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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a final inspection within a specified timeframe; specifying that an application is deemed abandoned, rather than withdrawn, under certain

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26       circumstances; amending s. 215.96, F.S.; revising the  
27       composition of the coordinating council; deleting a  
28       requirement for the design and coordination staff;  
29       requiring minutes of meetings to be available to  
30       interested persons; revising the composition of ex  
31       officio members of the council; revising the duties,  
32       powers, and responsibilities of the council; amending  
33       s. 284.08, F.S.; authorizing the department to  
34       determine what property insurance coverage is  
35       necessary; authorizing the department to purchase  
36       certain insurance coverages; authorizing the  
37       department to contract with insurance or reinsurance  
38       brokers for certain purposes; amending s. 284.33,  
39       F.S.; authorizing the department to purchase certain  
40       insurance coverages; authorizing the department to  
41       contract with insurance or reinsurance brokers for  
42       certain purposes; amending s. 440.13, F.S.; revising  
43       the timeframe in which health care providers must  
44       petition the department to resolve utilization and  
45       reimbursement disputes; revising petition service  
46       requirements; revising the timeframe in which the  
47       panel determining the statewide schedule of maximum  
48       reimbursement allowances must submit certain  
49       recommendations to the Legislature; creating s.  
50       497.1411, F.S.; defining the term "applicant";

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51 specifying that certain applicants are permanently  
52 barred from licensure; specifying that certain  
53 applicants are subject to disqualifying periods;  
54 requiring the Board of Funeral, Cemetery, and Consumer  
55 Services to adopt rules; specifying requirements,  
56 authorizations, and prohibitions for such rules;  
57 specifying when a disqualifying period begins;  
58 specifying that the applicant has certain burdens to  
59 demonstrate that he or she is qualified for licensure;  
60 specifying that certain applicants who have been  
61 granted a pardon or restoration of civil rights are  
62 not barred or disqualified from licensure; specifying  
63 that such pardon or restoration does not require the  
64 board to award a license; authorizing the board to  
65 grant an exemption from disqualification under certain  
66 circumstances; specifying requirements for the  
67 applicant in order for the board to grant an  
68 exemption; specifying that the board has discretion to  
69 grant or deny an exemption; specifying that certain  
70 decisions are subject to ch. 120, F.S.; providing  
71 applicability and construction; amending s. 497.142,  
72 F.S.; prohibiting an application from being deemed  
73 complete under certain circumstances; revising the  
74 list of crimes to be disclosed on a license  
75 application; amending s. 626.171, F.S.; deleting

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76       reinsurance intermediaries from certain application  
77       requirements; revising the list of persons from whom  
78       the department is required to accept uniform  
79       applications; making clarifying changes regarding the  
80       voluntary submission of cellular telephone numbers;  
81       revising the exemption from the application filing fee  
82       for members of the United States Armed Forces;  
83       amending s. 626.292, F.S.; revising applicant  
84       requirements for a license transfer; amending s.  
85       626.611, F.S.; requiring the department to require  
86       license reexamination of certain persons, and suspend  
87       or revoke the eligibility to hold a license or  
88       appointment of such persons under certain  
89       circumstances; amending the grounds for suspension or  
90       revocation; amending 626.621, F.S.; authorizing the  
91       department to require an reexamination of certain  
92       persons; amending s. 626.731, F.S.; revising the  
93       qualifications for a general lines agent's license;  
94       amending s. 626.785, F.S.; revising the qualifications  
95       for a life agent's license; amending s. 626.831, F.S.;  
96       revising the qualifications for a health agent's  
97       license; amending s. 626.854, F.S.; requiring a public  
98       adjuster, public adjuster apprentice, or public  
99       adjusting firm to respond with specific information  
100      within a specified timeframe and document in the file

101 the response or information provided; amending s.  
102 648.34, F.S.; revising requirements for bail bond  
103 agent applicants; amending s. 648.382, F.S.; requiring  
104 officers or officials of the appointing insurer to  
105 obtain, rather than submit, certain information;  
106 amending s. 717.001, F.S.; revising the short title;  
107 amending s. 717.101, F.S.; revising and adding  
108 definitions; amending s. 717.102, F.S.; providing that  
109 certain intangible property is presumed abandoned;  
110 deleting a provision relating to the presumption that  
111 certain intangible property is presumed unclaimed;  
112 specifying the dormancy period for property presumed  
113 abandoned; requiring that property be considered  
114 payable or distributable under certain circumstances;  
115 deleting a provision relating to when property is  
116 payable or distributable; revising a presumption;  
117 providing that property shall be presumed abandoned  
118 under certain circumstances; providing an exception;  
119 amending s. 717.103, F.S.; requiring that intangible  
120 property be subject to the custody of the department  
121 under certain circumstances; amending criteria for  
122 when intangible property is subject to the custody of  
123 the department; repealing s. 717.1035, F.S., relating  
124 to property originated or issued by this state, any  
125 political subdivision of this state, or any entity

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126 incorporated, organized, created, or otherwise located  
127 in the state; amending ss. 717.104, 717.1045, 717.105,  
128 717.106, 717.107, 717.1071, 717.108, and 717.109,  
129 F.S.; conforming provisions to changes made by the  
130 act; amending s. 717.1101, F.S.; revising the  
131 timelines and conditions under which stock, other  
132 equity interests, or debt of a business association is  
133 considered abandoned; requiring the holder to attempt  
134 to confirm the apparent owner's interest in the equity  
135 interest by sending an e-mail communication under  
136 certain circumstances; requiring the holder to attempt  
137 to contact the apparent owner by first-class United  
138 States mail under certain circumstances; specifying  
139 that equity interest is presumed abandoned under  
140 certain circumstances; revising when unmatured,  
141 unredeemed, matured, or redeemed debt is presumed  
142 abandoned; specifying that the applicable dormancy  
143 period ceases under certain circumstances; revising  
144 the timeframe that a sum held or owing by a business  
145 association is presumed abandoned; amending ss.  
146 717.111, 717.112, 717.1125, 717.113, 717.115, and  
147 717.116, F.S.; conforming provisions to changes made  
148 by the act; amending s. 717.117, F.S.; specifying that  
149 property is presumed abandoned upon the expiration of  
150 the applicable dormancy periods; specifying that

151 property is not deemed abandoned for certain purposes  
152 until the holder meets certain requirements; requiring  
153 holders of property presumed abandoned that has a  
154 specified value to use due diligence to locate and  
155 notify the apparent owner; requiring, before a  
156 specified timeframe, a holder in possession of  
157 presumed abandoned property to send a specified  
158 written notice to the apparent owner; specifying the  
159 method of delivery of such notice; requiring, before a  
160 specified timeframe, the holder to send a second  
161 written notice under certain circumstances;  
162 authorizing the reasonable cost for the notice to be  
163 deducted from the property; specifying that a signed  
164 return receipt constitutes an affirmative  
165 demonstration of continued interest; specifying  
166 requirements of the written notice; requiring holders  
167 of abandoned property to submit a specified report to  
168 the department; prohibiting certain balances,  
169 overpayments, deposits, and refunds from being  
170 reported as abandoned property; prohibiting certain  
171 securities from being included in the report;  
172 requiring the holder to report and deliver such  
173 securities under certain circumstances; requiring the  
174 report to be signed and verified and contain a  
175 specified statement; deleting certain provisions

176       relating to the due diligence and notices to apparent  
177       owners; amending s. 717.118, F.S.; revising the  
178       state's obligation to notify apparent owners that  
179       their abandoned property has been reported and  
180       remitted to the department; requiring the department  
181       to use a cost-effective means to make an attempt to  
182       notify certain apparent owners; specifying  
183       requirements for the notice; requiring the department  
184       to maintain a specified website; revising  
185       applicability; amending s. 717.119, F.S.; conforming  
186       provisions to changes made by the act; revising  
187       requirements for firearm or ammunition found in an  
188       abandoned safe-deposit box or safekeeping repository;  
189       revising requirements if a will or trust instrument is  
190       included among the contents of an abandoned safe-  
191       deposit box or safekeeping repository; amending ss.  
192       717.1201 and 717.122, F.S.; conforming provisions to  
193       changes made by the act; amending s. 717.123, F.S.;  
194       conforming provisions to changes made by the act;  
195       revising the name of a certain trust fund; revising  
196       the amount the department must retain from certain  
197       funds received; revising a required transfer of funds  
198       to the State School Fund; amending s. 717.1235, F.S.;  
199       conforming provisions to changes made by the act;  
200       amending s. 717.124, F.S.; conforming provisions to

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201 changes made by the act; deleting provisions related  
202 to requirements of claimant's representatives;  
203 specifying that the department is authorized to make a  
204 distribution of property or money in accordance with a  
205 specified agreement under certain circumstances;  
206 requiring shares of securities to be delivered  
207 directly to the claimant under certain circumstances;  
208 deleting a provision authorizing the department to  
209 develop a process by which a buyer of unclaimed  
210 property may electronically submit certain images and  
211 documents; deleting provisions relating to a buyer of  
212 unclaimed property's filing of a claim; amending s.  
213 717.12403, F.S.; conforming provisions to changes made  
214 by the act; amending s. 717.12404, F.S.; requiring  
215 claims on behalf of an active corporation to include a  
216 specified driver license; conforming provisions to  
217 changes made by the act; amending ss. 717.12405 and  
218 717.12406, F.S.; conforming provisions to changes made  
219 by the act; amending s. 717.1241, F.S.; defining the  
220 term "conflicting claim"; conforming provisions to  
221 changes made by the act; revising requirements for  
222 remitting property when conflicting claims have been  
223 received by the department; amending ss. 717.1242,  
224 717.1243, 717.1244, 717.1245, 717.125, 717.126,  
225 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and

226 717.132, F.S.; conforming provisions to changes made  
227 by the act; amending s. 717.1322, F.S.; revising the  
228 acts that constitute grounds for administrative  
229 enforcement action by the department; conforming  
230 provisions to changes made by the act; amending ss.  
231 717.133, 717.1333, and 717.1341, F.S.; conforming  
232 provisions to changes made by the act; amending s.  
233 717.135, F.S.; conforming provisions to changes made  
234 by the act; deleting applicability; creating s.  
235 717.1356, F.S.; specifying that agreements for the  
236 purchase of abandoned property reported to the  
237 department are valid only under certain circumstances;  
238 authorizing the seller to cancel a purchase agreement  
239 without penalty or obligation within a specified  
240 timeframe; specifying that the agreement must contain  
241 certain language; requiring a copy of an executed  
242 Florida Abandoned Property Purchase Agreement be filed  
243 with the purchaser's claim; prohibiting the department  
244 from approving the claim under certain circumstances;  
245 specifying that certain purchase agreements are  
246 enforceable only by the seller; amending s. 717.138,  
247 F.S.; conforming provisions to changes made by the  
248 act; amending s. 717.1382, F.S.; conforming provisions  
249 to changes made by the act; conforming a cross-  
250 reference; amending s. 717.139, F.S.; providing

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251 legislative findings; revising a statement of public  
252 policy; deleting a legislative declaration; providing  
253 legislative intent; prohibiting title to abandoned  
254 property from transferring to the state except under  
255 certain circumstances; amending s. 717.1400, F.S.;  
256 requiring an individual to meet certain requirements  
257 in order to file claims as a claimant representative;  
258 revising application requirements for registering as a  
259 claimant representative; requiring claimant  
260 representatives to file and obtain payment on a  
261 specified number of claims within a specified  
262 timeframe to maintain active registration; requiring  
263 the department to notify the claimant representative  
264 in writing and provide a certain timeframe to  
265 demonstrate compliance or good cause for noncompliance  
266 under certain circumstances; requiring the department  
267 to revoke a registration under certain circumstances;  
268 prohibiting a claimant representative from reapplying  
269 under certain circumstances; amending ss. 197.582 and  
270 626.9541, F.S.; conforming cross-references;  
271 reenacting s. 772.13(6)(a), F.S., relating to  
272 postjudgment execution proceedings to enforce a  
273 judgment entered against a terrorist party, to  
274 incorporate the amendment made to s. 717.101, F.S., in  
275 a reference thereto; providing an effective date.

276

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

278

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

281 215.422 Payments, warrants, and invoices; processing time  
282 limits; dispute resolution; agency or judicial branch  
283 compliance.—

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

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

296 215.5586 My Safe Florida Home Program.—There is  
297 established within the Department of Financial Services the My  
298 Safe Florida Home Program. The department shall provide fiscal  
299 accountability, contract management, and strategic leadership  
300 for the program, consistent with this section. This section does

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

319 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

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

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

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

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

336 (I) A detached residential property; or  
337 (II) An attached residential property not exceeding three  
338 stories. A townhouse as defined in s. 481.203;

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

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

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

350 2. An applicant may submit a subsequent hurricane

351 mitigation inspection application for the same home only if:

352 a. The original hurricane mitigation inspection

353 application has been denied or withdrawn because of material  
354 errors or omissions in the application;

355 b. The original hurricane mitigation inspection

356 application was denied or withdrawn because the applicant home  
357 did not meet the eligibility criteria for an inspection at the  
358 time of the previous application, and the applicant homeowner  
359 reasonably believes that he or she is the home now is eligible  
360 for an inspection; or

361 c. The program's eligibility requirements for an

362 inspection have changed since the original application date, and  
363 the applicant reasonably believes that her or she the home is  
364 eligible under the new requirements; or.

365 d. More than 24 months have passed since the applicant

366 received a hurricane mitigation inspection under this section,  
367 and the applicant has not received a grant payment through the  
368 program for that inspection.

369 (c) An applicant meeting the requirements of paragraph (a)

370 may receive an inspection of the a home through under the  
371 program without being eligible for a grant under subsection (2)  
372 or applying for such grant.

373 (d) Licensed inspectors are to provide initial home

374 inspections of eligible homes to determine ~~what mitigation~~  
375 ~~measures are needed,~~ what insurance premium discounts may be

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

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

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

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

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

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

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

401 mitigation grant if all of the following criteria are met:

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

404 2. The home must be a dwelling with an insured value of  
405 \$700,000 or less. Applicants ~~Homeowners~~ who are low-income  
406 persons, as defined in s. 420.0004(11), are exempt from this  
407 requirement.

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

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

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

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

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

425 b. The hurricane mitigation inspection must have occurred

426 within the previous 24 months from the date of application.

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

431 d. This subparagraph expires July 1, 2026.

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

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

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

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

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

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

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

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

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

- 469       1. Opening protection improvements, including:
  - 470       a. Exterior doors ~~,~~
  - 471       b. Garage doors ~~,~~
  - 472       c. Windows ~~,~~ and
  - 473       d. Skylights.
- 474       2. Roof improvements, including:
  - 475       a. Reinforcing roof-to-wall connections.

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

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

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

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

489        (h) Low-income applicants ~~homeowners~~, as defined in s.  
490 420.0004(11), who otherwise meet the applicable requirements of  
491 this subsection are eligible for a grant of up to \$10,000 and  
492 are not required to provide a matching amount to receive the  
493 grant.

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

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

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

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

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

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

512        e. Last, all other applications.

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

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

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

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

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

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

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

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

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

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

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

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551 apparent error or omission.

552 (8) CONTRACT MANAGEMENT.—

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

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

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

576        215.96 Coordinating council and design and coordination  
577 staff.—

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

601 approval to the Financial Management Information Board.

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

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

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

626 any interested person.

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

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

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

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

647 284.08 Purchase of insurance, excess insurance,  
648 reinsurance, and services Reinsurance on excess coverage and  
649 approval by Department of Management Services.—Notwithstanding  
650 the requirements of s. 287.022(1), the Department of Financial

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

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

661 284.33 Purchase of insurance, reinsurance, excess  
662 insurance, and services.—

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

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

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

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

709       440.13 Medical services and supplies; penalty for  
710 violations; limitations.—

711       (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

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

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

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## 726 REIMBURSEMENT ALLOWANCES.—

727 (j) In addition to establishing the uniform schedule of  
728 maximum reimbursement allowances, the panel shall:729 1. Take testimony, receive records, and collect data to  
730 evaluate the adequacy of the workers' compensation fee schedule,  
731 nationally recognized fee schedules and alternative methods of  
732 reimbursement to health care providers and health care  
733 facilities for inpatient and outpatient treatment and care.734 2. Survey health care providers and health care facilities  
735 to determine the availability and accessibility of workers'  
736 compensation health care delivery systems for injured workers.737 3. Survey carriers to determine the estimated impact on  
738 carrier costs and workers' compensation premium rates by  
739 implementing changes to the carrier reimbursement schedule or  
740 implementing alternative reimbursement methods.741 4. Submit recommendations on or before January 15, 2031  
742 ~~2017~~, and every 5 years biennially thereafter, to the President  
743 of the Senate and the Speaker of the House of Representatives on  
744 methods to improve the workers' compensation health care  
745 delivery system.746  
747 The department, as requested, shall provide data to the panel,  
748 including, but not limited to, utilization trends in the  
749 workers' compensation health care delivery system. The  
750 department shall provide the panel with an annual report

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

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

766 497.1411 Disqualification of applicants and licenses;  
767 penalties against licensees; rulemaking.—

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

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

776 licensure under this chapter:

777 (a) A felony of the first degree.

778 (b) A felony involving conduct prohibited under chapter  
779 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter  
780 825, chapter 827, or chapter 847.

781 (c) A felony involving moral turpitude.

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

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

788 Notwithstanding subsection (4), an applicant who has completed  
789 at least one-half of the disqualifying period may apply for a  
790 probationary license for the remainder of the disqualifying  
791 period if, during that time, the applicant has not been found  
792 guilty of, or has not entered a plea of guilty or nolo  
793 contendere to, any offense.

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

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

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

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

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

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

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826 such license.

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

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

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

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

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

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851 to chapter 120.

852 (9) The disqualification periods provided in this section  
853 do not apply to the renewal of a license or to a new application  
854 for licensure if the applicant has an active license as of July  
855 1, 2026, and the applicable criminal history was considered by  
856 the board on the prior approval of any active license held by  
857 the applicant. This section does not affect any criminal history  
858 disclosure requirements of this chapter.

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

861 497.142 Licensing; fingerprinting and criminal background  
862 checks.—

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

872 (10)

873 (c) Crimes to be disclosed are:

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

876 aspect of the practice or business of funeral directing,  
877 embalming, direct disposition, cremation, funeral or cemetery  
878 preneed sales, funeral establishment operations, cemetery  
879 operations, or cemetery monument or marker sales or  
880 installation.

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

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

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

892 626.171 Application for license as an agent, customer  
893 representative, adjuster, or service representative, ~~or~~  
894 ~~reinsurance intermediary~~.-

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

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

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

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

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

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

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

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

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

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

931 (g) The applicant's native language.

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

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

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

941  
942 However, the application must contain a statement that an  
943 applicant is not required to disclose his or her race or  
944 ethnicity, gender, or native language, that he or she will not  
945 be penalized for not doing so, and that the department will use  
946 this information exclusively for research and statistical  
947 purposes and to improve the quality and fairness of the  
948 examinations. The department may shall make provisions for  
949 applicants to voluntarily submit their cellular telephone  
950 numbers as part of the application process solely on a voluntary

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

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

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

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

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

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

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

988 **Section 10. Paragraph (c) of subsection (2) of section  
989 626.292, Florida Statutes, is amended to read:**

990 626.292 Transfer of license from another state.—

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

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

997 624.501 and submission of the following documents:

998 1. A certification issued by the appropriate official of  
999 the applicant's home state identifying the type of license and  
1000 lines of authority under the license and stating that, ~~at the~~

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1001 time the license from the home state was canceled, the applicant  
1002 was in good standing in that state or that the state's Producer  
1003 Database records, maintained by the National Association of  
1004 Insurance Commissioners, its affiliates, or subsidiaries,  
1005 indicate that the agent or all-lines adjuster is or was licensed  
1006 in good standing for the line of authority requested. An  
1007 applicant may hold a resident license in another state for 30  
1008 days after the Florida resident license has been issued to  
1009 facilitate the transfer of licensure between states.

1010 2. A set of the applicant's fingerprints in accordance  
1011 with s. 626.171(4).

1012 **Section 11. Subsection (1) of section 626.611, Florida**  
1013 **Statutes, is amended to read:**

1014 626.611 Grounds for compulsory refusal, suspension, or  
1015 revocation of agent's, title agency's, adjuster's, customer  
1016 representative's, service representative's, or managing general  
1017 agent's license or appointment.—

1018 (1) The department shall require license reexamination,  
1019 deny an application for, suspend, revoke, or refuse to renew or  
1020 continue the license or appointment of any applicant, agent,  
1021 title agency, adjuster, customer representative, service  
1022 representative, or managing general agent, and it shall suspend  
1023 or revoke the eligibility to hold a license or appointment of  
1024 any such person, if it finds that as to the applicant, licensee,  
1025 or appointee any one or more of the following applicable grounds

1026 exist:

1027 (a) Lack of one or more of the qualifications for the  
1028 license or appointment as specified in this code.

1029 (b) Material misstatement, misrepresentation, or fraud in  
1030 obtaining the license or appointment or in attempting to obtain  
1031 the license or appointment.

1032 (c) Failure to pass to the satisfaction of the department  
1033 any examination required under this code, including cheating on  
1034 an examination required for licensure or violating test center  
1035 or examination procedures published orally, in writing, or  
1036 electronically at the test site by authorized representatives of  
1037 the examination program administrator.

1038 (d) If the license or appointment is willfully used, or to  
1039 be used, to circumvent any of the requirements or prohibitions  
1040 of this code.

1041 (e) Willful misrepresentation of any insurance policy or  
1042 annuity contract or willful deception with regard to any such  
1043 policy or contract, done either in person or by any form of  
1044 dissemination of information or advertising.

