duly authenticated by the auditor,
28 examiner, or investigator, may be admitted as competent
29 evidence upon the oath of the auditor, examiner, or
30 investigator that the report, worksheet, or related paper was
31 prepared or received as a result of an audit, examination, or

1 investigation of the books and records of the person audited,
2 examined, or investigated, or the agent thereof.

3 Section 28. Subsection (5) is added to section
4 717.134, Florida Statutes, to read:

5 717.134 Penalties and interest.--

6 (5) The department may impose and collect a penalty of
7 \$500 per day up to a maximum of \$5,000 and 25 percent of the
8 value of property willfully not reported with all of the
9 information required by this chapter. Upon a holder's showing
10 of good cause, the department may waive the penalty or any
11 portion thereof. If the holder acted in good faith and without
12 negligence, the department shall waive the penalty provided
13 herein.

14 Section 29. Section 717.1341, Florida Statutes, is
15 created to read:

16 717.1341 Invalid claims, recovery of property,
17 interest and penalties.--

18 (1)(a) No person shall receive unclaimed property that
19 the person is not entitled to receive. Any person who
20 receives, or assists another person to receive, unclaimed
21 property that the person is not entitled to receive is
22 strictly, jointly, personally, and severally liable for the
23 unclaimed property and shall immediately return the property,
24 or the reasonable value of the property if the property has
25 been damaged or disposed of, to the department plus interest
26 at the rate set annually in accordance with s. 55.03(1).

27 Assisting another person to receive unclaimed property
28 includes executing a claim form on the person's behalf.

29 (b)1. In the case of stocks or bonds which have been
30 sold, the proceeds from the sale shall be returned to the
31 department plus any dividends or interest received thereon

1 plus an amount equal to the brokerage fee plus interest at a
2 rate set annually in accordance with s. 55.03(1) on the
3 proceeds from the sale of the stocks or bonds, the dividends
4 or interest received, and the brokerage fee.

5 2. In the case of stocks or bonds which have not been
6 sold, the stocks or bonds and any dividends or interest
7 received thereon shall be returned to the department, together
8 with interest on the dividends or interest received, at a rate
9 set annually in accordance with s. 55.03(1) of the value of
10 the property.

11 (2) The department may maintain a civil or
12 administrative action:

13 (a) To recover unclaimed property that was paid or
14 remitted to a person who was not entitled to the unclaimed
15 property or to offset amounts owed to the department against
16 amounts owed to an owner representative;

17 (b) Against a person who assists another person in
18 receiving, or attempting to receive, unclaimed property that
19 the person is not entitled to receive; or

20 (c) Against a person who attempts to receive unclaimed
21 property that the person is not entitled to receive.

22 (3) If the department prevails in any proceeding under
23 subsection (2), a fine not to exceed three times the value of
24 the property received or sought to be received may be imposed
25 on any person who knowingly, or with reckless disregard or
26 deliberate ignorance of the truth, violated this section. If
27 the department prevails in a civil or administrative
28 proceeding under subsection (2), the person who violated
29 subsection (1) shall be ordered to pay the department
30 reasonable costs and attorney's fees.

31

1 (4) No person shall knowingly file, knowingly conspire
2 to file, or knowingly assist in filing, a claim for unclaimed
3 property the person is not entitled to receive. Any person who
4 violates this subsection regarding unclaimed property of an
5 aggregate value:

6 (a) Greater than \$50,000, is guilty of a felony of the
7 first degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084;

9 (b) Greater than \$10,000 up to \$50,000, is guilty of a
10 felony of the second degree, punishable as provided in s.
11 775.082, s. 775.083, or s. 775.084;

12 (c) Greater than \$250 up to \$10,000, is guilty of a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084;

15 (d) Greater than \$50 up to \$250, is guilty of a
16 misdemeanor of the first degree, punishable as provided in s.
17 775.082 or s. 775.083; or

18 (e) Up to \$50, is guilty of a misdemeanor of the
19 second degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 Section 30. Section 717.135, Florida Statutes, is
22 amended to read:

23 717.135 Agreement to recover ~~locate~~ reported property
24 in the custody of the department.--