1045 (f) If, as an adjuster, or agent licensed and appointed to  
1046 adjust claims under this code, he or she has materially  
1047 misrepresented to an insured or other interested party the terms  
1048 and coverage of an insurance contract with intent and for the  
1049 purpose of effecting settlement of claim for loss or damage or  
1050 benefit under such contract on less favorable terms than those

1051 provided in and contemplated by the contract.

1052 (g) Demonstrated lack of fitness or trustworthiness to  
1053 engage in the business of insurance.

1054 (h) Demonstrated lack of reasonably adequate knowledge and  
1055 technical competence to engage in the transactions authorized by  
1056 the license or appointment.

1057 (i) Fraudulent or dishonest practices in the conduct of  
1058 business under the license or appointment.

1059 (j) Misappropriation, conversion, or unlawful withholding  
1060 of moneys belonging to insurers or insureds or beneficiaries or  
1061 to others and received in conduct of business under the license  
1062 or appointment.

1063 (k) Unlawfully rebating, attempting to unlawfully rebate,  
1064 or unlawfully dividing or offering to divide his or her  
1065 commission with another.

1066 (l) Having obtained or attempted to obtain, or having used  
1067 or using, a license or appointment as agent or customer  
1068 representative for the purpose of soliciting or handling  
1069 "controlled business" as defined in s. 626.730 with respect to  
1070 general lines agents, s. 626.784 with respect to life agents,  
1071 and s. 626.830 with respect to health agents.

1072 (m) Willful failure to comply with, or willful violation  
1073 of, any proper order or rule of the department or willful  
1074 violation of any provision of this code.

1075 (n) Having been found guilty of or having pleaded guilty

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1076 or nolo contendere to a misdemeanor directly related to the  
1077 financial services business, any felony, or any crime punishable  
1078 by imprisonment of 1 year or more under the law of the United  
1079 States of America or of any state thereof or under the law of  
1080 any other country, without regard to whether a judgment of  
1081 conviction has been entered by the court having jurisdiction of  
1082 such cases.

1083 (o) Fraudulent or dishonest practice in submitting or  
1084 aiding or abetting any person in the submission of an  
1085 application for workers' compensation coverage under chapter 440  
1086 containing false or misleading information as to employee  
1087 payroll or classification for the purpose of avoiding or  
1088 reducing the amount of premium due for such coverage.

1089 (p) Sale of an unregistered security that was required to  
1090 be registered, pursuant to chapter 517.

1091 (q) In transactions related to viatical settlement  
1092 contracts as defined in s. 626.9911:

1093 1. Commission of a fraudulent or dishonest act.

1094 2. No longer meeting the requirements for initial  
1095 licensure.

1096 3. Having received a fee, commission, or other valuable  
1097 consideration for his or her services with respect to viatical  
1098 settlements that involved unlicensed viatical settlement  
1099 providers or persons who offered or attempted to negotiate on  
1100 behalf of another person a viatical settlement contract as

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1101 defined in s. 626.9911 and who were not licensed life agents.

1102 4. Dealing in bad faith with viators.

1103 **Section 12. Section 626.621, Florida Statutes, is amended**  
1104 **to read:**

1105 626.621 Grounds for discretionary refusal, suspension, or  
1106 revocation of agent's, adjuster's, customer representative's,  
1107 service representative's, or managing general agent's license or  
1108 appointment.—The department may, in its discretion, require a  
1109 license reexamination, deny an application for, suspend, revoke,  
1110 or refuse to renew or continue the license or appointment of any  
1111 applicant, agent, adjuster, customer representative, service  
1112 representative, or managing general agent, and it may suspend or  
1113 revoke the eligibility to hold a license or appointment of any  
1114 such person, if it finds that as to the applicant, licensee, or  
1115 appointee any one or more of the following applicable grounds  
1116 exist under circumstances for which such denial, suspension,  
1117 revocation, or refusal is not mandatory under s. 626.611:

1118 (1) Any cause for which issuance of the license or  
1119 appointment could have been refused had it then existed and been  
1120 known to the department.

1121 (2) Violation of any provision of this code or of any  
1122 other law applicable to the business of insurance in the course  
1123 of dealing under the license or appointment.

1124 (3) Violation of any lawful order or rule of the  
1125 department, commission, or office.

1126 (4) Failure or refusal, upon demand, to pay over to any  
1127 insurer he or she represents or has represented any money coming  
1128 into his or her hands belonging to the insurer.

1129 (5) Violation of the provision against twisting, as  
1130 defined in s. 626.9541(1)(l).

1131 (6) In the conduct of business under the license or  
1132 appointment, engaging in unfair methods of competition or in  
1133 unfair or deceptive acts or practices, as prohibited under part  
1134 IX of this chapter, or having otherwise shown himself or herself  
1135 to be a source of injury or loss to the public.

1136 (7) Willful overinsurance of any property or health  
1137 insurance risk.

1138 (8) If a life agent, violation of the code of ethics.

1139 (9) Cheating on an examination required for licensure or  
1140 violating test center or examination procedures published  
1141 orally, in writing, or electronically at the test site by  
1142 authorized representatives of the examination program  
1143 administrator. Communication of test center and examination  
1144 procedures must be clearly established and documented.

1145 (10) Failure to inform the department in writing within 30  
1146 days after pleading guilty or nolo contendere to, or being  
1147 convicted or found guilty of, any felony or a crime punishable  
1148 by imprisonment of 1 year or more under the law of the United  
1149 States or of any state thereof, or under the law of any other  
1150 country without regard to whether a judgment of conviction has

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1151 been entered by the court having jurisdiction of the case.

1152 (11) Knowingly aiding, assisting, procuring, advising, or  
1153 abetting any person in the violation of or to violate a  
1154 provision of the insurance code or any order or rule of the  
1155 department, commission, or office.

1156 (12) Has been the subject of or has had a license, permit,  
1157 appointment, registration, or other authority to conduct  
1158 business subject to any decision, finding, injunction,  
1159 suspension, prohibition, revocation, denial, judgment, final  
1160 agency action, or administrative order by any court of competent  
1161 jurisdiction, administrative law proceeding, state agency,  
1162 federal agency, national securities, commodities, or option  
1163 exchange, or national securities, commodities, or option  
1164 association involving a violation of any federal or state  
1165 securities or commodities law or any rule or regulation adopted  
1166 thereunder, or a violation of any rule or regulation of any  
1167 national securities, commodities, or options exchange or  
1168 national securities, commodities, or options association.

1169 (13) Failure to comply with any civil, criminal, or  
1170 administrative action taken by the child support enforcement  
1171 program under Title IV-D of the Social Security Act, 42 U.S.C.  
1172 ss. 651 et seq., to determine paternity or to establish, modify,  
1173 enforce, or collect support.

1174 (14) Directly or indirectly accepting any compensation,  
1175 inducement, or reward from an inspector for the referral of the

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1176 owner of the inspected property to the inspector or inspection  
1177 company. This prohibition applies to an inspection intended for  
1178 submission to an insurer in order to obtain property insurance  
1179 coverage or establish the applicable property insurance premium.

1180 (15) Denial, suspension, or revocation of, or any other  
1181 adverse administrative action against, a license to practice or  
1182 conduct any regulated profession, business, or vocation by this  
1183 state, any other state, any nation, any possession or district  
1184 of the United States, any court, or any lawful agency thereof.

1185 (16) Taking an action that allows the personal financial  
1186 or medical information of a consumer or customer to be made  
1187 available or accessible to the general public, regardless of the  
1188 format in which the record is stored.

1189 (17) Initiating in-person or telephone solicitation after  
1190 9 p.m. or before 8 a.m. local time of the prospective customer  
1191 unless requested by the prospective customer.

1192 (18) Cancellation of the applicant's, licensee's, or  
1193 appointee's resident license in a state other than Florida.

1194 **Section 13. Subsection (1) of section 626.731, Florida  
1195 Statutes, is amended to read:**

1196 626.731 Qualifications for general lines agent's license.—

1197 (1) The department may ~~shall~~ not grant or issue a license  
1198 as general lines agent to any individual found by it to be  
1199 untrustworthy or incompetent or who does not meet each all of  
1200 the following qualifications:

1201 (a) The applicant is a natural person at least 18 years of  
1202 age.

1203 (b) The applicant is a United States citizen or legal  
1204 alien who possesses work authorization from the United States  
1205 Bureau of Citizenship and Immigration Services and is a bona  
1206 fide resident of this state. ~~An individual who is a bona fide~~  
1207 ~~resident of this state shall be deemed to meet the residence~~  
1208 ~~requirement of this paragraph, notwithstanding the existence at~~  
1209 ~~the time of application for license of a license in his or her~~  
1210 ~~name on the records of another state as a resident licensee of~~  
1211 ~~such other state, if the applicant furnishes a letter of~~  
1212 ~~clearance satisfactory to the department that the resident~~  
1213 ~~licenses have been canceled or changed to a nonresident basis~~  
1214 ~~and that he or she is in good standing.~~

1215 (c) The applicant's place of business will be located in  
1216 this state and he or she will be actively engaged in the  
1217 business of insurance and will maintain a place of business, the  
1218 location of which is identifiable by and accessible to the  
1219 public.

1220 (d) The license is not being sought for the purpose of  
1221 writing or handling controlled business, in violation of s.  
1222 626.730.

1223 (e) The applicant is qualified as to knowledge,  
1224 experience, or instruction in the business of insurance and  
1225 meets the requirements provided in s. 626.732.

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1226 (f) The applicant has passed any required examination for  
1227 license required under s. 626.221.

1228 **Section 14. Subsection (2) of section 626.785, Florida  
1229 Statutes, is amended to read:**

1230 626.785 Qualifications for license.—

1231 ~~(2) An individual who is a bona fide resident of this  
1232 state shall be deemed to meet the residence requirement of  
1233 paragraph (1)(b), notwithstanding the existence at the time of  
1234 application for license of a license in his or her name on the  
1235 records of another state as a resident licensee of such other  
1236 state, if the applicant furnishes a letter of clearance  
1237 satisfactory to the department that the resident licenses have  
1238 been canceled or changed to a nonresident basis and that he or  
1239 she is in good standing.~~

1240 **Section 15. Section 626.831, Florida Statutes, is amended  
1241 to read:**

1242 626.831 Qualifications for license.—

1243 ~~(1) The department may shall not grant or issue a license  
1244 as health agent as to any individual found by it to be  
1245 untrustworthy or incompetent, or who does not meet all of the  
1246 following qualifications:~~

1247 ~~(1)(a) Is Must be a natural person of at least 18 years of  
1248 age.~~

1249 ~~(2)(b) Is Must be a United States citizen or legal alien  
1250 who possesses work authorization from the United States Bureau~~

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1251 of Citizenship and Immigration Services and is a bona fide  
1252 resident of this state.

1253 (3)(e) Is ~~Must~~ not be an employee of the United States  
1254 Department of Veterans Affairs or state service office, as  
1255 referred to in s. 626.833.

1256 (4)(d) Has taken ~~Must take~~ and passed ~~pass~~ any examination  
1257 for license required under s. 626.221.

1258 (5)(e) Is ~~Must~~ be qualified as to knowledge, experience,  
1259 or instruction in the business of insurance and meets ~~meet~~ the  
1260 requirements relative thereto provided in s. 626.8311.

1261 ~~(2) An individual who is a bona fide resident of this~~  
1262 ~~state shall be deemed to meet the residence requirement of~~  
1263 ~~paragraph (1)(b), notwithstanding the existence at the time of~~  
1264 ~~application for license of a license in his or her name on the~~  
1265 ~~records of another state as a resident licensee of such other~~  
1266 ~~state, if the applicant furnishes a letter of clearance~~  
1267 ~~satisfactory to the department that the resident licenses have~~  
1268 ~~been canceled or changed to a nonresident basis and that he or~~  
1269 ~~she is in good standing.~~

1270 **Section 16. Subsection (24) is added to section 626.854,  
1271 Florida Statutes, to read:**

1272 626.854 "Public adjuster" defined; prohibitions.—The  
1273 Legislature finds that it is necessary for the protection of the  
1274 public to regulate public insurance adjusters and to prevent the  
1275 unauthorized practice of law.

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1276        (24) A public adjuster, public adjuster apprentice, or  
1277 public adjusting firm must respond with specific information to  
1278 a written or electronic request for claims status from a  
1279 claimant or insured or their designated representative within 14  
1280 days after the date of the request and shall document in the  
1281 file the response or information provided.

1282        **Section 17. Subsection (4) of section 648.34, Florida**  
1283 **Statutes, is amended to read:**

1284        648.34 Bail bond agents; qualifications.—

1285        (4) The applicant shall furnish, with his or her  
1286 application, a complete set of his or her fingerprints in  
1287 accordance with s. 626.171(4) ~~and a recent credential-sized,~~  
1288 ~~fullface photograph of the applicant.~~ The department may ~~shall~~  
1289 not authorize an applicant to take the required examination  
1290 until the department has received a report from the Department  
1291 of Law Enforcement and the Federal Bureau of Investigation  
1292 relative to the existence or nonexistence of a criminal history  
1293 report based on the applicant's fingerprints.

1294        **Section 18. Subsection (2) of section 648.382, Florida**  
1295 **Statutes, is amended to read:**

1296        648.382 Appointment of bail bond agents and bail bond  
1297 agencies; effective date of appointment.—

1298        (2) Before any appointment, an appropriate officer or  
1299 official of the appointing insurer must obtain all of the  
1300 following information submit:

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1301 (a) A certified statement or affidavit to the department  
1302 stating what investigation has been made concerning the proposed  
1303 appointee and the proposed appointee's background and the  
1304 appointing person's opinion to the best of his or her knowledge  
1305 and belief as to the moral character and reputation of the  
1306 proposed appointee. In lieu of such certified statement or  
1307 affidavit, by authorizing the effectuation of an appointment for  
1308 a licensee, the appointing entity certifies to the department  
1309 that such investigation has been made and that the results of  
1310 the investigation and the appointing person's opinion is that  
1311 the proposed appointee is a person of good moral character and  
1312 reputation and is fit to engage in the bail bond business.†

1313 (b) An affidavit under oath on a form prescribed by the  
1314 department, signed by the proposed appointee, stating that  
1315 premiums are not owed to any insurer and that the appointee will  
1316 discharge all outstanding forfeitures and judgments on bonds  
1317 previously written. If the appointee does not satisfy or  
1318 discharge such forfeitures or judgments, the former insurer  
1319 shall file a notice, with supporting documents, with the  
1320 appointing insurer, the former agent or agency, and the  
1321 department, stating under oath that the licensee has failed to  
1322 timely satisfy forfeitures and judgments on bonds written and  
1323 that the insurer has satisfied the forfeiture or judgment from  
1324 its own funds. Upon receipt of such notification and supporting  
1325 documents, the appointing insurer shall immediately cancel the

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1326 licensee's appointment. The licensee may be reappointed only  
1327 upon certification by the former insurer that all forfeitures  
1328 and judgments on bonds written by the licensee have been  
1329 discharged. The appointing insurer or former agent or agency  
1330 may, within 10 days, file a petition with the department seeking  
1331 relief from this paragraph. Filing of the petition stays the  
1332 duty of the appointing insurer to cancel the appointment until  
1333 the department grants or denies the petition.~~;~~

1334 (c) Any other information that the department reasonably  
1335 requires concerning the proposed appointee.~~;~~; and

1336 (d) Effective January 1, 2025, a certification that the  
1337 appointing entity obtained from each appointee the following  
1338 sworn statement:

1339  
1340 Pursuant to section 648.382(2)(b), Florida Statutes, I  
1341 do solemnly swear that I owe no premium to any insurer  
1342 or agency and that I will discharge all outstanding  
1343 forfeitures and judgments on bonds that have been  
1344 previously written. I acknowledge that failure to do  
1345 this will result in my active appointments being  
1346 canceled.

1347  
1348 An appointed bail bond agency must have the attestation under  
1349 this paragraph signed by its owner.

1350 **Section 19. Section 717.001, Florida Statutes, is amended**

1351 **to read:**

1352       717.001 Short title.—This chapter may be cited as the  
1353 "Florida Disposition of Abandoned Personal Unclaimed Property  
1354 Act."

1355       **Section 20. Present subsections (1) through (4), (5)**  
1356 **through (8), (10) through (13), (15) through (20), (21), (22)**  
1357 **through (28), and (31), (32), and (33) of section 717.101,**  
1358 **Florida Statutes, are redesignated as subsections (4) through**  
1359 **(7), (9) through (12), (13) through (16), (17) through (22),**  
1360 **(24), (26) through (32), and (33), (34), and (35), respectively,**  
1361 **new subsections (1), (2), (3), (8), (23), and (25) are added to**  
1362 **that section, and present subsections (1), (2), (5), (6), (8),**  
1363 **(9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and**  
1364 **(30) of that section are amended, to read:**

1365       717.101 Definitions.—As used in this chapter, unless the  
1366 context otherwise requires:

1367       (1) "Abandoned property" means property held by a holder  
1368 for which all of the following are true:

1369       (a) The apparent owner has shown no activity or indication  
1370 of interest for the duration of the applicable dormancy period  
1371 established under this chapter.

1372       (b) The holder has complied with the due diligence  
1373 requirements set forth in this chapter, including the issuance  
1374 of notice to the apparent owner, and has received no response or  
1375 contact sufficient to demonstrate continued interest in the

1376 property.

1377 (2) "Abandoned Property Purchase Agreement" means the form  
1378 adopted by the department pursuant to s. 717.135 which must be  
1379 used, without modification or amendment, by a claimant  
1380 representative to purchase abandoned property from an owner.

1381 (3) "Abandoned Property Recovery Agreement" means the form  
1382 adopted by the department pursuant to s. 717.135 which must be  
1383 used, without modification or amendment, by a claimant  
1384 representative to obtain consent and authority to recover  
1385 abandoned property on behalf of a person.

1386 (4)-(1) "Aggregate" means the amounts reported for owners  
1387 of abandoned unclaimed property of less than \$10 or where there  
1388 is no name for the individual or entity listed on the holder's  
1389 records, regardless of the amount to be reported.

1390 (5)-(2) "Apparent owner" means the person whose name  
1391 appears on the records of the holder as the owner of the  
1392 abandoned property, but whose status as the true owner entitled  
1393 to receive the property may be subject to change due to the  
1394 passage of time or changes in circumstances person entitled to  
1395 property held, issued, or owing by the holder.

1396 (8) "Authorized representative" means a person or entity  
1397 legally empowered to act on behalf of the apparent owner or his  
1398 or estate, including, but not limited to, an agent, a fiduciary,  
1399 a personal representative, a trustee, a legal heir, a guardian,  
1400 or any other individual or entity authorized by law or

1401 agreement.

1402 (9) (5) "Banking or financial organization" means any and  
1403 all banks, trust companies, private bankers, savings banks,  
1404 industrial banks, safe-deposit companies, savings and loan  
1405 associations, credit unions, savings associations, banking  
1406 organizations, international bank agencies, cooperative banks,  
1407 building and loan associations, and investment companies in this  
1408 state, organized under or subject to the laws of this state or  
1409 of the United States, including entities organized under 12  
1410 U.S.C. s. 611, but does not include federal reserve banks. The  
1411 term also includes any corporation, business association, or  
1412 other organization that:

1413 (a) Is a wholly or partially owned subsidiary of any  
1414 banking, banking corporation, or bank holding company that  
1415 performs any or all of the functions of a banking organization;  
1416 or

1417 (b) Performs functions pursuant to the terms of a contract  
1418 with any banking organization.

1419 (10) (6) "Business association" means any for-profit or  
1420 nonprofit corporation other than a public corporation; joint  
1421 stock company; investment company; unincorporated association or  
1422 association of two or more individuals for business purposes,  
1423 whether or not for profit; partnership; joint venture; limited  
1424 liability company; sole proprietorship; business trust; trust  
1425 company; land bank; safe-deposit company; safekeeping

1426 depository; banking or financial organization; insurance  
1427 company; federally chartered entity; utility company; transfer  
1428 agent; or other business entity, whether or not for profit.

1429 (12) ~~(8)~~ "Claimant ~~claimant's~~ representative" means an  
1430 attorney who is a member in good standing with ~~of~~ The Florida  
1431 Bar, a certified public accountant licensed in this state, or a  
1432 private investigator ~~who is~~ duly licensed ~~to do business in~~ this  
1433 ~~the state, who is~~ registered with the department, and authorized  
1434 to file claims on behalf of persons with the department by the  
1435 ~~claimant to claim unclaimed property on the claimant's behalf.~~  
1436 The term does not include a person acting in a representative or  
1437 fiduciary capacity, such as a personal representative, guardian,  
1438 trustee, or attorney, whose representation is not contingent  
1439 upon the discovery or location of abandoned unclaimed property,  
1440 and it expressly excludes locators, who engage in locating  
1441 owners of abandoned property for a fee but are not registered  
1442 with the department; provided, however, that any agreement  
1443 entered into for the purpose of evading s. 717.135 is invalid  
1444 and unenforceable.

1445 (9) "Credit balance" means an account balance in the  
1446 customer's favor.

1447 (15) ~~(12)~~ "Due diligence" means the use of reasonable and  
1448 prudent methods under particular circumstances to locate  
1449 apparent owners of presumed abandoned property inactive accounts  
1450 using the taxpayer identification number or social security

1451 number, if known, which may include, but are not limited to,  
1452 using a nationwide database, cross-indexing with other records  
1453 of the holder, mailing to the last known address unless the last  
1454 known address is known to be inaccurate, providing written  
1455 notice as described in this chapter by electronic mail if an  
1456 apparent owner has elected such delivery, or engaging a licensed  
1457 agency or company capable of conducting such search and  
1458 providing updated addresses.

1459 (14) ~~"Financial organization"~~ means a savings association,  
1460 savings and loan association, savings bank, industrial bank,  
1461 bank, banking organization, trust company, international bank  
1462 agency, cooperative bank, building and loan association, or  
1463 credit union.