25 (1) All agreements between a claimant's ~~an owner's~~
26 representative and a claimant ~~an owner~~ for compensation to
27 recover or assist in the recovery of property reported to the
28 department under s. 717.117 shall be in 11-point type or
29 greater and either:

30 (a) Limit the fees and costs for services ~~for each~~
31 ~~owner contract to \$25 for all contracts relating to unclaimed~~

1 ~~property with a dollar value below \$250. For all contracts~~
2 ~~relating to unclaimed property with a dollar value of \$250 and~~
3 ~~above, fees shall be limited to 20 ~~15~~ percent per unclaimed ~~on~~
4 ~~property account~~ held by the department ~~for 24 months or less~~
5 ~~and 25 percent on property held by the department for more~~
6 ~~than 24 months. Fees and costs for cash accounts shall be~~
7 ~~based on the value of the property at the time the agreement~~
8 ~~for recovery is signed by the claimant ~~apparent~~ owner. Fees~~
9 ~~and costs for accounts containing securities or other~~
10 ~~intangible ownership interests, which securities or interests~~
11 ~~are not converted to cash, shall be based on the purchase~~
12 ~~price of the security as quoted on a national exchange or~~
13 ~~other market on which the property ownership interest is~~
14 ~~regularly traded at the time the securities or other ownership~~
15 ~~interest is remitted to the claimant ~~owner~~ or the claimant's~~
16 ~~owner's representative. Fees and costs for tangible property~~
17 ~~or safe-deposit box accounts shall be based on the value of~~
18 ~~the tangible property or contents of the safe-deposit box at~~
19 ~~the time the ownership interest is transferred or remitted to~~
20 ~~the claimant ~~owner~~ or the ~~owner's~~ representative; or~~~~

21 (b) Disclose, on such form as the department shall
22 prescribe by rule, that the property is held by the Bureau of
23 Unclaimed Property of the Department of Financial Services
24 pursuant to this chapter, the person or name of the entity
25 that held the property prior to the property becoming
26 unclaimed, the date of the holder's last contact with the
27 owner, if known, and the approximate value of the property,
28 and identify which of the following categories of unclaimed
29 property the owner's representative is seeking to recover, as
30 reported by the holder:

31 1. Cash accounts.

- 1 2. Stale dated checks.
- 2 3. Life insurance or annuity contract assets.
- 3 4. Utility deposits.
- 4 5. Securities or other interests in business
- 5 associations.
- 6 6. Wages.
- 7 7. Accounts receivable.
- 8 8. Contents of safe-deposit boxes.

9

10 Such disclosure shall be on a page signed and dated by the
11 person asserting entitlement to the unclaimed property.
12 However, paragraph (1)(a) or (b)~~this section~~ shall not apply
13 if probate proceedings must be initiated on behalf of the
14 claimant for an estate that has never been probated to
15 ~~contracts made in connection with guardianship proceedings or~~
16 ~~the probate of an estate.~~

17 (2)(a) Agreements for recovery of cash accounts shall
18 state the value of the unclaimed property, the unclaimed
19 property account number, and the percentage dollar value of
20 the unclaimed property account to be paid to the claimant
21 ~~owner~~ and shall also state the percentage dollar value of
22 compensation to be paid to the claimant's ~~owner's~~
23 representative.

24 (b) Agreements for recovery of accounts containing
25 securities, safe-deposit box accounts, other intangible or
26 tangible ownership interests, or other types of accounts,
27 except cash accounts, shall state the unclaimed property
28 account number, the number of shares of stock, if applicable,
29 the approximate value of the unclaimed property, and the
30 percentage value of compensation to be paid to the claimant's
31 ~~owner's~~ representative.

1 (c) All disclosures and agreements shall include the
2 name, address, and professional license number of the
3 claimant's ~~owner's~~ representative, and, if available, the
4 taxpayer identification number or social security number,
5 address, and telephone number of the claimant ~~owner~~. The
6 original of all such disclosures and agreements to pay
7 compensation shall be signed and dated by the claimant ~~owner~~
8 of the property and shall be filed ~~by the owner's~~
9 ~~representative~~ with the claim form.

10 (d) All agreements between a claimant's representative
11 and a claimant, who is a natural person, trust, or a dissolved
12 corporation, for compensation to recover or assist in the
13 recovery of property reported to the department under s.
14 717.117 must use the following form on 8 and 1/2 inch by 11
15 inch paper or on 8 and 1/2 inch by 14 inch paper with all of
16 the text on one side of the paper and with the other side of
17 the paper left blank; except that, at the option of the owner
18 representative, the department disclosure form may be placed
19 on the reverse side of the agreement. The agreement must be
20 accurately completed and executed. No other writing or
21 information shall be printed on the agreement. The title of
22 the agreement shall be in bold 14-point type and underlined.
23 The rest of the agreement shall be in 10-point type or
24 greater. All unclaimed property accounts claimed must be
25 identified on the agreement. The agreement must state:

26 RECOVERY AGREEMENT

27 \$ _____ = APPROXIMATE DOLLAR VALUE OF UNCLAIMED PROPERTY

28 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF

29 APPLICABLE): _____

30 PROPERTY ACCOUNT NUMBERS: _____

31

1 _____ PERCENT TO BE PAID AS COMPENSATION TO THE CLAIMANT'S
2 REPRESENTATIVE
3 \$ _____ = NET AMOUNT TO BE PAID TO CLAIMANT
4 \$ _____ = AMOUNT TO BE PAID TO CLAIMANT'S REPRESENTATIVE
5
6
7 THIS AGREEMENT is between:
8 _____
9 (hereinafter, CLAIMANT)
10 and _____
11 (hereinafter, CLAIMANT'S REPRESENTATIVE)
12 who agree to the following:
13 (1) As consideration for the research efforts in
14 locating and identifying assets due to the CLAIMANT and for
15 assistance in procuring payment of the assets to the CLAIMANT,
16 the CLAIMANT authorizes the government to pay to the
17 CLAIMANT'S REPRESENTATIVE a fee of _____ percent of all
18 assets recovered. NO FEES ARE TO BE PAID IN ADVANCE.
19 (2) I have read this agreement and in consideration
20 thereof, do hereby grant the CLAIMANT'S REPRESENTATIVE a
21 limited power of attorney to demand, collect, recover and
22 receive the above compensation from the government in
23 accordance with this agreement.
24 (3) IT IS HEREBY ACKNOWLEDGED BY ALL PARTIES TO THIS
25 AGREEMENT THAT UNLESS THESE ASSETS ARE RECOVERED, NO FEES, NO
26 COSTS OR CHARGES ARE DUE TO THE CLAIMANT'S REPRESENTATIVE, ITS
27 AGENTS OR ATTORNEYS, AND THIS AGREEMENT WILL BECOME NULL AND
28 VOID.
29 Original Signature of CLAIMANT: _____
30 DATE: _____
31 CLAIMANT'S Social Security Number or FEID number: _____

1 Make the CLAIMANT'S check payable to:_____

2 Mail check to this address:_____

3 _____

4 The CLAIMANT'S telephone number is:_____

5 Original Signature of CLAIMANT'S REPRESENTATIVE:_____

6 FEID Number of CLAIMANT'S REPRESENTATIVE:_____

7 DATE:_____

8 Address of CLAIMANT'S REPRESENTATIVE:_____

9 _____

10 Telephone number of CLAIMANT'S REPRESENTATIVE:_____

11 Professional license number of CLAIMANT'S REPRESENTATIVE:_____

12 _____

13 (3) As used in this section, "claimant" means the

14 person on whose behalf a claim is filed.

15 (4) This section does not supersede the licensing

16 requirements of chapter 493.

17 Section 31. Section 717.1351, Florida Statutes, is

18 created to read:

19 717.1351 Acquisition of unclaimed property.--

20 (1) A person desiring to acquire ownership or

21 entitlement of property reported to the department under s.

22 717.117 must be an attorney licensed to practice law in this

23 state, a licensed Florida-certified public accountant, a

24 private investigator licensed under chapter 493, or an

25 employer of a licensed private investigator which employer

26 possesses a Class "A" license under chapter 493 and must be

27 registered with the department under this chapter.