1464 (18) ~~(16)~~ "Holder" means a person who is in possession of  
1465 property belonging to another or who owes a debt or an  
1466 obligation to another person, including, but not limited to,  
1467 financial institutions, insurance companies, corporations,  
1468 partnerships, fiduciaries, and government agencies.

1469 (a) ~~A person who is in possession or control or has  
1470 custody of property or the rights to property belonging to  
1471 another; is indebted to another on an obligation; or is  
1472 obligated to hold for the account of, or to deliver or pay to,  
1473 the owner, property subject to this chapter; or~~

1474 (b) ~~A trustee in case of a trust.~~

1475 (20) ~~(18)~~ "Intangible property" includes, by way of

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1476 illustration and not limitation:

1477 (a) Moneys, checks, virtual currency, drafts, deposits,  
1478 interest, dividends, and income.

1479 (b) Credit balances, customer overpayments, security  
1480 deposits and other instruments as defined by chapter 679,  
1481 refunds, unpaid wages, unused airline tickets, and unidentified  
1482 remittances.

1483 (c) Stocks, and other intangible ownership interests in  
1484 business associations except for:

1485 1. A non-freely transferable security; or

1486 2. A security that is subject to a lien, legal hold, or  
1487 restriction evidenced on the records of the holder or imposed by  
1488 operation of law, if the lien, legal hold, or restriction  
1489 restricts the holder's or owner's ability to receive, transfer,  
1490 sell, or otherwise negotiate the security.

1491 (d) Moneys deposited to redeem stocks, bonds, bearer  
1492 bonds, original issue discount bonds, coupons, and other  
1493 securities, or to make distributions.

1494 (e) Amounts due and payable under the terms of insurance  
1495 policies.

1496 (f) Amounts distributable from a trust or custodial fund  
1497 established under a plan to provide any health, welfare,  
1498 pension, vacation, severance, retirement, death, stock purchase,  
1499 profit sharing, employee savings, supplemental unemployment  
1500 insurance, or similar benefit.

1501        (21) ~~(19)~~ "Last known address" means a description of the  
1502 location of the apparent owner sufficient for the purpose of the  
1503 delivery of mail. For the purposes of identifying, reporting,  
1504 and remitting property to the department ~~which is presumed to be~~  
1505 ~~unclaimed, the term "last known address"~~ includes any partial  
1506 description of the location of the apparent owner sufficient to  
1507 establish the apparent owner was a resident of this state at the  
1508 time of last contact with the apparent owner or at the time the  
1509 property became due and payable.

1510        (22) ~~(20)~~ "Lawful charges" means charges against the  
1511 property or the account in which the property is held dormant  
1512 ~~accounts~~ that are authorized by statute for the purpose of  
1513 offsetting the costs of maintaining the property or the account  
1514 in which the property is held dormant account.

1515        (23) "Locator" means a private individual or business that  
1516 locates owners of abandoned property in exchange for a fee,  
1517 typically a percentage of the recovered property. Locators are  
1518 not employees or agents of the state and are not registered with  
1519 the department.

1520        (25) "Non-freely transferable security" means a security  
1521 that cannot be delivered to the administrator by the Depository  
1522 Trust Clearing Corporation or similar custodian of securities  
1523 providing post-trade clearing and settlement services to  
1524 financial markets or cannot be delivered because there is no  
1525 agent to effect transfer. The term includes a worthless

1526 security.

1527 (26) ~~(22)~~ "Owner" means the a person, ~~or the person's legal~~  
1528 ~~representative,~~ entitled to receive or having a legal or  
1529 equitable interest in the abandoned property. An owner  
1530 establishes his or her entitlement by filing a valid claim with  
1531 the department pursuant ~~or claim against~~ ~~property subject to~~  
1532 this chapter; a depositor in the case of a deposit; a  
1533 beneficiary in the case of a trust or a deposit in trust; or a  
1534 payee in the case of a negotiable instrument or other intangible  
1535 property.

1536 (29) ~~(25)~~ "Record" means information that is captured or  
1537 maintained in any format, including written, printed,  
1538 electronic, audio, visual, or other forms, and that can be made  
1539 perceptible or understandable to a person, either directly or  
1540 through technological means, including assistive technologies  
1541 inscribed on a tangible medium or that is stored in an  
1542 electronic or other medium and is retrievable in perceivable  
1543 form.

1544 (29) ~~"Unclaimed Property Purchase Agreement"~~ means the  
1545 ~~form adopted by the department pursuant to s. 717.135 which must~~  
1546 ~~be used, without modification or amendment, by a claimant's~~  
1547 ~~representative to purchase unclaimed property from an owner.~~

1548 (30) ~~"Unclaimed Property Recovery Agreement"~~ means the  
1549 ~~form adopted by the department pursuant to s. 717.135 which must~~  
1550 ~~be used, without modification or amendment, by a claimant's~~

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1551 ~~representative to obtain an owner's consent and authority to~~  
1552 ~~recover unclaimed property on the owner's behalf.~~

1553 **Section 21. Section 717.102, Florida Statutes, is amended**  
1554 **to read:**

1555 717.102 Property presumed abandoned unclaimed; general  
1556 rule.—

1557 (1) Except as otherwise provided by this chapter, all  
1558 intangible property, including any income or increment thereon  
1559 less any lawful charges, that is held, issued, or owing in the  
1560 ordinary course of the holder's business and for which the  
1561 apparent owner or authorized representative fails to demonstrate  
1562 continued interest for more than the applicable dormancy period  
1563 prescribed by this chapter shall be presumed abandoned claim  
1564 such property for more than 5 years after the property becomes  
1565 payable or distributable is presumed unclaimed, except as  
1566 otherwise provided by this chapter. Unless otherwise specified  
1567 by law, the dormancy period shall be 5 years from the date the  
1568 property becomes payable or distributable. For the purposes of  
1569 this chapter, property shall be considered payable or  
1570 distributable once the holder's obligation to pay or deliver the  
1571 property arises, regardless of whether the apparent owner or  
1572 authorized representative has failed to demand or to present  
1573 documents required to receive payment.

1574 (2) ~~Property is payable or distributable for the purpose~~  
1575 ~~of this chapter notwithstanding the owner's failure to make~~

1576 demand or to present any instrument or document required to  
1577 receive payment.

1578 (3) A presumption that property is abandoned may be  
1579 ~~unclaimed~~ is rebutted by the affirmative demonstration of  
1580 continued interest by the apparent owner or authorized  
1581 representative ~~an apparent owner's expression of interest in the~~  
1582 ~~property. Such demonstration An owner's expression of continued~~  
1583 ~~interest in property includes, but is not limited to, any of the~~  
1584 following:

1585 (a) A record communicated by the apparent owner or  
1586 authorized representative to the holder or its agent ~~of the~~  
1587 ~~holder~~ concerning the property or the account in which the  
1588 property is held.†

1589 (b) An oral communication by the apparent owner or  
1590 authorized representative to the holder or its agent ~~of the~~  
1591 ~~holder~~ concerning the property or the account in which the  
1592 property is held, if the holder or its agent contemporaneously  
1593 records makes and preserves evidence ~~a record~~ of the ~~fact of the~~  
1594 ~~apparent owner's~~ communication.†

1595 (c) Presentment of a check or other instrument for ~~of~~  
1596 payment of a dividends ~~dividend~~, interest ~~payment~~, or other  
1597 distributions ~~related to the property~~. ~~distribution, with~~  
1598 ~~respect to an account, underlying security, or interest in a~~  
1599 ~~business association;~~

1600 (d) Any account activity initiated ~~directed~~ by an apparent

1601 owner or authorized representative in the account in which the  
1602 ~~property is held~~, including accessing the account or directing  
1603 changes to information concerning the account, or to the amount  
1604 or type of property held, excluding routine automatic  
1605 transactions previously authorized, a direction by the apparent  
1606 owner to increase, decrease, or otherwise change the amount or  
1607 type of property held in the account.

1608 (e) Any A deposit into or withdrawal from the property or  
1609 the ~~an~~ account in which the property is held ~~at a financial~~  
1610 organization, excluding ~~an~~ automatic deposits, withdrawals, or  
1611 reinvestments ~~deposit or withdrawal~~ previously authorized by the  
1612 apparent owner or authorized representative. ~~an automatic~~  
1613 ~~reinvestment of dividends or interest, which does not constitute~~  
1614 ~~an expression of interest; or~~

1615 (f) Any other action by the apparent owner or authorized  
1616 representative which reasonably demonstrates to the holder that  
1617 the apparent owner or authorized representative is aware of and  
1618 maintains an interest in ~~knows that~~ the property ~~exists~~.

1619 (3) ~~(4)~~ If a holder learns or receives confirmation of an  
1620 apparent owner's death, the property shall be presumed abandoned  
1621 ~~unclaimed~~ 2 years after the date of death, unless an authorized  
1622 representative makes an affirmative demonstration ~~a fiduciary~~  
1623 ~~appointed to represent the estate of the apparent owner has made~~  
1624 ~~an expression of interest in the property before the expiration~~  
1625 ~~of the 2-year period. This subsection may not be construed to~~

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1626 extend the otherwise applicable dormancy period prescribed by  
1627 this chapter.

1628 **Section 22. Section 717.103, Florida Statutes, is amended**  
1629 **to read:**

1630 717.103 General rules for taking custody of intangible  
1631 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this  
1632 chapter or by other statute of this state, intangible property  
1633 is subject to the custody of the department as abandoned  
1634 ~~unclaimed~~ property when if the conditions leading to a  
1635 presumption that the property is abandoned ~~unclaimed~~ as  
1636 described in ss. 717.102 and 717.105-717.116 are satisfied and  
1637 the holder has fulfilled all required due diligence obligations  
1638 without receiving any response or claim from the apparent owner,  
1639 and one or more of the following criteria apply:

1640 (1) The last known address, as shown on the records of the  
1641 holder, of the apparent owner is in this state.~~≠~~

1642 (2) The records of the holder do not identify the name of  
1643 ~~the apparent owner, but do reflect the identity of the person~~  
1644 ~~entitled to the property, and it is established~~ that the last  
1645 known address of the apparent owner ~~person entitled to the~~  
1646 ~~property~~ is in this state.~~≠~~

1647 (3) The records of the holder do not reflect the last  
1648 known address of the apparent owner, but and it is established  
1649 that either of the following conditions apply:

1650 (a) The last known address of the apparent owner ~~person~~

1651 ~~entitled to the property~~ is in this state. ; or

1652 (b) The holder is domiciled in this state, a domiciliary  
1653 or is a government entity or governmental subdivision ~~or agency~~  
1654 of this state, and has not previously paid the property to the  
1655 state of the last known address of the apparent owner. ~~or other~~  
1656 ~~person entitled to the property;~~

1657 (4) The last known address, as shown on the records of the  
1658 holder, of the apparent owner ~~or other person entitled to the~~  
1659 ~~property~~ is in a jurisdiction state that does not have  
1660 ~~applicable provide by law for the~~ escheat, abandoned, or  
1661 unclaimed property laws ~~custodial taking of the property, or its~~  
1662 ~~escheat or unclaimed property law is not applicable to the~~  
1663 ~~property, and the holder is domiciled in this state a~~  
1664 ~~domiciliary or is a government entity or governmental~~  
1665 ~~subdivision or agency of this state.~~ ;

1666 (5) The last known address, as shown on the records of the  
1667 holder, of the apparent owner is in a foreign nation and the  
1668 holder is domiciled in this state ~~a domiciliary~~ or is a  
1669 government entity ~~or governmental subdivision or agency~~ of this  
1670 state. ; or

1671 (6) The transaction out of which the property arose  
1672 occurred in this state, and both of the following are true: ;

1673 (a) 1. The last known address of the apparent owner ~~or~~  
1674 ~~other person entitled to the property~~ is unknown. ; or  
1675 2. The last known address of the apparent owner ~~or other~~

1676 person entitled to the property is in a state that does not  
1677 provide by law for the escheat or custodial taking of the  
1678 property, or its escheat or unclaimed property law is not  
1679 applicable to the property; and

1680 (b) The holder is domiciled in a jurisdiction a  
1681 ~~domiciliary of a state that does not have applicable provide by~~  
1682 ~~law for the escheat, abandoned, or custodial taking of the~~  
1683 ~~property, or its escheat or unclaimed property laws law is not~~  
1684 ~~applicable to the property.~~

1685 **Section 23.** Section 717.1035, Florida Statutes, is  
1686 repealed.

1687 **Section 24.** Section 717.104, Florida Statutes, is amended  
1688 **to read:**

1689 717.104 Traveler's checks and money orders.—  
1690 (1) Subject to subsection (4), any sum payable on a  
1691 traveler's check that has been outstanding for more than 15  
1692 years after its issuance is presumed abandoned unclaimed unless  
1693 the apparent owner or authorized representative, within 15  
1694 years, has demonstrated a continued interest in the property in  
1695 accordance with s. 717.102 communicated in writing with the  
1696 issuer concerning it or otherwise indicated an interest as  
1697 evidenced by a memorandum or other record on file with the  
1698 issuer.

1699 (2) Subject to subsection (4), any sum payable on a money  
1700 order or similar written instrument, other than a third party

1701 bank check, that has been outstanding for more than 7 years  
1702 after its issuance is presumed abandoned unclaimed unless the  
1703 apparent owner or authorized representative, within 7 years, has  
1704 demonstrated a continued interest in the property in accordance  
1705 with s. 717.102 communicated in writing with the issuer  
1706 ~~concerning it or otherwise indicated an interest as evidenced by~~  
1707 ~~a memorandum or other record on file with the issuer.~~

1708 (3) A holder may not deduct from the amount of any  
1709 traveler's check or money order any charges imposed by reason of  
1710 the failure to present those instruments for payment unless  
1711 there is a valid and enforceable written contract between the  
1712 holder issuer and the apparent owner of the property pursuant to  
1713 which the holder issuer may impose those charges and the holder  
1714 issuer regularly imposes those charges and does not regularly  
1715 reverse or otherwise cancel those charges with respect to the  
1716 property.

1717 (4) No sum payable on a traveler's check, money order, or  
1718 similar written instrument, other than a third party bank check,  
1719 described in subsections (1) and (2) may be subjected to the  
1720 custody of this state as abandoned unclaimed property unless any  
1721 of the following conditions are met:

1722 (a) The records of the holder issuer show that the  
1723 traveler's check, money order, or similar written instrument was  
1724 purchased in this state.<sup>+</sup>

1725 (b) The holder issuer has its principal place of business

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1726 in this state and its ~~the~~ records of the issuer do not show the  
1727 state in which the traveler's check, money order, or similar  
1728 written instrument was purchased.~~; or~~

1729 (c) The holder ~~issuer~~ has its principal place of business  
1730 in this state; the holder's ~~the~~ records of the ~~issuer~~ show the state  
1731 in which the traveler's check, money order, or similar written  
1732 instrument was purchased; and the ~~laws of the~~ state of purchase  
1733 does not provide applicable ~~do not provide for the~~ escheat,  
1734 abandoned, or unclaimed property ~~or custodial taking of the~~  
1735 ~~property, or its escheat or unclaimed property law is not~~  
1736 ~~applicable to the property.~~

1737 (5) Notwithstanding any other provision of this chapter,  
1738 subsection (4) applies to sums payable on traveler's checks,  
1739 money orders, and similar written instruments presumed abandoned  
1740 ~~unclaimed~~ on or after February 1, 1965, except to the extent  
1741 that those sums have been paid over to a state prior to January  
1742 1, 1974.

1743 **Section 25. Section 717.1045, Florida Statutes, is amended  
1744 to read:**

1745 717.1045 Gift certificates and similar credit items.—  
1746 Notwithstanding s. 717.117, an unredeemed gift certificate or  
1747 credit memo as defined in s. 501.95 is not required to be  
1748 reported as abandoned ~~unclaimed~~ property.

1749 (1) The consideration paid for an unredeemed gift  
1750 certificate or credit memo is the property of the issuer of the

1751 unredeemed gift certificate or credit memo.

1752 (2) An unredeemed gift certificate or credit memo is  
1753 subject only to any rights of a purchaser or owner thereof and  
1754 is not subject to a claim made by any state acting on behalf of  
1755 a purchaser or owner.

1756 (3) It is the intent of the Legislature that this section  
1757 apply to the custodial holding of unredeemed gift certificates  
1758 and credit memos.

1759 (4) However, a gift certificate or credit memo described  
1760 in s. 501.95(2)(b) shall be reported as abandoned unclaimed  
1761 property. The consideration paid for such a gift certificate or  
1762 credit memo is the property of the owner of the gift certificate  
1763 or credit memo.

1764 **Section 26. Section 717.105, Florida Statutes, is amended  
1765 to read:**

1766 717.105 Checks, drafts, and similar instruments issued or  
1767 certified by banking and financial organizations.—

1768 (1) Any sum payable on a check, draft, or similar  
1769 instrument, except those subject to ss. 717.104 and 717.115, on  
1770 which a banking or financial organization is directly liable,  
1771 including, but not limited to, a cashier's check or a certified  
1772 check, which has been outstanding for more than 5 years after it  
1773 was payable or after its issuance if payable on demand, is  
1774 presumed abandoned unclaimed unless the apparent owner or  
1775 authorized representative, within 5 years, has communicated in

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1776 writing with the banking or financial organization concerning it  
1777 or otherwise demonstrated a continued interest in the property  
1778 in accordance with s. 717.102 indicated an interest as evidenced  
1779 by a memorandum or other record on file with the banking or  
1780 financial organization.

1781 (2) A ~~No~~ holder may not deduct from the amount of any  
1782 instrument subject to this section any charges imposed by reason  
1783 of the failure to present the instrument for encashment unless  
1784 there is a valid and enforceable written contract between the  
1785 holder and the apparent owner of the instrument pursuant to  
1786 which the holder may impose those charges and does not regularly  
1787 reverse or otherwise cancel those charges with respect to the  
1788 instrument.

1789 **Section 27. Subsection (1), paragraphs (a) and (b) of**  
1790 **subsection (3), and subsections (4) and (5) of section 717.106,**  
1791 **Florida Statutes, are amended to read:**

1792 717.106 Bank deposits and funds in financial  
1793 organizations.—

1794 (1) Any demand, savings, or matured time deposit with a  
1795 banking or financial organization, including deposits that are  
1796 automatically renewable, and any funds paid toward the purchase  
1797 of shares, a mutual investment certificate, or any other  
1798 interest in a banking or financial organization is presumed  
1799 abandoned unclaimed unless the apparent owner or authorized  
1800 representative has, within 5 years, engaged in any of the

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1801     following activities:

1802         (a) Increased or decreased the amount of the deposit or  
1803     presented the passbook or other similar evidence of the deposit  
1804     for the crediting of interest.~~;~~

1805         (b) Communicated in writing or by documented telephone  
1806     contact with the banking or financial organization concerning  
1807     the property.~~;~~

1808         (c) Otherwise demonstrated a continued indicated an  
1809     interest in the property as evidenced by a memorandum or other  
1810     record on file with the banking or financial organization.~~;~~

1811         (d) Owned other property to which paragraph (a), paragraph  
1812     (b), or paragraph (c) is applicable and if the banking or  
1813     financial organization communicates in writing with the owner  
1814     with regard to the property that would otherwise be presumed  
1815     abandoned unclaimed under this subsection at the address to  
1816     which communications regarding the other property regularly are  
1817     sent.~~;~~ or

1818         (e) Had another relationship with the banking or financial  
1819     organization concerning which the apparent owner has:

1820             1. Communicated in writing with the banking or financial  
1821     organization; or

1822             2. Otherwise demonstrated a continued indicated an  
1823     interest as evidenced by a memorandum or other record on file  
1824     with the banking or financial organization and if the banking or  
1825     financial organization communicates in writing with the apparent

1826 owner or authorized representative with regard to the property  
1827 that would otherwise be presumed abandoned unclaimed under this  
1828 subsection at the address to which communications regarding the  
1829 other relationship regularly are sent.

1830 (3) A ~~Ne~~ holder may not impose with respect to property  
1831 described in subsection (1) any charges due to dormancy or  
1832 inactivity or cease payment of interest unless:

1833 (a) There is an enforceable written contract between the  
1834 holder and the apparent owner of the property pursuant to which  
1835 the holder may impose those charges or cease payment of  
1836 interest.

1837 (b) For property in excess of \$2, the holder, no more than  
1838 3 months prior to the initial imposition of those charges or  
1839 cessation of interest, has given written notice to the apparent  
1840 owner of the amount of those charges at the last known address  
1841 of the apparent owner stating that those charges shall be  
1842 imposed or that interest shall cease, but the notice provided in  
1843 this section need not be given with respect to charges imposed  
1844 or interest ceased before July 1, 1987.

1845 (4) Any property described in subsection (1) that is  
1846 automatically renewable is matured for purposes of subsection  
1847 (1) upon the expiration of its initial time period except that,  
1848 in the case of any renewal to which the apparent owner consents  
1849 at or about the time of renewal by communicating in writing with  
1850 the banking or financial organization or otherwise indicating

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1851 consent as evidenced by a memorandum or other record on file  
1852 prepared by an employee of the organization, the property is  
1853 matured upon the expiration of the last time period for which  
1854 consent was given. If, at the time provided for delivery in s.  
1855 717.119, a penalty or forfeiture in the payment of interest  
1856 would result from the delivery of the property, the time for  
1857 delivery is extended until the time when no penalty or  
1858 forfeiture would result.

1859 (5) If the documents establishing a deposit described in  
1860 subsection (1) state the address of a beneficiary of the  
1861 deposit, and the account has a value of at least \$50, notice  
1862 shall be given to the beneficiary as provided for notice to the  
1863 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection  
1864 shall apply to accounts opened on or after October 1, 1990.

1865 **Section 28. Subsection (1) of section 717.107, Florida  
1866 Statutes, is amended to read:**

1867 717.107 Funds owing under life insurance policies, annuity  
1868 contracts, and retained asset accounts; fines, penalties, and  
1869 interest; United States Social Security Administration Death  
1870 Master File.—

1871 (1) Funds held or owing under any life or endowment  
1872 insurance policy or annuity contract which has matured or  
1873 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for  
1874 more than 5 years after the date of death of the insured, the  
1875 annuitant, or the retained asset account holder, but property

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1876 described in paragraph (3) (d) is presumed abandoned unclaimed if  
1877 such property is not claimed for more than 2 years. The amount  
1878 presumed abandoned unclaimed shall include any amount due and  
1879 payable under s. 627.4615.

1880 **Section 29. Section 717.1071, Florida Statutes, is amended**  
1881 **to read:**

1882 717.1071 Lost owners of abandoned unclaimed  
1883 demutualization, rehabilitation, or related reorganization  
1884 proceeds.—

1885 (1) Property distributable in the course of a  
1886 demutualization, rehabilitation, or related reorganization of an  
1887 insurance company is deemed abandoned 2 years after the date the  
1888 property is first distributable if, at the time of the first  
1889 distribution, the last known address of the apparent owner on  
1890 the books and records of the holder is known to be incorrect or  
1891 the distribution or statements are returned by the post office  
1892 as undeliverable; and the apparent owner or authorized  
1893 representative owner has not communicated in writing with the  
1894 holder or its agent regarding the interest or otherwise  
1895 communicated with the holder regarding the interest as evidenced  
1896 by a memorandum or other record on file with the holder or its  
1897 agent.

1898 (2) Property distributable in the course of  
1899 demutualization, rehabilitation, or related reorganization of a  
1900 mutual insurance company that is not subject to subsection (1)

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1901 shall be reportable as otherwise provided by this chapter.

1902 (3) Property subject to this section shall be reported and  
1903 delivered no later than May 1 as of the preceding December 31;  
1904 however, the initial report under this section shall be filed no  
1905 later than November 1, 2003, as of December 31, 2002.

1906 **Section 30. Section 717.108, Florida Statutes, is amended**  
1907 **to read:**

1908 717.108 Deposits held by utilities.—Any deposit, including  
1909 any interest thereon, made by a subscriber with a utility to  
1910 secure payment or any sum paid in advance for utility services  
1911 to be furnished, less any lawful charges, that remains unclaimed  
1912 by the apparent owner for more than 1 year after termination of  
1913 the services for which the deposit or advance payment was made  
1914 is presumed abandoned unclaimed.

1915 **Section 31. Section 717.109, Florida Statutes, is amended**  
1916 **to read:**

1917 717.109 Refunds held by business associations.—Except as  
1918 otherwise provided by law, any sum that a business association  
1919 has been ordered to refund by a court or administrative agency  
1920 which has been unclaimed by the apparent owner for more than 1  
1921 year after it became payable in accordance with the final  
1922 determination or order providing for the refund, regardless of  
1923 whether the final determination or order requires any person  
1924 entitled to a refund to make a claim for it, is presumed  
1925 abandoned unclaimed.

1926       **Section 32. Section 717.1101, Florida Statutes, is amended**  
1927 **to read:**

1928       717.1101 Abandoned Unclaimed equity and debt of business  
1929 associations.—

1930       (1) (a) Stock, or other equity interests, or debt of  
1931 interest in a business association is presumed abandoned  
1932 unclaimed on the date of the earliest of any of the following:

1933       1. Three years after the date a communication, other than  
1934 communications required by s. 717.117, sent by the holder by  
1935 first-class United States mail to the apparent owner is returned  
1936 to the holder undelivered by the United States Postal Service.  
1937 If such returned communication is resent within 1 month to the  
1938 apparent owner, the 3-year dormancy period does not begin until  
1939 the day the resent item is returned as undelivered.

1940       2. Five Three years after the most recent of any account  
1941 owner-generated activity or communication initiated by the  
1942 apparent owner or authorized representative which demonstrates  
1943 continued interest in the related to the account, as recorded  
1944 and maintained by in the holder. Routine automatic reinvestments  
1945 or other routine transactions previously authorized by the  
1946 apparent owner or authorized representative do not prevent,  
1947 interrupt, or reset the dormancy period and do not constitute an  
1948 affirmative demonstration of continued interest. holder's  
1949 database and records systems sufficient enough to demonstrate  
1950 the owner's continued awareness or interest in the property;

1951       3.2. ~~Two~~ Three years after the date of the death of the  
1952 apparent owner, as evidenced by:

1953       a. Notice to the holder of the apparent owner's death by  
1954 ~~an authorized representative administrator, beneficiary,~~  
1955 ~~relative, or trustee, or by a personal representative or other~~  
1956 ~~legal representative of the owner's estate;~~

1957       b. Receipt by the holder of a copy of the death  
1958 certificate of the apparent owner;

1959       c. Confirmation by the holder of the apparent owner's  
1960 death ~~through~~ ~~though~~ other means; or

1961       d. Other evidence from which the holder may reasonably  
1962 conclude that the apparent owner is deceased. ; or

1963       3. ~~One year after the date on which the holder receives~~  
1964 ~~notice under subparagraph 2. if the notice is received 2 years~~  
1965 ~~or less after the owner's death and the holder lacked knowledge~~  
1966 ~~of the owner's death during that period of 2 years or less.~~

1967       (b) If the holder does not send communication to the  
1968 apparent owner of a security by first-class United States mail  
1969 on an annual basis, the holder shall attempt to confirm the  
1970 apparent owner's interest in the equity interest by sending the  
1971 apparent owner an e-mail communication not later than 3 years  
1972 after the apparent owner's or authorized representative's last  
1973 demonstration of continued interest in the equity interest.  
1974 However, the holder shall promptly attempt to contact the  
1975 apparent owner by first-class United States mail if:

1976        1. The holder does not have information needed to send the  
1977 apparent owner an e-mail communication or the holder believes  
1978 that the apparent owner's e-mail address in the holder's records  
1979 is not valid;

1980        2. The holder received notification that the e-mail  
1981 communication was not received; or

1982        3. The apparent owner does not respond to the e-mail  
1983 communication within 30 days after the communication was sent.

1984        (c) If first-class United States mail sent under paragraph  
1985 (b) is returned to the holder undelivered by the United States  
1986 Postal Service, the equity interest is presumed abandoned in  
1987 accordance with paragraph (1) (a).

1988        (d) Unmatured or unredeemed debt, other than a bearer bond  
1989 or an original issue discount bond, is presumed abandoned 5  
1990 unclaimed 3 years after the date of the most recent interest  
1991 payment unclaimed by the owner.

1992        (e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5  
1993 ~~unclaimed 3~~ years after the date of maturity or redemption.

1994        (f) ~~(d)~~ At the time property is presumed abandoned  
1995 ~~unclaimed~~ under paragraph (a) or paragraph (b), any other  
1996 property right accrued or accruing to the owner as a result of  
1997 the property interest and not previously presumed abandoned  
1998 ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

1999        (2) The running of the applicable dormancy period under  
2000 this section such 3-year period ceases if the apparent owner or

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2001     authorized representative demonstrates continued interest under  
2002     s. 717.102, including by any of the following actions person:  
2003         (a) 1. Communicating Communicates in writing or by other  
2004         means with the association or its agent regarding the interest, or  
2005         a dividend, distribution, or other sum payable as a result of  
2006         the interest, as recorded by the association or its agent; or  
2007         2. Otherwise communicates with the association regarding  
2008         the interest or a dividend, distribution, or other sum payable  
2009         as a result of the interest, as evidenced by a memorandum or  
2010         other record on file with the association or its agent.  
2011         (b) Presenting Presents an instrument issued to pay  
2012         interest, or a dividend, or other cash distribution. If any  
2013         future dividend, distribution, or other sum payable to the owner  
2014         as a result of the interest is subsequently unclaimed not  
2015         claimed by the owner, a new period in which the property is  
2016         presumed abandoned unclaimed commences and relates back only to  
2017         the time a subsequent dividend, distribution, or other sum  
2018         became due and payable.  
2019         (3) At the same time any interest is presumed abandoned  
2020         unclaimed under this section, any dividend, distribution, or  
2021         other sum then held for or owing to the owner as a result of the  
2022         interest, is presumed abandoned unclaimed.  
2023         (4) Any dividend, profit, distribution, interest  
2024         redemption, payment on principal, or other sum held or owing by  
2025         a business association for or to a shareholder,

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2026 certificateholder, member, bondholder, or other security holder,  
2027 who has not claimed such amount or corresponded in writing with  
2028 the business association concerning such amount, within 5 ~~3~~  
2029 years after the date prescribed for payment or delivery, is  
2030 presumed abandoned unclaimed.

2031 **Section 33. Section 717.111, Florida Statutes, is amended  
2032 to read:**

2033 717.111 Property of business associations held in course  
2034 of dissolution.—All intangible property distributable in the  
2035 course of a voluntary or involuntary dissolution of a business  
2036 association which is not claimed by the apparent owner for more  
2037 than 6 months after the date specified for final distribution is  
2038 presumed abandoned unclaimed.

2039 **Section 34. Subsections (1) and (5) of section 717.112,  
2040 Florida Statutes, are amended to read:**

2041 717.112 Property held by agents and fiduciaries.—

2042 (1) All intangible property and any income or increment  
2043 thereon held in a fiduciary capacity for the benefit of another  
2044 person, including property held by an attorney in fact or an  
2045 agent, except as provided in ss. 717.1125 and 733.816, is  
2046 presumed abandoned unclaimed unless the apparent owner has  
2047 within 5 years after it has become payable or distributable  
2048 increased or decreased the principal, accepted payment of  
2049 principal or income, communicated in writing concerning the  
2050 property, or otherwise indicated an interest as evidenced by a

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2051 memorandum or other record on file with the fiduciary.

2052 (5) All intangible property, and any income or increment  
2053 thereon, issued by a government or governmental subdivision or  
2054 agency, public corporation, or public authority and held in an  
2055 agency capacity for the governmental subdivision, agency, public  
2056 corporation, or public authority for the benefit of the owner of  
2057 record, is presumed abandoned unclaimed unless the apparent  
2058 owner has, within 1 year after such property has become payable  
2059 or distributable, increased or decreased the principal, accepted  
2060 payment of the principal or income, communicated concerning the  
2061 property, or otherwise indicated an interest in the property as  
2062 evidenced by a memorandum or other record on file with the  
2063 fiduciary.

2064 **Section 35. Section 717.1125, Florida Statutes, is amended**  
2065 **to read:**

2066 717.1125 Property held by fiduciaries under trust  
2067 instruments.—All intangible property and any income or increment  
2068 thereon held in a fiduciary capacity for the benefit of another  
2069 person under a trust instrument is presumed abandoned unclaimed  
2070 unless the apparent owner has, within 2 years after it has  
2071 become payable or distributable, increased or decreased the  
2072 principal, accepted payment of principal or income, communicated  
2073 concerning the property, or otherwise indicated an interest as  
2074 evidenced by a memorandum or other record on file with the  
2075 fiduciary. This section does not relieve a fiduciary of his or

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2076 her duties under the Florida Trust Code.

2077 **Section 36. Section 717.113, Florida Statutes, is amended**  
2078 **to read:**

2079 717.113 Property held by courts and public agencies.—All  
2080 intangible property held for the apparent owner by any court,  
2081 government or governmental subdivision or agency, public  
2082 corporation, or public authority that has not been claimed by  
2083 the apparent owner for more than 1 year after it became payable  
2084 or distributable is presumed abandoned unclaimed. Except as  
2085 provided in s. 45.032(3)(c), money held in the court registry  
2086 and for which no court order has been issued to determine an  
2087 owner does not become payable or distributable and is not  
2088 subject to reporting under this chapter. Notwithstanding the  
2089 provisions of this section, funds deposited in the Minerals  
2090 Trust Fund pursuant to s. 377.247 are presumed abandoned  
2091 unclaimed only if the funds have not been claimed by the  
2092 apparent owner for more than 5 years after the date of first  
2093 production from the well.

2094 **Section 37. Section 717.115, Florida Statutes, is amended**  
2095 **to read:**

2096 717.115 Wages.—Unpaid wages, including wages represented  
2097 by unpresented payroll checks, owing in the ordinary course of  
2098 the holder's business that have not been claimed by the apparent  
2099 owner for more than 1 year after becoming payable are presumed  
2100 abandoned unclaimed.

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2101       **Section 38. Section 717.116, Florida Statutes, is amended**  
2102       **to read:**

2103       717.116 Contents of safe-deposit box or other safekeeping  
2104       repository.—All tangible and intangible property held by a  
2105       banking or financial organization in a safe-deposit box or any  
2106       other safekeeping repository in this state in the ordinary  
2107       course of the holder's business, and proceeds resulting from the  
2108       sale of the property permitted by law, that has not been claimed  
2109       by the apparent owner or authorized representative for more than  
2110       3 years after the lease or rental period on the box or other  
2111       repository has expired are presumed abandoned unclaimed.

2112       **Section 39. Section 717.117, Florida Statutes, is amended**  
2113       **to read:**

2114       717.117 Holder due diligence and report of abandoned  
2115       unclaimed property.—

2116       (1) Property is presumed abandoned upon expiration of the  
2117       applicable dormancy period under this chapter. However, such  
2118       property is not deemed abandoned for purposes of reporting or  
2119       remittance to the department until the holder has conducted  
2120       reasonable due diligence as required by this section, resulting  
2121       in no indication of interest from the apparent owner or  
2122       authorized representative.

2123       (2) Holders of property presumed abandoned that has a  
2124       value of \$50 or more shall use due diligence to locate and  
2125       notify the apparent owner that the holder is in possession of

2126 property subject to this chapter. At least 90 days, but not more  
2127 than 180 days, before filing the report required by this  
2128 section, a holder in possession of presumed abandoned property  
2129 shall send written notice by first-class United States mail to  
2130 the apparent owner's last known address as shown in the holder's  
2131 records or from other available sources, or by e-mail if the  
2132 apparent owner has elected for e-mail delivery, informing the  
2133 apparent owner that the holder is in possession of property  
2134 subject to this chapter, provided that the holder's records  
2135 contain a mailing or e-mail address for the apparent owner which  
2136 is not known by the holder to be inaccurate. The holder may  
2137 provide notice by mail, by e-mail, or by both methods. If the  
2138 holder's records indicate that the mailing address is  
2139 inaccurate, notice may be provided by e-mail if the apparent  
2140 owner has elected e-mail delivery.

2141 (3) If the value of the property is greater than \$1,000,  
2142 the holder shall send a second written notice by certified  
2143 United States mail, return receipt requested, to the apparent  
2144 owner's last known address at least 60 days before filing the  
2145 report required by this section, if the holder's records contain  
2146 a mailing address for the apparent owner which is not known by  
2147 the holder to be inaccurate. Reasonable costs paid to the United  
2148 States Postal Service for certified mail, return receipt  
2149 requested, may be deducted from the property as a service  
2150 charge. A signed return receipt received in response to the

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2151 certified mail notice constitutes an affirmative demonstration  
2152 of continued interest as described in s. 717.102.

2153 (4) The written notice required under this section must  
2154 include:

2155 (a) A heading that reads substantially as follows:  
2156 "Notice: The State of Florida requires us to notify you that  
2157 your property may be transferred to the custody of the Florida  
2158 Department of Financial Services if you do not contact us before  
2159 ... (insert date that is at least 30 days after the date of  
2160 notice) . . . ."

2161 (b) A description of the type, nature, and, unless the  
2162 property does not have a fixed value, value of the property that  
2163 is the subject of the notice.

2164 (c) A statement that the property will be turned over to  
2165 the custody of the department as abandoned property if no  
2166 response is received.

2167 (d) A statement that noncash property will be sold or  
2168 liquidated by the department.

2169 (e) A statement that, after the property is remitted to  
2170 the department, a claim must be filed with the department to  
2171 recover the property.

2172 (f) A statement that the property is currently in the  
2173 custody of the holder and that the apparent owner may prevent  
2174 transfer of the property by contacting the holder before the  
2175 deadline stated in the notice.

2176       (5) Every holder of abandoned person holding funds or  
2177 ~~other property, tangible or intangible, presumed unclaimed and~~  
2178 ~~subject to custody as unclaimed property under this chapter~~  
2179 ~~shall submit a report to the department via electronic medium as~~  
2180 ~~the department may prescribe by rule. The report must include:~~

2181       (a) Except for traveler's checks and money orders, the  
2182 name, social security number or taxpayer identification number,  
2183 date of birth, if known, and last known address, if any, of each  
2184 ~~apparent person appearing from the records of the holder to be~~  
2185 ~~the owner of any property which is abandoned presumed unclaimed~~  
2186 and which has a value of \$10 or more.

2187       (b) For abandoned unclaimed funds that have a value of \$10  
2188 or more held or owing under any life or endowment insurance  
2189 policy or annuity contract, the identifying information provided  
2190 in paragraph (a) for both the insured or annuitant and the  
2191 beneficiary according to records of the insurance company  
2192 holding or owing the funds.

2193       (c) For all tangible property held in a safe-deposit box  
2194 or other safekeeping repository, a description of the property  
2195 and the place where the property is held and may be inspected by  
2196 the department, and any amounts owing to the holder. Contents of  
2197 a safe-deposit box or other safekeeping repository which consist  
2198 of documents or writings ~~of a private nature and which have~~  
2199 ~~little or no commercial value may apparent value shall not be~~  
2200 reported as abandoned property presumed unclaimed.

2201 (d) The nature or type of property, any accounting or  
2202 identifying number associated with the property, a description  
2203 of the property, and the amount appearing from the records to be  
2204 due. Items of value of less than \$10 each may be reported in the  
2205 aggregate.

2206 (e) The date the property became payable, demandable, or  
2207 returnable, and the date of the last transaction with the  
2208 apparent owner with respect to the property.

2209 (f) Any other information the department may prescribe by  
2210 rule as necessary for the administration of this chapter.

2211 (6)-(2) If the total value of all abandoned presumed  
2212 unclaimed property, whether tangible or intangible, held by a  
2213 person is less than \$10, a zero balance report may be filed for  
2214 that reporting period.

2215 (7)-(3) Credit balances, customer overpayments, security  
2216 deposits, and refunds having a value of less than \$10 may not be  
2217 reported as abandoned property shall not be presumed unclaimed.

2218 (8) A security identified by the holder as non-freely  
2219 transferable or worthless may not to be included in a report  
2220 filed under this section. If the holder determines that a  
2221 security is no longer non-freely transferable or worthless, the  
2222 holder shall report and deliver the security on the next regular  
2223 report date prescribed for delivery of securities by the holder  
2224 under this chapter.

2225 (9)-(4) If the holder of abandoned property presumed

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2226 ~~unclaimed and subject to custody under this chapter as unclaimed~~  
2227 ~~property is a successor holder or if the holder has changed the~~  
2228 ~~holder's name while in possession of the property, the holder~~  
2229 ~~shall file with the holder's report all known names and~~  
2230 ~~addresses of each prior holder of the property. Compliance with~~  
2231 ~~this subsection means the holder exercises reasonable and~~  
2232 ~~prudent efforts to determine the names of all prior holders.~~

2233 (10) The report must be signed by or on behalf of the  
2234 holder and verified as to its completeness and accuracy, and the  
2235 holder must state that it has complied with the due diligence  
2236 requirements of this section.

2237 (11) (5) The report must be filed before May 1 of each  
2238 year. The report applies to the preceding calendar year. Upon  
2239 written request by any person required to file a report, and  
2240 upon a showing of good cause, the department may extend the  
2241 reporting date. The department may impose and collect a penalty  
2242 of \$10 per day up to a maximum of \$500 for the failure to timely  
2243 report, if an extension was not provided or if the holder of the  
2244 property failed to include in a report information required by  
2245 this chapter which was in the holder's possession at the time of  
2246 reporting. The penalty shall be remitted to the department  
2247 within 30 days after the date of the notification to the holder  
2248 that the penalty is due and owing. As necessary for proper  
2249 administration of this chapter, the department may waive any  
2250 penalty due with appropriate justification. The department must

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2251 provide information contained in a report filed with the  
2252 department to any person requesting a copy of the report or  
2253 information contained in a report, to the extent the information  
2254 requested is not confidential, within 45 days after the  
2255 department determines that the report is accurate and acceptable  
2256 and that the reported property is the same as the remitted  
2257 property.

2258 (6) ~~Holders of inactive accounts having a value of \$50 or~~  
2259 ~~more shall use due diligence to locate and notify apparent~~  
2260 ~~owners that the entity is holding unclaimed property available~~  
2261 ~~for them to recover. Not more than 120 days and not less than 60~~  
2262 ~~days prior to filing the report required by this section, the~~  
2263 ~~holder in possession of property presumed unclaimed and subject~~  
2264 ~~to custody as unclaimed property under this chapter shall send~~  
2265 ~~written notice by first class United States mail to the apparent~~  
2266 ~~owner at the apparent owner's last known address from the~~  
2267 ~~holder's records or from other available sources, or via~~  
2268 ~~electronic mail if the apparent owner has elected this method of~~  
2269 ~~delivery, informing the apparent owner that the holder is in~~  
2270 ~~possession of property subject to this chapter, if the holder~~  
2271 ~~has in its records a mailing or electronic address for the~~  
2272 ~~apparent owner which the holder's records do not disclose to be~~  
2273 ~~inaccurate. These two means of contact are not mutually~~  
2274 ~~exclusive; if the mailing address is determined to be~~  
2275 ~~inaccurate, electronic mail may be used if so elected by the~~

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2276 apparent owner.