28 (2) All contracts to acquire ownership or entitlement

29 of unclaimed property from the person or persons entitled to

30 the unclaimed property must be in 10-point type or greater and

31 must:

1 (a) Have a purchase price that discounts the value of
2 the unclaimed property at the time the agreement is executed
3 by the seller at no greater than 20 percent per account held
4 by the department; or

5 (b) Disclose, on such form as the department shall
6 prescribe by rule, that the property is held by the Bureau of
7 Unclaimed Property of the Department of Financial Services
8 pursuant to this chapter, the person or name of the entity
9 that held the property prior to the property becoming
10 unclaimed, the date of the holder's last contact with the
11 owner, if known, and the approximate value of the property,
12 and identify which of the following categories of unclaimed
13 property buyer is seeking to purchase as reported by the
14 holder:

15 1. Cash accounts.

16 2. Stale dated checks.

17 3. Life insurance or annuity contract assets.

18 4. Utility deposits.

19 5. Securities or other interests in business
20 associations.

21 6. Wages.

22 7. Accounts receivable.

23 8. Contents of safe-deposit boxes.

24 Such disclosure shall be on a page signed and dated by
25 the seller of the unclaimed property.

26 (3) The originals of all such disclosures and
27 agreements to transfer ownership or entitlement to unclaimed
28 property shall be signed and dated by the seller and shall be
29 filed with the claim form. The claimant shall provide the
30 department with a legible copy of a valid driver's license of
31 the seller at the time the original claim form is filed. If a

1 seller has not been issued a valid driver's license at the
2 time the original claim form is filed, the department shall be
3 provided with a legible copy of a photographic identification
4 of the seller issued by the United States or a foreign nation,
5 a state or territory of the United States or foreign nation,
6 or a political subdivision of agency thereof. If a claim is
7 filed without the required identification with the original
8 claim form and the original agreement to acquire ownership or
9 entitlement to the unclaimed property, the claim is void.

10 (4) Any contract to acquire ownership or entitlement
11 of unclaimed property from the person or persons entitled to
12 the unclaimed property must provide for the purchase price to
13 be remitted to the seller or sellers within 10 days after the
14 execution of the contract by the seller or sellers. The
15 contract must specify the unclaimed property account number,
16 the value of the unclaimed property account, and the number of
17 shares of stock, if applicable. Proof of payment by check must
18 be filed with the department with the claim.

19 (5) All agreements to purchase unclaimed property from
20 an owner, who is a natural person, a trust, or a dissolved
21 corporation must use the following form on 8 and 1/2 inch by
22 11 inch paper or on 8 and 1/2 inch by 14 inch paper with all
23 of the text on one side of the paper and with the other side
24 of the paper left blank; except that, at the option of the
25 owner representative, the department disclosure form may be
26 placed on the reverse side of the agreement. The agreement
27 must be accurately completed and executed. No other writing or
28 information shall be printed on the agreement. The title of
29 the agreement shall be in bold 14-point type and underlined.
30 The rest of the agreement shall be in 10-point type or

31

1 greater. All unclaimed property accounts to be purchased must
2 be identified on the agreement. The agreement must state:
3 PURCHASE AGREEMENT
4 \$ _____ = APPROXIMATE DOLLAR VALUE OF THE UNCLAIMED
5 PROPERTY
6 PROPERTY ACCOUNT NUMBER(S): _____
7 NUMBER OF SHARES OF STOCK TO BE RECOVERED (IF
8 APPLICABLE): _____
9 _____ PERCENT OF UNCLAIMED PROPERTY TO BE PAID TO THE
10 BUYER
11 \$ _____ = NET AMOUNT TO BE PAID TO OWNER
12 \$ _____ = AMOUNT TO BE PAID TO BUYER
13 THIS AGREEMENT is between:
14 _____
15 (hereinafter, OWNER)
16 and _____
17 (hereinafter, BUYER)
18 who agree that the OWNER transfers to the BUYER for a purchase
19 price of \$ _____ all rights to the above identified unclaimed
20 property accounts.
21 Original Signature of OWNER: _____ DATE: _____
22 OWNER'S Social Security Number or FEID number: _____
23 Within 10 days after the execution of this Purchase Agreement
24 by the Owner, Buyer shall remit the OWNER'S check payable to:
25 _____
26 Mail check to this address: _____
27 _____
28 _____
29 The OWNER'S telephone number is: _____
30 Original Signature of BUYER: _____
31 FEID Number of BUYER: _____ DATE: _____