2277 (7) The written notice to the apparent owner required  
2278 under this section must:

2279 (a) Contain a heading that reads substantially as follows:  
2280 "Notice. The State of Florida requires us to notify you that  
2281 your property may be transferred to the custody of the Florida  
2282 Department of Financial Services if you do not contact us before  
2283 ... (insert date that is at least 30 days after the date of  
2284 notice) ...."

2285 (b) Identify the type, nature, and, except for property  
2286 that does not have a fixed value, value of the property that is  
2287 the subject of the notice.

2288 (c) State that the property will be turned over to the  
2289 custody of the department as unclaimed property if no response  
2290 to this letter is received.

2291 (d) State that any property that is not legal tender of  
2292 the United States may be sold or liquidated by the department.

2293 (e) State that after the property is turned over to the  
2294 department, an apparent owner seeking return of the property may  
2295 file a claim with the department.

2296 (f) State that the property is currently with a holder and  
2297 provide instructions that the apparent owner must follow to  
2298 prevent the holder from reporting and paying for the property or  
2299 from delivering the property to the department.

2300 (12) (8) Any holder of intangible property may file with

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2301 the department a petition for determination that the property is  
2302 abandoned and unclaimed requesting the department to accept  
2303 custody of the property. The petition shall state any special  
2304 circumstances that exist, contain the information required by  
2305 subsection (9) subsection (4), and show that a diligent search  
2306 has been made to locate the apparent owner. If the department  
2307 finds that the proof of diligent search is satisfactory, it  
2308 shall give notice as provided in s. 717.118 and accept custody  
2309 of the property.

2310 (13)~~(9)~~ Upon written request by any entity or person  
2311 required to file a report, stating such entity's or person's  
2312 justification for such action, the department may place that  
2313 entity or person in an inactive status as an abandoned unclaimed  
2314 property "holder."

2315 (14)~~(10)~~(a) This section does not apply to the abandoned  
2316 unclaimed patronage refunds as provided for by contract or  
2317 through bylaw provisions of entities organized under chapter 425  
2318 or that are exempt from ad valorem taxation pursuant to s.  
2319 196.2002.

2320 (b) This section does not apply to intangible property  
2321 held, issued, or owing by a business association subject to the  
2322 jurisdiction of the United States Surface Transportation Board  
2323 or its successor federal agency if the apparent owner of such  
2324 intangible property is a business association. The holder of  
2325 such property does not have any obligation to report, to pay, or

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2326 to deliver such property to the department.

2327 (c) This section does not apply to credit balances,  
2328 overpayments, refunds, or outstanding checks owed by a health  
2329 care provider to a managed care payor with whom the health care  
2330 provider has a managed care contract, provided that the credit  
2331 balances, overpayments, refunds, or outstanding checks become  
2332 due and owing pursuant to the managed care contract.

2333 (15)(11)(a) As used in this subsection, the term "property  
2334 identifier" means the descriptor used by the holder to identify  
2335 the abandoned unclaimed property.

2336 (b) Social security numbers and property identifiers  
2337 contained in reports required under this section, held by the  
2338 department, are confidential and exempt from s. 119.07(1) and s.  
2339 24(a), Art. I of the State Constitution.

2340 (c) This exemption applies to social security numbers and  
2341 property identifiers held by the department before, on, or after  
2342 the effective date of this exemption.

2343 **Section 40. Section 717.118, Florida Statutes, is amended  
2344 to read:**

2345 717.118 Notification of apparent owners of abandoned  
2346 unclaimed property.—

2347 (1) It is specifically recognized that the state has an  
2348 obligation to make an effort to notify apparent owners in a  
2349 cost-effective manner that their abandoned property has been  
2350 reported and remitted to the department of unclaimed property in

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2351 ~~a cost-effective manner.~~ In order to provide all the citizens of  
2352 this state an effective and efficient program for the recovery  
2353 of abandoned personal unclaimed property, the department shall  
2354 use cost-effective means to make at least one active attempt to  
2355 notify apparent owners of abandoned unclaimed property ~~accounts~~  
2356 valued at \$50 or more, abandoned tangible property, and  
2357 abandoned shares of stock for which more than \$250 with a  
2358 reported address or taxpayer identification number is available.  
2359 Such active attempt to notify apparent owners shall include any  
2360 attempt by the department to directly contact the apparent  
2361 owner. Other means of notification, such as publication of the  
2362 names of apparent owners in the newspaper, on television, on the  
2363 Internet, or through other promotional efforts and items in  
2364 which the department does not directly attempt to contact the  
2365 apparent owner are expressly declared to be passive attempts.  
2366 ~~Nothing in~~ This subsection does not preclude precludes other  
2367 agencies or entities of state government from notifying owners  
2368 of the existence of abandoned unclaimed property or attempting  
2369 to notify apparent owners of abandoned unclaimed property.

2370 (2) Notification provided directly to individual apparent  
2371 owners shall contain consist of a description of the abandoned  
2372 property and information regarding recovery of the unclaimed  
2373 property from the department. The form and content of the  
2374 department's notice shall be tailored to the type of property  
2375 reported and shall include any information necessary to

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2376 reasonably inform the apparent owner of the consequences of  
2377 failure to claim the property, including potential sale or  
2378 disposition under s. 717.122.

2379 (3) The department shall maintain a publicly accessible,  
2380 electronically searchable website that includes the names of  
2381 apparent owners of abandoned property reported to the department  
2382 and instructions for filing a claim. The website must list  
2383 property valued at \$10 or more and provide instructions for  
2384 filing a claim. Abandoned property valued at less than \$10  
2385 remains recoverable from the department in accordance with this  
2386 chapter.

2387 (4) This section is not applicable to abandoned sums  
2388 payable on traveler's checks, money orders, and other written  
2389 instruments ~~presumed unclaimed~~ under s. 717.104, or any other  
2390 abandoned property reported without the necessary identifying  
2391 information to establish ownership.

2392 **Section 41. Section 717.119, Florida Statutes, is amended**  
2393 **to read:**

2394 717.119 Payment or delivery of abandoned unclaimed  
2395 property.—

2396 (1) Every person who is required to file a report under s.  
2397 717.117 shall simultaneously pay or deliver to the department  
2398 all abandoned unclaimed property required to be reported. Such  
2399 payment or delivery shall accompany the report as required in  
2400 this chapter for the preceding calendar year.

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2401 (2) Payment of abandoned unclaimed funds may be made to  
2402 the department by electronic funds transfer.

2403 (3) If the apparent owner establishes the right to receive  
2404 the abandoned unclaimed property to the satisfaction of the  
2405 holder before the property has been delivered to the department  
2406 or it appears that for some other reason ~~the presumption~~ that  
2407 the property was erroneously classified as abandoned is  
2408 ~~unclaimed is erroneous~~, the holder need not pay or deliver the  
2409 property to the department. In lieu of delivery, the holder  
2410 shall file a verified written explanation of the proof of claim  
2411 or of the error in classification of the presumption that the  
2412 property as abandoned was unclaimed.

2413 (4) All virtual currency reported under this chapter on  
2414 the annual report filing required in s. 717.117 shall be  
2415 remitted to the department with the report. The holder shall  
2416 liquidate the virtual currency and remit the proceeds to the  
2417 department. The liquidation must occur within 30 days before the  
2418 filing of the report. Upon delivery of the virtual currency  
2419 proceeds to the department, the holder is relieved of all  
2420 liability of every kind in accordance with the provisions of s.  
2421 717.1201 to every person for any losses or damages resulting to  
2422 the person by the delivery to the department of the virtual  
2423 currency proceeds.

2424 (5) All stock or other intangible ownership interest  
2425 reported under this chapter on the annual report filing required

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2426 in s. 717.117 shall be remitted to the department with the  
2427 report. Upon delivery of the stock or other intangible ownership  
2428 interest to the department, the holder and any transfer agent,  
2429 registrar, or other person acting for or on behalf of a holder  
2430 is relieved of all liability of every kind in accordance with  
2431 the provisions of s. 717.1201 to every person for any losses or  
2432 damages resulting to the person by the delivery to the  
2433 department of the stock or other intangible ownership interest.

2434 (6) All intangible and tangible property held in a safe-  
2435 deposit box or any other safekeeping repository reported under  
2436 s. 717.117 shall not be delivered to the department until 120  
2437 days after the report due date. The delivery of the property,  
2438 through the United States mail or any other carrier, shall be  
2439 insured by the holder at an amount equal to the estimated value  
2440 of the property. Each package shall be clearly marked on the  
2441 outside "Deliver Unopened." A holder's safe-deposit box contents  
2442 shall be delivered to the department in a single shipment. In  
2443 lieu of a single shipment, holders may provide the department  
2444 with a single detailed shipping schedule that includes package  
2445 tracking information for all packages being sent pursuant to  
2446 this section.

2447 (a) Holders may remit the value of cash and coins found in  
2448 abandoned unclaimed safe-deposit boxes to the department by  
2449 cashier's check or by electronic funds transfer, unless the cash  
2450 or coins have a value above face value. The department shall

2451 identify by rule those cash and coin items having a numismatic  
2452 value. Cash and coin items identified as having a numismatic  
2453 value shall be remitted to the department in their original  
2454 form.

2455 (b) Any firearm or ammunition found in an abandoned  
2456 ~~unclaimed~~ safe-deposit box or any other safekeeping repository  
2457 shall be delivered by the holder to a law enforcement agency for  
2458 property handling or disposal pursuant to s. 705.103(2) (b). If  
2459 the firearm is sold by the law enforcement agency, with the  
2460 balance of the proceeds shall be deposited into the State School  
2461 ~~Fund if the firearm is sold. However,~~ The department is  
2462 authorized to make a reasonable attempt to ascertain the  
2463 historical value to collectors of any firearm that has been  
2464 delivered to the department. Any firearm appearing to have  
2465 historical value to collectors may be sold by the department  
2466 pursuant to s. 717.122 to a person having a federal firearms  
2467 license. Any firearm which is not sold pursuant to s. 717.122  
2468 shall be delivered by the department to a law enforcement agency  
2469 in this state for proper handling or disposal. In accordance  
2470 with pursuant to s. 705.103(2) (b), if the firearm is sold by the  
2471 law enforcement agency, with the balance of the proceeds shall  
2472 be deposited into the State School Fund ~~if the firearm is sold.~~  
2473 The department shall not be administratively, civilly, or  
2474 criminally liable for any firearm delivered by the department to  
2475 a law enforcement agency in this state for disposal.

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2476       (c) If such property is not paid or delivered to the  
2477 department on or before the applicable payment or delivery date,  
2478 the holder shall pay to the department a penalty for each safe-  
2479 deposit box shipment received late. The penalty shall be \$100  
2480 for a safe-deposit box shipment container that is late 30 days  
2481 or less. Thereafter, the penalty shall be \$500 for a safe-  
2482 deposit box shipment container that is late for each additional  
2483 successive 30-day period. The penalty assessed against a holder  
2484 for a late safe-deposit box shipment container shall not exceed  
2485 \$4,000 annually. The penalty shall be remitted to the department  
2486 within 30 days after the date of the notification to the holder  
2487 that the penalty is due and owing.

2488       (d) The department may waive any penalty due with  
2489 appropriate justification, as provided by rule.

2490       (e) If a will or trust instrument is included among the  
2491 contents of an abandoned a safe-deposit box or other safekeeping  
2492 repository delivered to the department, the department must  
2493 provide a copy of the will, trust, and any codicils or  
2494 amendments to such will or trust instrument, upon request, to  
2495 anyone who provides the department with a certified copy of the  
2496 death certificate ~~evidence of the death~~ of the testator or  
2497 settlor.

2498       (7) Any holder may request an extension in writing of up  
2499 to 60 days for the delivery of property if extenuating  
2500 circumstances exist for the late delivery of the property. Any

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2501 such extension the department may grant shall be in writing.

2502 (8) A holder may not assign or otherwise transfer its  
2503 obligation to report, pay, or deliver property or to comply with  
2504 the provisions of this chapter, other than to a parent,  
2505 subsidiary, or affiliate of the holder.

2506 (a) Unless otherwise agreed to by the parties to a  
2507 transaction, the holder's successor by merger or consolidation,  
2508 or any person or entity that acquires all or substantially all  
2509 of the holder's capital stock or assets, is responsible for  
2510 fulfilling the holder's obligation to report, pay, or deliver  
2511 property or to comply with the duties of this chapter regarding  
2512 the transfer of property owed to the holder's successor and  
2513 being held for an owner resulting from the merger,  
2514 consolidation, or acquisition.

2515 (b) This subsection does not prohibit a holder from  
2516 contracting with a third party for the reporting of abandoned  
2517 ~~unclaimed~~ property, but the holder remains responsible to the  
2518 department for the complete, accurate, and timely reporting of  
2519 the property.

2520 **Section 42. Subsections (1), (2), and (4) of section**  
2521 **717.1201, Florida Statutes, are amended to read:**

2522 717.1201 Custody by state; holder liability; reimbursement  
2523 of holder paying claim; reclaiming for owner; payment of safe-  
2524 deposit box or repository charges.—

2525 (1) Upon the good faith payment or delivery of abandoned

2526 ~~unclaimed~~ property to the department, the state assumes custody  
2527 and responsibility for the safekeeping of the property. Any  
2528 person who pays or delivers abandoned ~~unclaimed~~ property to the  
2529 department in good faith is relieved of all liability to the  
2530 extent of the value of the property paid or delivered for any  
2531 claim then existing or which thereafter may arise or be made  
2532 with respect to the property.

2533 (a) A holder's substantial compliance with the due  
2534 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith  
2535 payment or delivery of abandoned ~~unclaimed~~ property to the  
2536 department releases the holder from liability that may arise  
2537 from such payment or delivery, and such delivery and payment may  
2538 be pleaded as a defense in any suit or action brought by reason  
2539 of such delivery or payment. This section does not relieve a  
2540 fiduciary of his or her duties under the Florida Trust Code or  
2541 Florida Probate Code.

2542 (b) If the holder pays or delivers property to the  
2543 department in good faith and thereafter any other person claims  
2544 the property from the holder paying or delivering, or another  
2545 state claims the money or property under that state's laws  
2546 relating to escheat or abandoned or unclaimed property, the  
2547 department, upon written notice of the claim, shall defend the  
2548 holder against the claim and indemnify the holder against any  
2549 liability on the claim, except that a holder may not be  
2550 indemnified against penalties imposed by another state.

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2551        (2) For the purposes of this section, a payment or  
2552 delivery of abandoned unclaimed property is made in good faith  
2553 if:

2554        (a) The payment or delivery was made in conjunction with  
2555 an accurate and acceptable report.

2556        (b) The payment or delivery was made in a reasonable  
2557 attempt to comply with this chapter and other applicable general  
2558 law.

2559        (c) The holder had a reasonable basis for believing, based  
2560 on the facts then known, that the property was abandoned  
2561 unclaimed and subject to this chapter.

2562        (d) There is no showing that the records pursuant to which  
2563 the delivery was made did not meet reasonable commercial  
2564 standards of practice in the industry.

2565        (4) Any holder who has delivered property, including a  
2566 certificate of any interest in a business association, other  
2567 than money to the department pursuant to this chapter may  
2568 reclaim the property if still in the possession of the  
2569 department, without payment of any fee or other charges, upon  
2570 filing proof that the person entitled to the property owner has  
2571 claimed it the property from the holder.

2572        **Section 43. Section 717.122, Florida Statutes, is amended  
2573 to read:**

2574        717.122 Public sale of abandoned unclaimed property.—

2575        (1) Except as provided in paragraph (2) (a), the department

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2576 after the receipt of abandoned unclaimed property shall sell it  
2577 to the highest bidder at public sale on the Internet or at a  
2578 specified physical location wherever in the judgment of the  
2579 department the most favorable market for the property involved  
2580 exists. The department may decline the highest bid and reoffer  
2581 the property for sale if in the judgment of the department the  
2582 bid is insufficient. The department shall have the discretion to  
2583 withhold from sale any abandoned unclaimed property that the  
2584 department deems to be of benefit to the people of the state. If  
2585 in the judgment of the department the probable cost of sale  
2586 exceeds the value of the property, it need not be offered for  
2587 sale and may be disposed of as the department determines  
2588 appropriate. Any sale at a specified physical location held  
2589 under this section must be preceded by a single publication of  
2590 notice, at least 3 weeks in advance of sale, in a newspaper of  
2591 general circulation in the county in which the property is to be  
2592 sold. The department shall proportionately deduct auction fees,  
2593 preparation costs, and expenses from the amount posted to an the  
2594 owner's account for an abandoned when safe-deposit box when the  
2595 contents are sold. No action or proceeding may be maintained  
2596 against the department for or on account of any decision to  
2597 decline the highest bid or withhold any abandoned unclaimed  
2598 property from sale.

2599 (2) (a) Securities listed on an established stock exchange  
2600 must be sold at prices prevailing at the time of sale on the

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2601 exchange. Other securities may be sold over the counter at  
2602 prices prevailing at the time of sale or by any other method the  
2603 department deems advisable. The department may authorize the  
2604 agent or broker acting on behalf of the department to deduct  
2605 fees from the proceeds of these sales at a rate agreed upon in  
2606 advance by the agent or broker and the department. The  
2607 department shall reimburse owners' accounts for these brokerage  
2608 fees from the State School Fund unless the securities are sold  
2609 at the owner's request.

2610 (b) Unless the department deems it to be in the public  
2611 interest to do otherwise, all abandoned securities ~~presumed~~  
2612 ~~unclaimed~~ and delivered to the department may be sold upon  
2613 receipt. Any person making a claim pursuant to this chapter is  
2614 entitled to receive either the securities delivered to the  
2615 department by the holder, if they still remain in the hands of  
2616 the department, or the proceeds received from sale, but no  
2617 person has any claim under this chapter against the state, the  
2618 holder, any transfer agent, any registrar, or any other person  
2619 acting for or on behalf of a holder for any appreciation in the  
2620 value of the property occurring after delivery by the holder to  
2621 the state.

2622 (c) Certificates for abandoned ~~unclaimed~~ stock or other  
2623 equity interest of business associations that cannot be canceled  
2624 and registered in the department's name or that cannot be  
2625 readily liquidated and converted into the currency of the United

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2626 States may be sold for the value of the certificate, if any, in  
2627 accordance with subsection (1) or may be destroyed in accordance  
2628 with s. 717.128.

2629 (3) The purchaser of property at any sale conducted by the  
2630 department pursuant to this chapter is entitled to ownership of  
2631 the property purchased free from all claims of the owner or  
2632 previous holder thereof and of all persons claiming through or  
2633 under them. The department shall execute all documents necessary  
2634 to complete the transfer of ownership.

2635 (4) The sale of abandoned unclaimed tangible personal  
2636 property is not subject to tax under chapter 212 when such  
2637 property is sold by or on behalf of the department pursuant to  
2638 this section.

2639 **Section 44. Section 717.123, Florida Statutes, is amended**  
2640 **to read:**

2641 717.123 Deposit of funds.—

2642 (1) All funds received under this chapter, including the  
2643 proceeds from the sale of abandoned unclaimed property under s.  
2644 717.122, shall immediately forthwith be deposited by the  
2645 department in the Abandoned Unclaimed Property Trust Fund. The  
2646 department shall retain, at minimum, from funds received under  
2647 this chapter, the an amount estimated by the Revenue Estimating  
2648 Conference for not exceeding \$15 million from which the  
2649 department to shall make prompt payment of claims allowed by the  
2650 department and shall pay the administrative costs incurred by

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2651 the department in administering and enforcing this chapter.  
2652 Before the close of each fiscal year, the department shall  
2653 transfer to the State School Fund no more than the transfer  
2654 amount estimated by the Revenue Estimating Conference All  
2655 remaining funds received by the department under this chapter  
2656 shall be deposited by the department into the State School Fund.

2657 (2) The department shall record the name and last known  
2658 address of each person appearing from the holder's reports to be  
2659 entitled to the abandoned unclaimed property in the total  
2660 amounts of \$5 or greater; the name and the last known address of  
2661 each insured person or annuitant; and with respect to each  
2662 policy or contract listed in the report of an insurance  
2663 corporation, its number, the name of the corporation, and the  
2664 amount due.

2665 **Section 45. Section 717.1235, Florida Statutes, is amended**  
2666 **to read:**

2667 717.1235 Dormant campaign accounts; ~~report of unclaimed~~  
2668 ~~property.~~—Abandoned Unclaimed funds reported in the name of a  
2669 campaign for public office, for any campaign that must dispose  
2670 of surplus funds in its campaign account pursuant to s. 106.141,  
2671 after being reported to the department, shall be deposited with  
2672 the Chief Financial Officer to the credit of the State School  
2673 Fund.

2674 **Section 46. Section 717.124, Florida Statutes, is amended**  
2675 **to read:**

2676 717.124 Abandoned ~~Unclaimed~~ property claims.—

2677 (1) Any person, excluding another state, claiming an  
2678 interest in any property paid or delivered to the department  
2679 under this chapter may file with the department a claim on a  
2680 form prescribed by the department and verified by the claimant  
2681 or the claimant ~~elaimant's~~ representative. ~~The claimant's~~  
2682 ~~representative must be an attorney licensed to practice law in~~  
2683 ~~this state, a licensed Florida certified public accountant, or a~~  
2684 ~~private investigator licensed under chapter 493. The claimant~~  
2685 ~~claimant's~~ representative must be registered with the department  
2686 under this chapter. The claimant, or the claimant ~~elaimant's~~  
2687 representative, shall provide the department with a legible copy  
2688 of a valid driver license of the claimant at the time the  
2689 original claim form is filed. If the claimant has not been  
2690 issued a valid driver license at the time the original claim  
2691 form is filed, the department shall be provided with a legible  
2692 copy of a photographic identification of the claimant issued by  
2693 the United States, a state or territory of the United States, a  
2694 foreign nation, or a political subdivision or agency thereof or  
2695 other evidence deemed acceptable by the department by rule. In  
2696 lieu of photographic identification, a notarized sworn statement  
2697 by the claimant may be provided which affirms the claimant's  
2698 identity and states the claimant's full name and address. The  
2699 claimant must produce to the notary photographic identification  
2700 of the claimant issued by the United States, a state or

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2701 territory of the United States, a foreign nation, or a political  
2702 subdivision or agency thereof or other evidence deemed  
2703 acceptable by the department by rule. The notary shall indicate  
2704 the notary's full address on the notarized sworn statement. Any  
2705 claim filed without the required identification or the sworn  
2706 statement with the original claim form and the original  
2707 Abandoned Unclaimed Property Recovery Agreement or Abandoned  
2708 Unclaimed Property Purchase Agreement, if applicable, is void.