1 Address of BUYER: _____
2 _____

3 Telephone number of BUYER: _____

4 Professional license number of BUYER: _____

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

7 Section 32. Section 717.1400, Florida Statutes, is
8 created to read:

9 717.1400 Registration.--

10 (1) A private investigator holding a Class " C"
11 individual license under chapter 493 must register with the
12 department on such form as the department shall prescribe by
13 rule, and verified by the applicant. To register with the
14 department, a private investigator must provide:

15 (a) A legible copy of the applicant's Class "A"
16 business license under chapter 493 or that of the applicant's
17 employer which holds a Class "A" business license under
18 chapter 493.

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

21 (c) The applicant's business address and telephone
22 number.

23 (d) The names of agents or employees, if any, who are
24 designated to act on behalf of the private investigator
25 together with a legible copy of their photo-identification
26 issued by an agency of the United States, or a state, or a
27 political subdivision thereof.

28 (e) Sufficient information to enable the department to
29 disburse funds by electronic funds transfer.

30
31

1 (f) The tax identification number of the private
2 investigator's employer which holds a Class "A" business
3 license under chapter 493.

4 (2) A Florida-certified public accountant must
5 register with the department on such form as the department
6 shall prescribe by rule, and must be verified by the
7 applicant. To register with the department a Florida-certified
8 public accountant must provide:

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

11 (b) A legible copy of the applicant's current driver's
12 license showing the full name and current address of such
13 person. If a current driver's license is not available,
14 another form of identification showing full name and current
15 address of such person or persons shall be filed with the
16 department.

17 (c) The applicant's business address and telephone
18 number.

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

24 (e) Sufficient information to enable the department to
25 disburse funds by electronic funds transfer.

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

28 (3) An attorney licensed to practice in this state
29 must register with the department on such form as the
30 department shall prescribe by rule, and must be verified by
31

1 the applicant. To register with the department, such attorney
2 must provide:

3 (a) The applicant's Florida Bar number.

4 (b) A legible copy of the applicant's current driver's
5 license showing the full name and current address of such
6 person. If a current driver's license is not available,
7 another form of identification showing full name and current
8 address of such person or persons shall be filed with the
9 department.

10 (c) The applicant's business address and telephone
11 number.

12 (d) The names of agents or employees, if any, who are
13 designated to act on behalf of the attorney, together with a
14 legible copy of their photo-identification issued by an agency
15 of the United States, or a state, or a political subdivision
16 thereof.

17 (e) Sufficient information to enable the department to
18 disburse funds by electronic funds transfer.

19 (f) The tax identification number of the lawyer's
20 employer law firm.

21 (4) Information and documents already on file with the
22 department prior to the effective date of this provision need
23 not be resubmitted in order to complete the registration.

24 (5) If a material change in the status of a
25 registration occurs, a registrant must within 15 days provide
26 the department with the updated documentation and information
27 in writing. Material changes include, but are not limited to,
28 a designated agent or employee ceasing to act on behalf of the
29 designating person, a surrender, suspension, or revocation of
30 a license, or a license renewal.

31

1 (a) If a designated agent or employee ceases to act on
2 behalf of the person who has designated the agent or employee
3 to act on such person's behalf, the designating person must
4 within 15 days inform the Bureau of Unclaimed Property in
5 writing of the termination of agency or employment.

6 (b) If a registrant surrenders the registrant's
7 license or the license is suspended or revoked, the registrant
8 must within 15 days inform the bureau in writing of the
9 surrender, suspension, or revocation.

10 (c) If a private investigator's Class "C" individual
11 license under chapter 493, or if a private investigator's
12 employer's Class "A" business license under chapter 493, is
13 renewed, the private investigator must provide a copy of the
14 renewed license to the department within 30 days after the
15 receipt of the renewed license by the private investigator or
16 the private investigator's employer.

17 (6) It is a ground for denial of registration if the
18 applicant has committed any violation specified in ss.
19 717.001-717.1401 or has pending against her or him any
20 criminal prosecution or administrative enforcement action, in
21 any jurisdiction, which alleges fraud, dishonest dealing, or
22 any other act of moral turpitude.