2709 (a) Within 90 days after receipt of a claim, the  
2710 department may return any claim that provides for the receipt of  
2711 fees and costs greater than that permitted under this chapter or  
2712 that contains any apparent errors or omissions. The department  
2713 may also request that the claimant or the claimant ~~claimant's~~  
2714 representative provide additional information. The department  
2715 shall retain a copy or electronic image of the claim.

2716 (b) A claim is considered to have been withdrawn by a  
2717 claimant or the claimant ~~claimant's~~ representative if the  
2718 department does not receive a response to its request for  
2719 additional information within 60 days after the notification of  
2720 any apparent errors or omissions.

2721 (c) Within 90 days after receipt of the claim, or the  
2722 response of the claimant or the claimant ~~claimant's~~  
2723 representative to the department's request for additional  
2724 information, whichever is later, the department shall determine  
2725 each claim. Such determination shall contain a notice of rights

2726 provided by ss. 120.569 and 120.57. The 90-day period shall be  
2727 extended by 60 days if the department has good cause to need  
2728 additional time or if the abandoned unclaimed property:

2729 1. Is owned by a person who has been a debtor in  
2730 bankruptcy;

2731 2. Was reported with an address outside of the United  
2732 States;

2733 3. Is being claimed by a person outside of the United  
2734 States; or

2735 4. Contains documents filed in support of the claim that  
2736 are not in the English language and have not been accompanied by  
2737 an English language translation.

2738 (2) A claim for a cashier's check or a stock certificate  
2739 without the original instrument may require an indemnity bond  
2740 equal to the value of the claim to be provided prior to issue of  
2741 the stock or payment of the claim by the department.

2742 (3) The department may require an affidavit swearing to  
2743 the authenticity of the claim, lack of documentation, and an  
2744 agreement to allow the department to provide the name and  
2745 address of the claimant to subsequent claimants coming forward  
2746 with substantiated proof to claim the account. This shall apply  
2747 to claims equal to or less than \$250. The exclusive remedy of a  
2748 subsequent claimant to the property shall be against the person  
2749 who received the property from the department.

2750 (4) (a) Except as otherwise provided in this chapter, if a

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2751 claim is determined in favor of the claimant, the department  
2752 shall deliver or pay over to the claimant the property or the  
2753 amount the department actually received or the proceeds if it  
2754 has been sold by the department, together with any additional  
2755 amount required by s. 717.121.

2756 (b) If a claimant ~~an owner~~ authorizes a claimant  
2757 ~~representative~~ ~~an attorney licensed to practice law in this~~  
2758 ~~state, a Florida certified public accountant, or a private~~  
2759 ~~investigator licensed under chapter 493, and registered with the~~  
2760 department under this chapter, to claim the abandoned unclaimed  
2761 property on the claimant's owner's behalf, the department is  
2762 authorized to make distribution of the property or money in  
2763 accordance with the Abandoned Unclaimed Property Recovery  
2764 Agreement or Abandoned Unclaimed Property Purchase Agreement  
2765 under s. 717.135. The original Abandoned Unclaimed Property  
2766 Recovery Agreement or Abandoned Unclaimed Property Purchase  
2767 Agreement must be executed by the claimant or seller and must be  
2768 filed with the department.

2769 (c) 1. Payments of approved claims for unclaimed cash  
2770 accounts must be made to the owner after deducting any fees and  
2771 costs authorized by the claimant under an Abandoned Unclaimed  
2772 Property Recovery Agreement. The contents of a safe-deposit box  
2773 or shares of securities must be delivered directly to the  
2774 claimant.

2775 2. Payments of fees and costs authorized under an

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2776     Abandoned Unclaimed Property Recovery Agreement for approved  
2777     claims must be made or issued to the law firm of the designated  
2778     attorney licensed to practice law in this state, the public  
2779     accountancy firm of the licensed Florida-certified public  
2780     accountant, or the designated employing private investigative  
2781     agency licensed by this state. Such payments shall be made by  
2782     electronic funds transfer and may be made on such periodic  
2783     schedule as the department may define by rule, provided the  
2784     payment intervals do not exceed 31 days. Payment made to an  
2785     attorney licensed in this state, a Florida-certified public  
2786     accountant, or a private investigator licensed under chapter  
2787     493, operating individually or as a sole practitioner, must be  
2788     to the attorney, certified public accountant, or private  
2789     investigator.

2790         (5) The department shall not be administratively, civilly,  
2791     or criminally liable for any property or funds distributed  
2792     pursuant to this section, provided such distribution is made in  
2793     good faith.

2794         (6) This section does not supersede the licensing  
2795     requirements of chapter 493.

2796         (7) The department may allow an apparent owner to  
2797     electronically submit a claim for abandoned unclaimed property  
2798     to the department. If a claim is submitted electronically for  
2799     \$2,000 or less, the department may use a method of identity  
2800     verification other than a copy of a valid driver license, other

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2801 government-issued photographic identification, or a sworn  
2802 notarized statement. The department may adopt rules to implement  
2803 this subsection.

2804 (8) Notwithstanding any other provision of this chapter,  
2805 the department may develop and implement an identification  
2806 verification and disbursement process by which an account valued  
2807 at \$2,000 or less, after being received by the department and  
2808 added to the abandoned unclaimed property database, may be  
2809 disbursed to an apparent owner after the department has verified  
2810 that the apparent owner is living and that the apparent owner's  
2811 current address is correct. The department shall include with  
2812 the payment a notification and explanation of the dollar amount,  
2813 the source, and the property type of each account included in  
2814 the disbursement. The department shall adopt rules to implement  
2815 this subsection.

2816 (9)(a) Notwithstanding any other provision of this  
2817 chapter, the department may develop and implement a verification  
2818 and disbursement process by which an account, after being  
2819 received by the department and added to the abandoned unclaimed  
2820 property database, for which the apparent owner entity is:

- 2821 1. A state agency in this state or a subdivision or  
2822 successor agency thereof;
- 2823 2. A county government in this state or a subdivision  
2824 thereof;
- 2825 3. A public school district in this state or a subdivision

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2826 thereof;

2827 4. A municipality in this state or a subdivision thereof;

2828 or

2829 5. A special taxing district or authority in this state,

2830

2831 may be disbursed to the apparent owner entity or successor  
2832 entity. The department shall include with the payment a  
2833 notification and explanation of the dollar amount, the source,  
2834 and the property type of each account included in the  
2835 disbursement.2836 (b) The department may adopt rules to implement this  
2837 subsection.2838 (10) Notwithstanding any other provision of this chapter,  
2839 the department may develop a process by which a claimant  
2840 ~~claimant's representative or a buyer of unclaimed property~~ may  
2841 electronically submit to the department an electronic image of a  
2842 completed claim and claims-related documents under this chapter,  
2843 including an Abandoned Unclaimed Property Recovery Agreement or  
2844 Abandoned Unclaimed Property Purchase Agreement that has been  
2845 signed and dated by a claimant or seller under s. 717.135, after  
2846 the ~~claimant claimant's representative or the buyer of unclaimed~~  
2847 property receives the original documents provided by the  
2848 claimant or the seller for any claim. Each claim filed by a  
2849 ~~claimant claimant's representative or a buyer of unclaimed~~  
2850 property must include a statement by the ~~claimant claimant's~~

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2851 representative ~~or the buyer of unclaimed property~~ attesting that  
2852 all documents are true copies of the original documents and that  
2853 all original documents are physically in the possession of the  
2854 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~  
2855 ~~property~~. All original documents must be kept in the original  
2856 form, by claim number, under the secure control of the claimant  
2857 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and  
2858 must be available for inspection by the department in accordance  
2859 with s. 717.1315. The department may adopt rules to implement  
2860 this subsection.

2861 (11) This section applies to all abandoned unclaimed  
2862 property reported and remitted to the Chief Financial Officer,  
2863 including, but not limited to, property reported pursuant to ss.  
2864 45.032, 732.107, 733.816, and 744.534.

2865 **Section 47. Section 717.12403, Florida Statutes, is**  
2866 **amended to read:**

2867 717.12403 Abandoned Unclaimed demand, savings, or checking  
2868 account in a financial institution held in the name of more than  
2869 one person.—

2870 (1) (a) If an abandoned unclaimed demand, savings, or  
2871 checking account in a financial institution is reported as an  
2872 "and" account in the name of two or more persons who are not  
2873 beneficiaries, it is presumed that each person must claim the  
2874 account in order for the claim to be approved by the department.  
2875 This presumption may be rebutted by showing that entitlement to

2876 the account has been transferred to another person or by clear  
2877 and convincing evidence demonstrating that the account should  
2878 have been reported by the financial institution as an "or"  
2879 account.

2880 (b) If an abandoned unclaimed demand, savings, or checking  
2881 account in a financial institution is reported as an "and"  
2882 account and one of the persons on the account is deceased, it is  
2883 presumed that the account is a survivorship account. This  
2884 presumption may be rebutted by showing that entitlement to the  
2885 account has been transferred to another person or by clear and  
2886 convincing evidence demonstrating that the account is not a  
2887 survivorship account.

2888 (2) If an abandoned unclaimed demand, savings, or checking  
2889 account in a financial institution is reported as an "or"  
2890 account in the name of two or more persons who are not  
2891 beneficiaries, it is presumed that either person listed on the  
2892 account may claim the entire amount held in the account. This  
2893 presumption may be rebutted by showing that entitlement to the  
2894 account has been transferred to another person or by clear and  
2895 convincing evidence demonstrating that the account should have  
2896 been reported by the financial institution as an "and" account.

2897 (3) If an abandoned unclaimed demand, savings, or checking  
2898 account in a financial institution is reported in the name of  
2899 two or more persons who are not beneficiaries without  
2900 identifying whether the account is an "and" account or an "or"

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2901 account, it is presumed that the account is an "or" account.  
2902 This presumption may be rebutted by showing that entitlement to  
2903 the account has been transferred to another person or by clear  
2904 and convincing evidence demonstrating that the account should  
2905 have been reported by the financial institution as an "and"  
2906 account.

2907 (4) The department shall be deemed to have made a  
2908 distribution in good faith if the department remits funds  
2909 consistent with this section.

2910 **Section 48. Subsection (2) of section 717.12404, Florida  
2911 Statutes, is amended to read:**

2912 717.12404 Claims on behalf of a business entity or trust.—  
2913 (2) Claims on behalf of an active or a dissolved  
2914 corporation, a business entity ~~other than an active corporation~~,  
2915 or a trust must include a legible copy of a valid driver license  
2916 of the person acting on behalf of the ~~dissolved~~ corporation,  
2917 business entity ~~other than an active corporation~~, or trust. If  
2918 the person has not been issued a valid driver license, the  
2919 department shall be provided with a legible copy of a  
2920 photographic identification of the person issued by the United  
2921 States, a foreign nation, or a political subdivision or agency  
2922 thereof. In lieu of photographic identification, a notarized  
2923 sworn statement by the person may be provided which affirms the  
2924 person's identity and states the person's full name and address.  
2925 The person must produce his or her photographic identification

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2926 issued by the United States, a state or territory of the United  
2927 States, a foreign nation, or a political subdivision or agency  
2928 thereof or other evidence deemed acceptable by the department by  
2929 rule. The notary shall indicate the notary's full address on the  
2930 notarized sworn statement. Any claim filed without the required  
2931 identification or the sworn statement with the original claim  
2932 form and the original Abandoned Unclaimed Property Recovery  
2933 Agreement or Abandoned Unclaimed Property Purchase Agreement, if  
2934 applicable, is void.

2935 **Section 49. Section 717.12405, Florida Statutes, is**  
2936 **amended to read:**

2937 717.12405 Claims by estates.—An estate or any person  
2938 representing an estate or acting on behalf of an estate may  
2939 claim abandoned unclaimed property only after the heir or  
2940 legatee of the decedent entitled to the property has been  
2941 located. Any estate, or any person representing an estate or  
2942 acting on behalf of an estate, that receives abandoned unclaimed  
2943 property before the heir or legatee of the decedent entitled to  
2944 the property has been located, is personally liable for the  
2945 abandoned unclaimed property and must immediately return the  
2946 full amount of the abandoned unclaimed property or the value  
2947 thereof to the department in accordance with s. 717.1341.

2948 **Section 50. Section 717.12406, Florida Statutes, is**  
2949 **amended to read:**

2950 717.12406 Joint ownership of abandoned unclaimed

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2951 securities or dividends.—For the purpose of determining joint  
2952 ownership of abandoned unclaimed securities or dividends, the  
2953 term:

2954 (1) "TEN COM" means tenants in common.

2955 (2) "TEN ENT" means tenants by the entireties.

2956 (3) "JT TEN" or "JT" means joint tenants with the right of  
2957 survivorship and not as tenants in common.

2958 (4) "And" means tenants in common with each person  
2959 entitled to an equal pro rata share.

2960 (5) "Or" means that each person listed on the account is  
2961 entitled to all of the funds.

2962 **Section 51. Section 717.1241, Florida Statutes, is amended**  
2963 **to read:**

2964 717.1241 Conflicting claims.—

2965 (1) For purposes of this section, the term "conflicting  
2966 claim" means two or more claims received by the department for  
2967 the same abandoned property account or accounts in which two or  
2968 more claimants appear to be equally entitled to the property.  
2969 The term also includes circumstances in which the same claimant  
2970 has more than one claim pending for the same property, including  
2971 when the claimant is represented by more than one claimant  
2972 representative or submits both a personal claim and a claim  
2973 through a representative.

2974 (2) When conflicting claims have been received by the  
2975 department for the same abandoned unclaimed property account or

2976 accounts, the property shall be remitted in accordance with the  
2977 claim filed by the person as follows, notwithstanding the  
2978 withdrawal of a claim:

2979 (a) To the person submitting the first claim received by  
2980 the ~~Division of Unclaimed Property~~ of the department that is  
2981 complete or made complete.

2982 (b) If a claimant's claim and a claimant ~~claimant's~~  
2983 representative's claim for the recovery of property are received  
2984 by the ~~Division of Unclaimed Property~~ of the department on the  
2985 same day and both claims are complete, to the claimant.

2986 (c) If a buyer's claim or a purchasing claimant  
2987 representative's claim and a claimant's claim or a claimant  
2988 ~~claimant's~~ representative's claim for the recovery of property  
2989 are received by the ~~Division of Unclaimed Property~~ of the  
2990 department on the same day and the claims are complete, to the  
2991 buyer.

2992 (d) As between two or more claimant representatives'  
2993 ~~claimant's representative's~~ claims received by the ~~Division of~~  
2994 ~~Unclaimed Property~~ of the department that are complete or made  
2995 complete on the same day, to the claimant ~~claimant's~~  
2996 representative who has agreed to receive the lowest fee. If the  
2997 two or more claimant ~~claimant's~~ representatives whose claims  
2998 received by ~~the Division of Unclaimed Property~~ of the department  
2999 were complete or made complete on the same day are charging the  
3000 same ~~lowest~~ fee, the fee shall be divided equally between the

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3001 claimant ~~claimant's~~ representatives.

3002 (e) If more than one buyer's claim received by the  
3003 ~~Division of Unclaimed Property of~~ the department is complete or  
3004 made complete on the same day, the department shall remit the  
3005 abandoned ~~unclaimed~~ property to the buyer who paid the highest  
3006 amount to the seller. If the buyers paid the same amount to the  
3007 seller, the department shall remit the abandoned ~~unclaimed~~  
3008 property to the buyers divided in equal amounts.

3009 (3)-(2) The purpose of this section is solely to provide  
3010 guidance to the department regarding to whom it should remit the  
3011 abandoned ~~unclaimed~~ property and is not intended to extinguish  
3012 or affect any private cause of action that any person may have  
3013 against another person for breach of contract or other statutory  
3014 or common-law remedy. A buyer's sole remedy, if any, shall be  
3015 against the claimant ~~claimant's~~ representative or the seller, or  
3016 both. A claimant ~~claimant's~~ representative's sole remedy, if  
3017 any, shall be against the buyer or the seller, or both. A  
3018 claimant's or seller's sole remedy, if any, shall be against the  
3019 buyer or the claimant ~~claimant's~~ representative, or both.  
3020 Nothing in this section forecloses the right of a person to  
3021 challenge the department's determination of completeness in a  
3022 proceeding under ss. 120.569 and 120.57.

3023 (4)-(3) A claim is complete when entitlement to the  
3024 abandoned ~~unclaimed~~ property has been established.

3025 **Section 52. Subsection (1) of section 717.1242, Florida**

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3026 **Statutes, is amended to read:**3027 717.1242 Restatement of jurisdiction of the circuit court  
3028 sitting in probate and the department.—3029 (1) It is and has been the intent of the Legislature that,  
3030 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of  
3031 proceedings relating to the settlement of the estates of  
3032 decedents and other jurisdiction usually pertaining to courts of  
3033 probate. It is and has been the intent of the Legislature that,  
3034 pursuant to this chapter, the department determines the merits  
3035 of claims and entitlement to abandoned unclaimed property paid  
3036 or delivered to the department under this chapter. Consistent  
3037 with this legislative intent, any beneficiary, devisee, heir,  
3038 personal representative, or other interested person, as those  
3039 terms are defined in the Florida Probate Code and the Florida  
3040 Trust Code, of an estate seeking to obtain property paid or  
3041 delivered to the department under this chapter must file a claim  
3042 with the department as provided in s. 717.124.3043 **Section 53. Subsections (1) and (4) of section 717.1243,  
3044 Florida Statutes, are amended to read:**

3045 717.1243 Small estate accounts.—

3046 (1) A claim for abandoned unclaimed property made by a  
3047 beneficiary, as defined in s. 731.201, of a deceased owner need  
3048 not be accompanied by an order of a probate court if the  
3049 claimant files with the department an affidavit, signed by all  
3050 beneficiaries, stating that all the beneficiaries have amicably

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3051 agreed among themselves upon a division of the estate and that  
3052 all funeral expenses, expenses of the last illness, and any  
3053 other lawful claims have been paid, and any additional  
3054 information reasonably necessary to make a determination of  
3055 entitlement. If the owner died testate, the claim shall be  
3056 accompanied by a copy of the will.

3057 (4) This section applies only if all of the abandoned  
3058 ~~unclaimed~~ property held by the department on behalf of the owner  
3059 has an aggregate value of \$20,000 or less and no probate  
3060 proceeding is pending.

3061 **Section 54. Section 717.1244, Florida Statutes, is amended**  
3062 **to read:**

3063 717.1244 Determinations of abandoned ~~unclaimed~~ property  
3064 claims.—In rendering a determination regarding the merits of an  
3065 abandoned ~~unclaimed~~ property claim, the department shall rely on  
3066 the applicable statutory, regulatory, common, and case law.  
3067 Agency statements applying the statutory, regulatory, common,  
3068 and case law to abandoned ~~unclaimed~~ property claims are not  
3069 agency statements subject to s. 120.56(4).

3070 **Section 55. Section 717.1245, Florida Statutes, is amended**  
3071 **to read:**

3072 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If  
3073 any person files a petition for writ of garnishment seeking to  
3074 obtain property paid or delivered to the department under this  
3075 chapter, the petitioner shall be ordered to pay the department

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3076 reasonable costs and attorney attorney's fees in any proceeding  
3077 brought by the department to oppose, appeal, or collaterally  
3078 attack the petition or writ if the department is the prevailing  
3079 party in any such proceeding.

3080 **Section 56. Subsection (1) of section 717.125, Florida  
3081 Statutes, is amended to read:**

3082 717.125 Claim of another state to recover property;  
3083 procedure.—

3084 (1) At any time after property has been paid or delivered  
3085 to the department under this chapter, another state may recover  
3086 the property if:

3087 (a) The property was subjected to custody by this state  
3088 because the records of the holder did not reflect the last known  
3089 address of the apparent owner when the property was presumed  
3090 abandoned unclaimed under this chapter, and the other state  
3091 establishes that the last known address of the apparent owner or  
3092 other person entitled to the property was in that state and  
3093 under the laws of that state the property escheated to or was  
3094 subject to a claim of abandonment or being unclaimed by that  
3095 state;

3096 (b) The last known address of the apparent owner or other  
3097 person entitled to the property, as reflected by the records of  
3098 the holder, is in the other state and under the laws of that  
3099 state the property has escheated to or become subject to a claim  
3100 of abandonment by that state;

3101 (c) The records of the holder were erroneous in that they  
3102 did not accurately reflect the actual owner of the property and  
3103 the last known address of the actual owner is in the other state  
3104 and under laws of that state the property escheated to or was  
3105 subject to a claim of abandonment by that state;

3106 (d) The property was subject to custody by this state  
3107 under s. 717.103(6) and under the laws of the state of domicile  
3108 of the holder the property has escheated to or become subject to  
3109 a claim of abandonment by that state; or

3110 (e) The property is the sum payable on a traveler's check,  
3111 money order, or other similar instrument that was subjected to  
3112 custody by this state under s. 717.104, and the instrument was  
3113 purchased in the other state, and under the laws of that state  
3114 the property escheated to or became subject to a claim of  
3115 abandonment by that state.