23 (7) Any registration made under this section by any
24 person based upon the presentation by such person of
25 inaccurate or false information material to such registration
26 is void. The registration shall be reinstated once the
27 department has been provided the correct information in
28 writing.

29 (8) Any registration made under this section is void
30 if the person fails to timely report a material change in the
31 status of a registration to the department. The registration

1 shall be reinstated after the department has been notified in
2 writing of the material change.

3 (9) Any registration made under this section is void
4 if the person has had a license, registration, or the
5 equivalent, to practice any profession or occupation denied,
6 suspended, revoked, or otherwise acted against by a licensing
7 authority in any jurisdiction for theft, fraud,
8 misrepresentation, dishonest dealing, or any act of moral
9 turpitude, unless the effect of the suspension or revocation
10 has been stayed.

11 (10) Any registration made under this section is void
12 if the person has plead nolo contendere to, or has been
13 convicted or found guilty of, a crime involving theft, fraud,
14 misrepresentation, dishonest dealing, or any act of moral
15 turpitude, regardless of whether adjudication is withheld.

16 (11) No registrant or applicant for registration may
17 have a name that might lead another person to conclude that
18 the registrant is affiliated or associated with the United
19 States or any agency thereof, or a state or an agency or
20 political subdivision of a state. The department shall deny an
21 application for registration or revoke a registration if the
22 applicant or registrant has a name that might lead another
23 person to conclude that the applicant or registrant is
24 affiliated or associated with the United States or an agency
25 thereof, or a state or an agency or political subdivision of a
26 state. Names that might lead another person to conclude that
27 the applicant or registrant is affiliated or associated with
28 the United States or an agency thereof, or a state or an
29 agency or political subdivision of a state, include, but are
30 not limited to, the use of the words United States, Florida,
31 state, bureau, division, department, or government.

1 (12)(a) The department shall deny an application of
2 any person who assisted another person to receive unclaimed
3 property that the person was not entitled to receive in the
4 aggregate amount of greater than \$50,000 during a 5-year
5 period or if the applicant has an agent, employee, or ultimate
6 equitable owner who assisted another person to receive
7 unclaimed property that the person was not entitled to receive
8 in the aggregate amount of greater than \$50,000 during a
9 5-year period. Assisting another person to receive unclaimed
10 property includes executing a claim form on the person's
11 behalf.

12 (b) This subsection does not apply if the applicant
13 has remitted to the department all funds paid by the
14 department when the applicant, or an agent, employee, or
15 ultimate equitable owner thereof, assisted another person to
16 receive unclaimed property that the person was not entitled to
17 receive.

18 (13) Any person having a registration file with the
19 department as of the effective date of this act may continue
20 to file claims prior to either the issuance of a registration
21 by the department or proposed agency action to deny the
22 application.

23 Section 33. Subsection (2) of section 212.02, Florida
24 Statutes, is amended to read:

25 212.02 Definitions.--The following terms and phrases
26 when used in this chapter have the meanings ascribed to them
27 in this section, except where the context clearly indicates a
28 different meaning:

29 (2) "Business" means any activity engaged in by any
30 person, or caused to be engaged in by him or her, with the
31 object of private or public gain, benefit, or advantage,

1 either direct or indirect. Except for the sales of any
2 aircraft, boat, mobile home, or motor vehicle, the term
3 "business" shall not be construed in this chapter to include
4 occasional or isolated sales or transactions involving
5 tangible personal property or services by a person who does
6 not hold himself or herself out as engaged in business or
7 sales of unclaimed tangible personal property under s.
8 717.122, but includes other charges for the sale or rental of
9 tangible personal property, sales of services taxable under
10 this chapter, sales of or charges of admission, communication
11 services, all rentals and leases of living quarters, other
12 than low-rent housing operated under chapter 421, sleeping or
13 housekeeping accommodations in hotels, apartment houses,
14 roominghouses, tourist or trailer camps, and all rentals of or
15 licenses in real property, other than low-rent housing
16 operated under chapter 421, all leases or rentals of or
17 licenses in parking lots or garages for motor vehicles,
18 docking or storage spaces for boats in boat docks or marinas
19 as defined in this chapter and made subject to a tax imposed
20 by this chapter. The term "business" shall not be construed in
21 this chapter to include the leasing, subleasing, or licensing
22 of real property by one corporation to another if all of the
23 stock of both such corporations is owned, directly or through
24 one or more wholly owned subsidiaries, by a common parent
25 corporation; the property was in use prior to July 1, 1989,
26 title to the property was transferred after July 1, 1988, and
27 before July 1, 1989, between members of an affiliated group,
28 as defined in s. 1504(a) of the Internal Revenue Code of 1986,
29 which group included both such corporations and there is no
30 substantial change in the use of the property following the
31 transfer of title; the leasing, subleasing, or licensing of