3116 **Section 57. Subsection (1) of section 717.126, Florida  
3117 Statutes, is amended to read:**

3118 717.126 Administrative hearing; burden of proof; proof of  
3119 entitlement; venue.—

3120 (1) Any person aggrieved by a decision of the department  
3121 may petition for a hearing as provided in ss. 120.569 and  
3122 120.57. In any proceeding for determination of a claim to  
3123 property paid or delivered to the department under this chapter,  
3124 the burden shall be upon the claimant to establish entitlement  
3125 to the property by a preponderance of evidence. Having the same

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3126 name as that reported to the department is not sufficient, in  
3127 the absence of other evidence, to prove entitlement to abandoned  
3128 unclaimed property.

3129 **Section 58. Section 717.1261, Florida Statutes, is amended**  
3130 **to read:**

3131 717.1261 Death certificates.—Any person who claims  
3132 entitlement to abandoned unclaimed property by means of the  
3133 death of one or more persons shall file a copy of the death  
3134 certificate of the decedent or decedents that has been certified  
3135 as being authentic by the issuing governmental agency.

3136 **Section 59. Section 717.1262, Florida Statutes, is amended**  
3137 **to read:**

3138 717.1262 Court documents.—Any person who claims  
3139 entitlement to abandoned unclaimed property by reason of a court  
3140 document shall file a certified copy of the court document with  
3141 the department. A certified copy of each pleading filed with the  
3142 court to obtain a court document establishing entitlement, filed  
3143 within 180 days before the date the claim form was signed by the  
3144 claimant or claimant claimant's representative, must also be  
3145 filed with the department.

3146 **Section 60. Section 717.129, Florida Statutes, is amended**  
3147 **to read:**

3148 717.129 Periods of limitation.—

3149 (1) The expiration before or after July 1, 1987, of any  
3150 period of time specified by contract, statute, or court order,

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3151 during which a claim for money or property may be made or during  
3152 which an action or proceeding may be commenced or enforced to  
3153 obtain payment of a claim for money or to recover property, does  
3154 not prevent the money or property from being presumed abandoned  
3155 ~~unclaimed~~ or affect any duty to file a report or to pay or  
3156 deliver abandoned ~~unclaimed~~ property to the department as  
3157 required by this chapter.

3158 (2) The department may not commence an action or  
3159 proceeding to enforce this chapter with respect to the  
3160 reporting, payment, or delivery of property or any other duty of  
3161 a holder under this chapter more than 10 years after the duty  
3162 arose. The period of limitation established under this  
3163 subsection is tolled by the earlier of the department's or audit  
3164 agent's delivery of a notice that a holder is subject to an  
3165 audit or examination under s. 717.1301 or the holder's written  
3166 election to enter into an abandoned ~~unclaimed~~ property voluntary  
3167 disclosure agreement.

3168 **Section 61. Subsections (3) and (4) of section 717.1301,  
3169 Florida Statutes, are amended to read:**

3170 717.1301 Investigations; examinations; subpoenas.—

3171 (3) The department may authorize a compliance review of a  
3172 report for a specified reporting year. The review must be  
3173 limited to the contents of the report filed, as required by s.  
3174 717.117 and subsection (2), and all supporting documents related  
3175 to the reports. If the review results in a finding of a

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3176 deficiency in abandoned unclaimed property due and payable to  
3177 the department, the department shall notify the holder in  
3178 writing of the amount of deficiency within 1 year after the  
3179 authorization of the compliance review. If the holder fails to  
3180 pay the deficiency within 90 days, the department may seek to  
3181 enforce the assessment under subsection (1). The department is  
3182 not required to conduct a review under this section before  
3183 initiating an audit.

3184 (4) Notwithstanding any other provision of law, in a  
3185 contract providing for the location or collection of abandoned  
3186 unclaimed property, the department may authorize the contractor  
3187 to deduct its fees and expenses for services provided under the  
3188 contract from the abandoned unclaimed property that the  
3189 contractor has recovered or collected under the contract. The  
3190 department shall annually report to the Chief Financial Officer  
3191 the total amount collected or recovered by each contractor  
3192 during the previous fiscal year and the total fees and expenses  
3193 deducted by each contractor.

3194 **Section 62. Section 717.1315, Florida Statutes, is amended**  
3195 **to read:**

3196 717.1315 Retention of records by claimant claimant's  
3197 representatives and buyers of abandoned unclaimed property.—

3198 (1) Every claimant claimant's representative and buyer of  
3199 abandoned unclaimed property shall keep and use in his or her  
3200 business such books, accounts, and records of the business

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3201 conducted under this chapter to enable the department to  
3202 determine whether such person is complying with this chapter and  
3203 the rules adopted by the department under this chapter. Every  
3204 claimant ~~claimant's~~ representative and buyer of abandoned  
3205 ~~unclaimed~~ property shall preserve such books, accounts, and  
3206 records, including every Abandoned ~~Unclaimed~~ Property Recovery  
3207 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement  
3208 between the owner and such claimant ~~claimant's~~ representative or  
3209 buyer, for at least 3 years after the date of the initial  
3210 agreement.

3211 (2) A claimant ~~claimant's~~ representative or buyer of  
3212 abandoned ~~unclaimed~~ property, operating at two or more places of  
3213 business in this state, may maintain the books, accounts, and  
3214 records of all such offices at any one of such offices, or at  
3215 any other office maintained by such claimant ~~claimant's~~  
3216 representative or buyer of abandoned ~~unclaimed~~ property, upon  
3217 the filing of a written notice with the department designating  
3218 in the written notice the office at which such records are  
3219 maintained.

3220 (3) A claimant ~~claimant's~~ representative or buyer of  
3221 abandoned ~~unclaimed~~ property shall make all books, accounts, and  
3222 records available at a convenient location in this state upon  
3223 request of the department.

3224 **Section 63. Subsections (2) and (3) of section 717.132,  
3225 Florida Statutes, are amended to read:**

3226 717.132 Enforcement; cease and desist orders; fines.—

3227 (2) In addition to any other powers conferred upon it to  
3228 enforce and administer the provisions of this chapter, the  
3229 department may issue and serve upon a person an order to cease  
3230 and desist and to take corrective action whenever the department  
3231 finds that such person is violating, has violated, or is about  
3232 to violate any provision of this chapter, any rule or order  
3233 promulgated under this chapter, or any written agreement entered  
3234 into with the department. For purposes of this subsection, the  
3235 term "corrective action" includes refunding excessive charges,  
3236 requiring a person to return abandoned unclaimed property,  
3237 requiring a holder to remit abandoned unclaimed property, and  
3238 requiring a holder to correct a report that contains errors or  
3239 omissions. Any such order shall contain a notice of rights  
3240 provided by ss. 120.569 and 120.57.

3241 (3) In addition to any other powers conferred upon it to  
3242 enforce and administer the provisions of this chapter, the  
3243 department or a court of competent jurisdiction may impose fines  
3244 against any person found to have violated any provision of this  
3245 chapter, any rule or order promulgated under this chapter, or  
3246 any written agreement entered into with the department in an  
3247 amount not to exceed \$2,000 for each violation. All fines  
3248 collected under this subsection shall be deposited as received  
3249 in the Abandoned Unclaimed Property Trust Fund.

3250 **Section 64. Paragraphs (c), (d), and (j) of subsection**

3251 (1), subsections (2) and (3), paragraph (b) of subsection (4),  
3252 and subsection (5) of section 717.1322, Florida Statutes, are  
3253 amended to read:

3254 717.1322 Administrative and civil enforcement.—

3255 (1) The following acts are violations of this chapter and  
3256 constitute grounds for an administrative enforcement action by  
3257 the department in accordance with the requirements of chapter  
3258 120 and for civil enforcement by the department in a court of  
3259 competent jurisdiction:

3260 (c) ~~Fraudulent Misrepresentation, circumvention, or~~  
3261 concealment of any matter required to be stated or furnished to  
3262 the department or to an owner or apparent owner under this  
3263 chapter, ~~regardless of reliance by or damage to the owner or~~  
3264 ~~apparent owner.~~

3265 (d) ~~Willful Imposition of illegal or excessive charges in~~  
3266 any ~~abandoned unclaimed~~ property transaction.

3267 (j) Requesting or receiving compensation for notifying a  
3268 person of his or her ~~abandoned unclaimed~~ property or assisting  
3269 another person in filing a claim for ~~abandoned unclaimed~~  
3270 property, ~~unless the person is an attorney licensed to practice~~  
3271 ~~law in this state, a Florida certified public accountant, or a~~  
3272 ~~private investigator licensed under chapter 493, or entering~~  
3273 ~~into, or making a solicitation to enter into, an agreement to~~  
3274 ~~file a claim for abandoned unclaimed property owned by another,~~  
3275 ~~unless such person is a registered claimant representative~~

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3276 registered with the department under this chapter and an  
3277 attorney licensed to practice law in this state in the regular  
3278 practice of her or his profession, a Florida-certified public  
3279 accountant who is acting within the scope of the practice of  
3280 public accounting as defined in chapter 473, or a private  
3281 investigator licensed under chapter 493. This paragraph does not  
3282 apply to a person who has been granted a durable power of  
3283 attorney to convey and receive all of the real and personal  
3284 property of the owner, is the court-appointed guardian of the  
3285 owner, has been employed as an attorney or qualified  
3286 representative to contest the department's denial of a claim, or  
3287 has been employed as an attorney to probate the estate of the  
3288 owner or an heir or legatee of the owner.

3289 (2) Upon a finding by the department that any person has  
3290 committed any of the acts set forth in subsection (1), the  
3291 department may enter an order doing any of the following:

3292 (a) Revoking for a minimum of 5 years or suspending for a  
3293 maximum of 5 years a registration previously granted under this  
3294 chapter during which time the registrant may not reapply for a  
3295 registration under this chapter.<sup>†</sup>

3296 (b) Placing a claimant representative registrant or an  
3297 applicant for a registration on probation for a period of time  
3298 and subject to such conditions as the department may specify.<sup>†</sup>

3299 (c) Placing permanent restrictions or conditions upon  
3300 issuance or maintenance of a registration under this chapter;

3301 (d) Issuing a reprimand.~~;~~

3302 (e) Imposing an administrative fine not to exceed \$2,000

3303 for each such act.~~;~~~~or~~

3304 (f) Prohibiting any person from being a director, officer,

3305 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~

3306 ~~percent~~ or greater interest in an employer of a claimant

3307 representative ~~registrant~~.

3308 (3) A claimant ~~claimant's~~ representative is subject to

3309 civil enforcement and the disciplinary actions specified in

3310 subsection (2) for violations of subsection (1) by an agent or

3311 employee of the claimant representative's ~~registrant's~~ employer

3312 if the claimant ~~claimant's~~ representative knew or should have

3313 known that such agent or employee was violating any provision of

3314 this chapter.

3315 (4)

3316 (b) The disciplinary guidelines shall specify a meaningful

3317 range of designated penalties based upon the severity or

3318 repetition of specific offenses, or both. It is the legislative

3319 intent that minor violations be distinguished from more serious

3320 violations; that such guidelines consider the amount of the

3321 claim involved, the complexity of locating the owner, the steps

3322 taken to ensure the accuracy of the claim by the person filing

3323 the claim, the acts of commission and omission of the claimant

3324 ~~ultimate owners~~ in establishing themselves as rightful owners of

3325 the funds, the acts of commission or omission of the agent or

3326 employee of a claimant representative or its an employer in the  
3327 filing of the claim, the actual knowledge of the agent,  
3328 employee, employer, or owner in the filing of the claim, the  
3329 departure, if any, by the agent or employee from the internal  
3330 controls and procedures established by the claimant  
3331 representative or its employer with regard to the filing of a  
3332 claim, the number of defective claims previously filed by the  
3333 agent, employee, employer, or owner; that such guidelines  
3334 provide reasonable and meaningful notice of likely penalties  
3335 that may be imposed for proscribed conduct; and that such  
3336 penalties be consistently applied by the department.

3337 (5) The department may seek any appropriate civil legal  
3338 remedy available to it by filing a civil action in a court of  
3339 competent jurisdiction against any person who has, directly or  
3340 through a claimant ~~claimant's~~ representative, wrongfully  
3341 submitted a claim as the ~~ultimate~~ owner of property and  
3342 improperly received funds from the department in violation of  
3343 this chapter.

3344 **Section 65. Subsections (1) and (3) of section 717.133,  
3345 Florida Statutes, are amended to read:**

3346 717.133 Interstate agreements and cooperation; joint and  
3347 reciprocal actions with other states.—

3348 (1) The department may enter into agreements with other  
3349 states to exchange information needed to enable this or another  
3350 state to audit or otherwise determine abandoned unclaimed

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3351 property that it or another state may be entitled to subject to  
3352 a claim of custody. The department may require the reporting of  
3353 information needed to enable compliance with agreements made  
3354 pursuant to this section and prescribe the form.

3355 (3) At the request of another state, the department may  
3356 bring an action in the name of the other state in any court of  
3357 competent jurisdiction to enforce the abandoned unclaimed  
3358 property laws of the other state against a holder in this state  
3359 of property subject to escheat or a claim of abandonment by the  
3360 other state, if the other state has agreed to pay expenses  
3361 incurred in bringing the action.

3362 **Section 66. Subsection (2) of section 717.1333, Florida  
3363 Statutes, is amended to read:**

3364 717.1333 Evidence; estimations; audit reports and  
3365 worksheets, investigator reports and worksheets, other related  
3366 documents.—

3367 (2) If the records of the holder that are available for  
3368 the periods subject to this chapter are insufficient to permit  
3369 the preparation of a report of the abandoned unclaimed property  
3370 due and owing by a holder, or if the holder fails to provide  
3371 records after being requested to do so, the amount due to the  
3372 department may be reasonably estimated.

3373 **Section 67. Paragraph (a) of subsection (1) and  
3374 subsections (2) and (4) of section 717.1341, Florida Statutes,  
3375 are amended to read:**

3376        717.1341 Invalid claims, recovery of property, interest  
3377 and penalties.—

3378        (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned  
3379 ~~unclaimed~~ property that the person is not entitled to receive.  
3380 Any person who receives, or assists another person to receive,  
3381 abandoned ~~unclaimed~~ property that the person is not entitled to  
3382 receive is strictly, jointly, personally, and severally liable  
3383 for the abandoned ~~unclaimed~~ property and shall immediately  
3384 return the property, or the reasonable value of the property if  
3385 the property has been damaged or disposed of, to the department  
3386 plus interest at the rate set in accordance with s. 55.03(1).  
3387 Assisting another person to receive abandoned ~~unclaimed~~ property  
3388 includes executing a claim form on the person's behalf.

3389        (2) The department may maintain a civil or administrative  
3390 action:

3391        (a) To recover abandoned ~~unclaimed~~ property that was paid  
3392 or remitted to a person who was not entitled to the abandoned  
3393 ~~unclaimed~~ property or to offset amounts owed to the department  
3394 against amounts owed to an owner representative;

3395        (b) Against a person who assists another person in  
3396 receiving, or attempting to receive, abandoned ~~unclaimed~~  
3397 property that the person is not entitled to receive; or

3398        (c) Against a person who attempts to receive abandoned  
3399 ~~unclaimed~~ property that the person is not entitled to receive.

3400        (4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly

3401 conspire to file, or knowingly assist in filing, a claim for  
3402 abandoned unclaimed property the person is not entitled to  
3403 receive. Any person who violates this subsection regarding  
3404 abandoned unclaimed property of an aggregate value:

3405 (a) Greater than \$50,000, commits is guilty of a felony of  
3406 the first degree, punishable as provided in s. 775.082, s.  
3407 775.083, or s. 775.084;

3408 (b) Greater than \$10,000 up to \$50,000, commits is guilty  
3409 of a felony of the second degree, punishable as provided in s.  
3410 775.082, s. 775.083, or s. 775.084;

3411 (c) Greater than \$250 up to \$10,000, commits is guilty of  
3412 a felony of the third degree, punishable as provided in s.  
3413 775.082, s. 775.083, or s. 775.084;

3414 (d) Greater than \$50 up to \$250, commits is guilty of a  
3415 misdemeanor of the first degree, punishable as provided in s.  
3416 775.082 or s. 775.083; or

3417 (e) Up to \$50, commits is guilty of a misdemeanor of the  
3418 second degree, punishable as provided in s. 775.082 or s.  
3419 775.083.

3420 **Section 68. Section 717.135, Florida Statutes, is amended  
3421 to read:**

3422 717.135 Recovery agreements and purchase agreements for  
3423 claims filed by a claimant ~~claimant's~~ representative; fees and  
3424 costs or total net gain.—

3425 (1) In order to protect the interests of owners of

3426     abandoned unclaimed property, the department shall adopt by rule  
3427     a form entitled "Abandoned Unclaimed Property Recovery  
3428     Agreement" and a form entitled "Abandoned Unclaimed Property  
3429     Purchase Agreement."

3430         (2) The Abandoned Unclaimed Property Recovery Agreement  
3431     and the Abandoned Unclaimed Property Purchase Agreement must  
3432     include and disclose all of the following:

3433             (a) The total dollar amount of abandoned unclaimed  
3434     property accounts claimed or sold.

3435             (b) The total percentage of all authorized fees and costs  
3436     to be paid to the claimant ~~claimant's~~ representative or the  
3437     percentage of the value of the property to be paid as net gain  
3438     to the purchasing claimant ~~claimant's~~ representative.

3439             (c) The total dollar amount to be deducted and received  
3440     from the claimant as fees and costs by the claimant ~~claimant's~~  
3441     representative or the total net dollar amount to be received by  
3442     the purchasing claimant ~~claimant's~~ representative.

3443             (d) The net dollar amount to be received by the claimant  
3444     or the seller.

3445             (e) For each account claimed, the abandoned unclaimed  
3446     property account number.

3447             (f) For the Abandoned Unclaimed Property Purchase  
3448     Agreement, a statement that the amount of the purchase price  
3449     will be remitted to the seller by the purchaser within 30 days  
3450     after the execution of the agreement by the seller.

3451 (g) The name, address, e-mail address, phone number, and  
3452 license number of the claimant ~~claimant's~~ representative.

3453 (h)1. The manual signature of the claimant or seller and  
3454 the date signed, affixed on the agreement by the claimant or  
3455 seller.

3456 2. Notwithstanding any other provision of this chapter to  
3457 the contrary, the department may allow ~~an apparent owner, who is~~  
3458 also the claimant or seller, to sign the agreement  
3459 electronically. All electronic signatures on the Abandoned  
3460 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned  
3461 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the  
3462 agreement by the claimant or seller using the specific,  
3463 exclusive eSignature product and protocol authorized by the  
3464 department.

3465 (i) The social security number or taxpayer identification  
3466 number of the claimant or seller, if a number has been issued to  
3467 the claimant or seller.

3468 (j) The total fees and costs, or the total discount in the  
3469 case of a purchase agreement, which may not exceed 30 percent of  
3470 the claimed amount. In the case of a recovery agreement, if the  
3471 total fees and costs exceed 30 percent, the fees and costs shall  
3472 be reduced to 30 percent and the net balance shall be remitted  
3473 directly by the department to the claimant. In the case of a  
3474 purchase agreement, if the total net gain of the claimant  
3475 ~~claimant's~~ representative exceeds 30 percent, the claim will be

3476 denied.

3477 (3) For an Abandoned Unclaimed Property Purchase Agreement  
3478 form, proof that the purchaser has made payment must be filed  
3479 with the department along with the claim. If proof of payment is  
3480 not provided, the claim is void.

3481 (4) A claimant ~~claimant's~~ representative must use the  
3482 Abandoned Unclaimed Property Recovery Agreement or the Abandoned  
3483 Unclaimed Property Purchase Agreement as the exclusive means of  
3484 entering into an agreement or a contract with a claimant or  
3485 seller to file a claim with the department.

3486 (5) Fees and costs may be owed or paid to, or received by,  
3487 a claimant ~~claimant's~~ representative only after a filed claim  
3488 has been approved and if the claimant's representative used an  
3489 agreement authorized by this section.

3490 (6) A claimant ~~claimant's~~ representative may not use or  
3491 distribute any other agreement of any type, conveyed by any  
3492 method, with respect to the claimant or seller which relates,  
3493 directly or indirectly, to abandoned unclaimed property accounts  
3494 held by the department or the Chief Financial Officer other than  
3495 the agreements authorized by this section. Any engagement,  
3496 authorization, recovery, or fee agreement that is not authorized  
3497 by this section is void. A claimant ~~claimant's~~ representative is  
3498 subject to administrative and civil enforcement under s.  
3499 717.1322 if he or she uses an agreement that is not authorized  
3500 by this section and if the agreement is used to apply, directly

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3501 or indirectly, to abandoned unclaimed property held by this  
3502 state. This subsection does not prohibit lawful nonagreement,  
3503 noncontractual, or advertising communications between or among  
3504 the parties.

3505 (7) The Abandoned Unclaimed Property Recovery Agreement  
3506 may not contain language that makes the agreement irrevocable or  
3507 that creates an assignment of any portion of abandoned unclaimed  
3508 property held by the department.

3509 (8) When a claim is approved, the department may pay any  
3510 additional account that is owned by the claimant but has not  
3511 been claimed at the time of approval, provided that a subsequent  
3512 claim has not been filed or is not pending for the claimant at  
3513 the time of approval.

3514 (9) This section does not supersede s. 717.1241.