1 the property was required by an unrelated lender as a
2 condition of providing financing to one or more members of the
3 affiliated group; and the corporation to which the property is
4 leased, subleased, or licensed had sales subject to the tax
5 imposed by this chapter of not less than \$667 million during
6 the most recent 12-month period ended June 30. Any tax on such
7 sales, charges, rentals, admissions, or other transactions
8 made subject to the tax imposed by this chapter shall be
9 collected by the state, county, municipality, any political
10 subdivision, agency, bureau, or department, or other state or
11 local governmental instrumentality in the same manner as other
12 dealers, unless specifically exempted by this chapter.

13 Section 34. Subsection (4) of section 322.142, Florida
14 Statutes, is amended to read:

15 322.142 Color photographic or digital imaged
16 licenses.--

17 (4) The department may maintain a film negative or
18 print file. The department shall maintain a record of the
19 digital image and signature of the licensees, together with
20 other data required by the department for identification and
21 retrieval. Reproductions from the file or digital record shall
22 be made and issued only for departmental administrative
23 purposes, for the issuance of duplicate licenses, in response
24 to law enforcement agency requests, ~~or~~ to the Department of
25 Revenue pursuant to an interagency agreement to facilitate
26 service of process in Title IV-D cases, or to the Department
27 of Financial Services pursuant to an interagency agreement to
28 facilitate the location of owners of unclaimed property, the
29 validation of unclaimed property claims, and the
30 identification of fraudulent or false claims, and are exempt
31 from the provisions of s. 119.07(1).

1 Section 35. Paragraph (1) is added to subsection (4)
2 of section 395.3025, Florida Statutes, and subsection (10) of
3 that section is amended, to read:

4 395.3025 Patient and personnel records; copies;
5 examination.--

6 (4) Patient records are confidential and must not be
7 disclosed without the consent of the person to whom they
8 pertain, but appropriate disclosure may be made without such
9 consent to:

10 (1) The Department of Financial Services, or an agent,
11 employee, or independent contractor of the department who is
12 auditing for unclaimed property pursuant to chapter 717.

13 (10) The home addresses, telephone numbers, social
14 security numbers, and photographs of employees of any licensed
15 facility who provide direct patient care or security services;
16 the home addresses, telephone numbers, social security
17 numbers, photographs, and places of employment of the spouses
18 and children of such persons; and the names and locations of
19 schools and day care facilities attended by the children of
20 such persons are confidential and exempt from s. 119.07(1) and
21 s. 24(a), Art. I of the State Constitution. However, any state
22 or federal agency that is authorized to have access to such
23 information by any provision of law shall be granted such
24 access in the furtherance of its statutory duties,
25 notwithstanding the provisions of this subsection. The
26 Department of Financial Services, or an agent, employee, or
27 independent contractor of the department who is auditing for
28 unclaimed property pursuant to chapter 717, shall be granted
29 access to the name, address, and social security number of any
30 employee owed unclaimed property.This subsection is subject
31 to the Open Government Sunset Review Act of 1995 in accordance

1 with s. 119.15, and shall stand repealed on October 2, 2004,
2 unless reviewed and saved from repeal through reenactment by
3 the Legislature.

4 Section 36. This act shall take effect October 1,
5 2004.

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 2288

10 Eliminates the net worth and surety bond requirements for an
11 attorney, certified public accountant, or private investigator
12 to be registered with the Department of Financial Services
13 under ch. 717, F.S.

14 States that the fee caps placed on a claimant's representative
15 for the recovery of property do not apply if probate
16 proceedings must be initiated on behalf of the claimant for an
17 estate that has never been probated.

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