3515 (10) ~~This section does not apply to the sale and purchase  
3516 of Florida-held unclaimed property accounts through a bankruptcy  
3517 estate representative or other person or entity authorized  
3518 pursuant to Title XI of the United States Code or an order of a  
3519 bankruptcy court to act on behalf or for the benefit of the  
3520 debtor, its creditors, and its bankruptcy estate.~~

3521 **Section 69. Section 717.1356, Florida Statutes, is created  
3522 to read:**

3523 717.1356 Purchase of abandoned property.—

3524 (1) Agreements for the purchase of abandoned property  
3525 reported to the department shall be valid only if all of the

3526 following conditions are met:

3527 (a) The agreement is entitled "Florida Abandoned Property  
Purchase Agreement" and is in writing, in minimum 12-point type.

3528 (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.

3529 (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:

3530 1. The total dollar amount of all abandoned property to be  
sold.

3531 2. The total percentage of the value of the abandoned  
property to be paid as net gain to the purchaser.

3532 3. The total net dollar amount to be received by the  
purchaser.

3533 4. The net dollar amount to be received by the seller.

3534 (d) The agreement states the abandoned property account  
number for each abandoned property account sold.

3535 (e) The purchase price does not discount the total value

3551 of all abandoned property subject to the sale by more than 30  
3552 percent.

3553 (f) The agreement states that the amount of the purchase  
3554 price will be remitted to the seller by the purchaser within 30  
3555 days after the execution of the agreement by the seller.

3556 (g) The agreement includes the name, address, e-mail  
3557 address, and phone number of the purchaser.

3558 (h) The agreement states that the abandoned property is  
3559 currently in the department's custody and that the seller can  
3560 claim the property directly from the department on its  
3561 electronically searchable website without being charged a fee.  
3562 The agreement must provide the department's website address.

3563 (2) A seller may cancel a purchase agreement without  
3564 penalty or obligation within 15 business days after the date on  
3565 which the agreement was executed. The agreement must contain the  
3566 following language in minimum 12-point type: "You may cancel  
3567 this agreement for any reason without penalty or obligation to  
3568 you within 15 days after the date of this agreement by providing  
3569 notice to . . .(name of purchaser). . ., submitted in writing  
3570 and sent by certified mail, return receipt requested, or other  
3571 form of mailing that provides proof thereof, at the address or  
3572 e-mail address specified in the agreement."

3573 (3) A copy of an executed Florida Abandoned Property  
3574 Purchase Agreement must be filed with the purchaser's claim,  
3575 along with proof that the purchaser has made payment in full,

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3576 and all other required documentation. If proof of payment is not  
3577 provided, the department may not approve the claim.

3578 (4) A purchase agreement under this section that discounts  
3579 the value of abandoned property by more than the amount  
3580 authorized in paragraph (1) (e) is enforceable only by the  
3581 seller.

3582 **Section 70. Section 717.138, Florida Statutes, is amended**  
3583 **to read:**

3584 717.138 Rulemaking authority.—The department shall  
3585 administer and provide for the enforcement of this chapter. The  
3586 department has authority to adopt rules pursuant to ss.  
3587 120.536(1) and 120.54 to implement the provisions of this  
3588 chapter. The department may adopt rules to allow for electronic  
3589 filing of fees, forms, and reports required by this chapter. The  
3590 authority to adopt rules pursuant to this chapter applies to all  
3591 abandoned unclaimed property reported and remitted to the Chief  
3592 Financial Officer, including, but not limited to, property  
3593 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,  
3594 and 744.534.

3595 **Section 71. Section 717.1382, Florida Statutes, is amended**  
3596 **to read:**

3597 717.1382 United States savings bond; abandoned unclaimed  
3598 property; escheatment; procedure.—

3599 (1) Notwithstanding any other provision of law, a United  
3600 States savings bond in possession of the department or

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3601 registered to a person with a last known address in the state,  
3602 including a bond that is lost, stolen, or destroyed, is presumed  
3603 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity  
3604 and no longer earns interest and shall be reported and remitted  
3605 to the department by the financial institution or other holder  
3606 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~  
3607 ~~(5)~~ and 717.119, if the department is not in possession of the  
3608 bond.

3609 (2) (a) After a United States savings bond is abandoned ~~and~~  
3610 ~~unclaimed~~ in accordance with subsection (1), the department may  
3611 commence a civil action in a court of competent jurisdiction in  
3612 Leon County for a determination that the bond shall escheat to  
3613 the state. Upon determination of escheatment, all property  
3614 rights to the bond or proceeds from the bond, including all  
3615 rights, powers, and privileges of survivorship of an owner, co-  
3616 owner, or beneficiary, shall vest solely in the state.

3617 (b) Service of process by publication may be made on a  
3618 party in a civil action pursuant to this section. A notice of  
3619 action shall state the name of any known owner of the bond, the  
3620 nature of the action or proceeding in short and simple terms,  
3621 the name of the court in which the action or proceeding is  
3622 instituted, and an abbreviated title of the case.

3623 (c) The notice of action shall require a person claiming  
3624 an interest in the bond to file a written defense with the clerk  
3625 of the court and serve a copy of the defense by the date fixed

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3626 in the notice. The date must not be less than 28 or more than 60  
3627 days after the first publication of the notice.

3628 (d) The notice of action shall be published once a week  
3629 for 4 consecutive weeks in a newspaper of general circulation  
3630 published in Leon County. Proof of publication shall be placed  
3631 in the court file.

3632 (e) 1. If no person files a claim with the court for the  
3633 bond and if the department has substantially complied with the  
3634 provisions of this section, the court shall enter a default  
3635 judgment that the bond, or proceeds from such bond, has  
3636 escheated to the state.

3637 2. If a person files a claim for one or more bonds and,  
3638 after notice and hearing, the court determines that the claimant  
3639 is not entitled to the bonds claimed by such claimant, the court  
3640 shall enter a judgment that such bonds, or proceeds from such  
3641 bonds, have escheated to the state.

3642 3. If a person files a claim for one or more bonds and,  
3643 after notice and hearing, the court determines that the claimant  
3644 is entitled to the bonds claimed by such claimant, the court  
3645 shall enter a judgment in favor of the claimant.

3646 (3) The department may redeem a United States savings bond  
3647 escheated to the state pursuant to this section or, in the event  
3648 that the department is not in possession of the bond, seek to  
3649 obtain the proceeds from such bond. Proceeds received by the  
3650 department shall be deposited in accordance with s. 717.123.

3651       **Section 72. Section 717.139, Florida Statutes, is amended**  
3652       **to read:**

3653       717.139 Uniformity of application and construction.—

3654       (1) The Legislature finds that laws governing abandoned  
3655 property serve a vital public purpose by protecting the property  
3656 rights of owners, facilitating the return abandoned property to  
3657 its owners, preventing private escheatment, and ensuring that  
3658 abandoned assets are preserved and safeguarded from waste or  
3659 misuse. It is the public policy of the state to protect the  
3660 interests of owners of abandoned unclaimed property. ~~It is~~  
3661 ~~declared to be in the best interests of owners of unclaimed~~  
3662 ~~property that such owners receive the full amount of any~~  
3663 ~~unclaimed property without any fee.~~

3664       (2) This chapter shall be applied and construed as to  
3665 effectuate its general purpose of protecting the interest of  
3666 missing owners of abandoned property, while providing that the  
3667 benefit of all ~~unclaimed and~~ abandoned property shall go to all  
3668 the people of the state, and to make uniform the law with  
3669 respect to the subject of this chapter among states enacting it.  
3670 It is the intent of the Legislature that property reported under  
3671 this chapter remains the property of the owner and that the  
3672 State of Florida acts solely as a custodian, not as the owner,  
3673 of such property. Title to abandoned property may not transfer  
3674 to the state except as expressly provided by law and only after  
3675 all reasonable efforts to identify and return the property to

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3676 its rightful owner have been exhausted.

3677 **Section 73. Section 717.1400, Florida Statutes, is amended**  
3678 **to read:**

3679 717.1400 Registration.—

3680 (1) In order to file claims as a claimant ~~claimant's~~  
3681 representative, receive a distribution of fees and costs for  
3682 approved claims from the department, and obtain information  
3683 regarding abandoned unclaimed property dollar amounts and  
3684 numbers of reported shares of stock held by the department, an  
3685 individual must meet all of the following requirements:

3686 (a) Be one of the following:

3687 1. A Florida-licensed private investigator holding a Class  
3688 "C" individual license under chapter 493;  
3689 2. A Florida-certified public account; or  
3690 3. A Florida-licensed attorney.

3691 (b) Have obtained a certificate of registration from ~~Must~~  
3692 ~~register with~~ the department.

3693 (2) An application for registration as a claimant  
3694 representative must be submitted in writing on a form prescribed  
3695 by the department and must be accompanied by all of the  
3696 following:

3697 (a) A legible color copy of the applicant's current driver  
3698 license showing the full name and current address of such  
3699 person. If a current driver license is not available, another  
3700 form of photo identification must be provided which shows the

3701 full name and current address of such person.

3702 (b) If the applicant is a private investigator:

3703 1. on such form as the department prescribes by rule and  
3704 must be verified by the applicant. To register with the  
3705 department, a private investigator must provide:

3706 (a) A legible copy of the applicant's Class "A" business  
3707 license under chapter 493 or that of the applicant's firm or  
3708 employer which holds a Class "A" business license under chapter  
3709 493; and.

3710 2. (b) A legible copy of the applicant's Class "C"  
3711 individual license issued under chapter 493.

3712 (c) If the applicant is a certified public account, the  
3713 applicant's Florida Board of Accountancy number.

3714 (d) If the applicant is a licensed attorney, the  
3715 applicant's Florida Bar number.

3716 (e) (e) The business address, and telephone number, tax  
3717 identification number, and state of domicile or incorporation of  
3718 the applicant's private investigative firm or employer.

3719 (f) (d) The names of agents, or employees, or independent  
3720 contractors, if any, who are designated or authorized to act on  
3721 behalf of the applicant private investigator, together with a  
3722 legible color copy of their photo identification issued by an  
3723 agency of the United States, or a state, or a political  
3724 subdivision thereof.

3725 (g) A statement that the applicant has not, during the 5-

3726 year period immediately preceding the submission of the  
3727 application, violated any part of the Florida Disposition of  
3728 Abandoned Personal Property Act.

3729 (h) A statement that the applicant has not been convicted  
3730 of, or plead guilty to, a felony or any offense involving moral  
3731 turpitude; dishonesty; deceit; or breach of fiduciary duty,  
3732 including theft, attempted theft, falsification, tampering with  
3733 records, securing writings by deception, fraud, forgery, or  
3734 perjury.

3735 (i) (e) Sufficient information to enable the department to  
3736 disburse funds by electronic funds transfer.

3737 (j) The applicant's notarized signature immediately  
3738 following an acknowledgment that any false or perjured statement  
3739 subjects the applicant to criminal liability under the laws of  
3740 this state

3741 (f) The tax identification number of the private  
3742 investigator's firm or employer which holds a Class "A" business  
3743 license under chapter 493.

3744 (2) In order to file claims as a claimant's  
3745 representative, receive a distribution of fees and costs from  
3746 the department, and obtain unclaimed property dollar amounts and  
3747 numbers of reported shares of stock held by the department, a  
3748 Florida certified public accountant must register with the  
3749 department on such form as the department prescribes by rule and  
3750 must be verified by the applicant. To register with the

3751 department, a Florida certified public accountant must provide:

3752 (a) The applicant's Florida Board of Accountancy number.

3753 (b) A legible copy of the applicant's current driver  
3754 license showing the full name and current address of such  
3755 person. If a current driver license is not available, another  
3756 form of identification showing the full name and current address  
3757 of such person or persons shall be filed with the department.

3758 (c) The business address and telephone number of the  
3759 applicant's public accounting firm or employer.

3760 (d) The names of agents or employees, if any, who are  
3761 designated to act on behalf of the Florida certified public  
3762 accountant, together with a legible copy of their photo  
3763 identification issued by an agency of the United States, or a  
3764 state, or a political subdivision thereof.

3765 (e) Sufficient information to enable the department to  
3766 disburse funds by electronic funds transfer.

3767 (f) The tax identification number of the accountant's  
3768 public accounting firm employer.

3769 (3) In order to file claims as a claimant's  
3770 representative, receive a distribution of fees and costs from  
3771 the department, and obtain unclaimed property dollar amounts and  
3772 numbers of reported shares of stock held by the department, an  
3773 attorney licensed to practice in this state must register with  
3774 the department on such form as the department prescribes by rule  
3775 and must be verified by the applicant. To register with the

3776 ~~department, such attorney must provide:~~

3777 ~~(a) The applicant's Florida Bar number.~~

3778 ~~(b) A legible copy of the applicant's current driver~~  
3779 ~~license showing the full name and current address of such~~  
3780 ~~person. If a current driver license is not available, another~~  
3781 ~~form of identification showing the full name and current address~~  
3782 ~~of such person or persons shall be filed with the department.~~

3783 ~~(c) The business address and telephone number of the~~  
3784 ~~applicant's firm or employer.~~

3785 ~~(d) The names of agents or employees, if any, who are~~  
3786 ~~designated to act on behalf of the attorney, together with a~~  
3787 ~~legible copy of their photo identification issued by an agency~~  
3788 ~~of the United States, or a state, or a political subdivision~~  
3789 ~~thereof.~~

3790 ~~(e) Sufficient information to enable the department to~~  
3791 ~~disburse funds by electronic funds transfer.~~

3792 ~~(f) The tax identification number of the attorney's firm~~  
3793 ~~or employer.~~

3794 ~~(4) Information and documents already on file with the~~  
3795 ~~department before the effective date of this provision need not~~  
3796 ~~be resubmitted in order to complete the registration.~~

3797 ~~(4)(5) If a material change in the status of a~~  
3798 ~~registration occurs, the claimant representative a registrant~~  
3799 ~~must, within 30 days, provide the department with the updated~~  
3800 ~~documentation and information in writing. Material changes~~

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3801 include, but are not limited to, the following, a designated  
3802 agent or employee ceasing to act on behalf of the designating  
3803 person, a surrender, suspension, or revocation of a license, or  
3804 a license renewal.

3805 (a) If a designated agent or employee ceases to act on  
3806 behalf of the person who has designated the agent or employee to  
3807 act on such person's behalf, the designating person must, within  
3808 30 days, inform the department ~~the Division of Unclaimed~~  
3809 ~~Property~~ in writing of the termination of agency or employment.

3810 (b) If a registrant surrenders the registrant's license or  
3811 the license is suspended or revoked, the registrant must, within  
3812 30 days, inform the division in writing of the surrender,  
3813 suspension, or revocation.

3814 (c) If a private investigator's Class "C" individual  
3815 license under chapter 493 or a private investigator's employer's  
3816 Class "A" business license under chapter 493 is renewed, the  
3817 private investigator must provide a copy of the renewed license  
3818 to the department within 30 days after the receipt of the  
3819 renewed license by the private investigator or the private  
3820 investigator's employer.

3821 (5)(6) An applicant's claimant representative's A  
3822 ~~registrant's~~ firm or employer may not have a name that might  
3823 lead another person to conclude that the claimant  
3824 representative's ~~registrant's~~ firm or employer is affiliated or  
3825 associated with the United States, or an agency thereof, or a

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3826 state or an agency or political subdivision of a state. The  
3827 department shall deny an application for registration or revoke  
3828 a registration if the applicant's or claimant representative's  
3829 ~~registrant's~~ firm or employer has a name that might lead another  
3830 person to conclude that the firm or employer is affiliated or  
3831 associated with the United States, or an agency thereof, or a  
3832 state or an agency or political subdivision of a state. Names  
3833 that might lead another person to conclude that the firm or  
3834 employer is affiliated or associated with the United States, or  
3835 an agency thereof, or a state or an agency or political  
3836 subdivision of a state, include, but are not limited to, the  
3837 words United States, Florida, state, bureau, division,  
3838 department, or government.

3839 (6) ~~(7)~~ The licensing and other requirements of this  
3840 section must be maintained as a condition of registration with  
3841 the department.

3842 (7) To maintain active registration under this section, a  
3843 claimant representative must file and obtain payment on at least  
3844 10 claims per calendar year following the date of initial  
3845 registration.

3846 (a) If a claimant representative fails to meet this  
3847 requirement, the department must notify the claimant  
3848 representative in writing and provide 30 days to demonstrate  
3849 compliance or good cause for noncompliance.

3850 (b) If the claimant representative does not cure the

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3851 deficiency or demonstrate good cause within the time provided,  
3852 the department must revoke the registration.

3853 (c) A claimant representative whose registration is  
3854 revoked under this subsection may not reapply for registration  
3855 under this section for a period of 1 year following the  
3856 effective date of the revocation.

3857 **Section 74. Paragraph (a) of subsection (2) of section**  
3858 **197.582, Florida Statutes, is amended to read:**

3859 197.582 Disbursement of proceeds of sale.—

3860 (2) (a) If the property is purchased for an amount in  
3861 excess of the statutory bid of the certificateholder, the  
3862 surplus must be paid over and disbursed by the clerk as set  
3863 forth in subsections (3), (5), and (6). If the opening bid  
3864 included the homestead assessment pursuant to s. 197.502(6)(c),  
3865 that amount must be treated as surplus and distributed in the  
3866 same manner. The clerk shall distribute the surplus to the  
3867 governmental units for the payment of any lien of record held by  
3868 a governmental unit against the property, including any tax  
3869 certificates not incorporated in the tax deed application and  
3870 omitted taxes, if any. If there remains a balance of  
3871 undistributed funds, the balance must be retained by the clerk  
3872 for the benefit of persons described in s. 197.522(1)(a), except  
3873 those persons described in s. 197.502(4)(h), as their interests  
3874 may appear. The clerk shall mail notices to such persons  
3875 notifying them of the funds held for their benefit at the

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3876 addresses provided in s. 197.502(4). Such notice constitutes  
3877 compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~.  
3878 Any service charges and costs of mailing notices shall be paid  
3879 out of the excess balance held by the clerk. Notice must be  
3880 provided in substantially the following form:

## 3882 NOTICE OF SURPLUS FUNDS

3883 FROM TAX DEED SALE

3885 CLERK OF COURT

3886 .... COUNTY, FLORIDA

3888 Tax Deed #.....

3889 Certificate #.....

3890 Property Description: .....

3891 Pursuant to chapter 197, Florida Statutes, the above  
3892 property was sold at public sale on ... (date of sale) ..., and a  
3893 surplus of \$... (amount) ... (subject to change) will be held by  
3894 this office for 120 days beginning on the date of this notice to  
3895 benefit the persons having an interest in this property as  
3896 described in section 197.502(4), Florida Statutes, as their  
3897 interests may appear (except for those persons described in  
3898 section 197.502(4)(h), Florida Statutes).

3899 To the extent possible, these funds will be used to satisfy  
3900 in full each claimant with a senior mortgage or lien in the

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3901 property before distribution of any funds to any junior mortgage  
3902 or lien claimant or to the former property owner. To be  
3903 considered for funds when they are distributed, you must file a  
3904 notarized statement of claim with this office within 120 days of  
3905 this notice. If you are a lienholder, your claim must include  
3906 the particulars of your lien and the amounts currently due. Any  
3907 lienholder claim that is not filed within the 120-day deadline  
3908 is barred.

3909 A copy of this notice must be attached to your statement of  
3910 claim. After the office examines the filed claim statements, it  
3911 will notify you if you are entitled to any payment.

3912 Dated: .....

3913 Clerk of Court

3914 **Section 75. Paragraph (t) of subsection (1) of section**  
3915 **626.9541, Florida Statutes, is amended to read:**

3916 626.9541 Unfair methods of competition and unfair or  
3917 deceptive acts or practices defined.—

3918 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
3919 ACTS.—The following are defined as unfair methods of competition  
3920 and unfair or deceptive acts or practices:

3921 (t) *Certain life insurance relations with funeral*  
3922 *directors prohibited.*—

3923 1. No life insurer shall permit any funeral director or  
3924 direct disposer to act as its representative, adjuster, claim  
3925 agent, special claim agent, or agent for such insurer in

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3926 soliciting, negotiating, or effecting contracts of life  
3927 insurance on any plan or of any nature issued by such insurer or  
3928 in collecting premiums for holders of any such contracts except  
3929 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

3930 2. No life insurer shall:

3931 a. Affix, or permit to be affixed, advertising matter of  
3932 any kind or character of any licensed funeral director or direct  
3933 disposer to such policies of insurance.

3934 b. Circulate, or permit to be circulated, any such  
3935 advertising matter with such insurance policies.

3936 c. Attempt in any manner or form to influence  
3937 policyholders of the insurer to employ the services of any  
3938 particular licensed funeral director or direct disposer.

3939 3. No such insurer shall maintain, or permit its agent to  
3940 maintain, an office or place of business in the office,  
3941 establishment, or place of business of any funeral director or  
3942 direct disposer in this state.

3943 **Section 76. For the purpose of incorporating the amendment  
3944 made by this act to section 717.101, Florida Statutes, in a  
3945 reference thereto, paragraph (a) of subsection (6) of section  
3946 772.13, Florida Statutes, is reenacted to read:**

3947 772.13 Civil remedy for terrorism or facilitating or  
3948 furthering terrorism.—

3949 (6) (a) In any postjudgment execution proceedings to  
3950 enforce a judgment entered against a terrorist party under this

3951 section or under 18 U.S.C. s. 2333 or a substantially similar  
3952 law of the United States or of any state or territory of the  
3953 United States, including postjudgment execution proceedings  
3954 against any agency or instrumentality of the terrorist party not  
3955 named in the judgment pursuant to s. 201(a) of the Terrorism  
3956 Risk Insurance Act, 28 U.S.C. s. 1610:

3957 1. There is no right to a jury trial under s. 56.18 or s.  
3958 77.08;

3959 2. A defendant or a person may not use the resources of  
3960 the courts of this state in furtherance of a defense or an  
3961 objection to postjudgment collection proceedings if the  
3962 defendant or person purposely leaves the jurisdiction of this  
3963 state or the United States, declines to enter or reenter this  
3964 state or the United States to submit to its jurisdiction, or  
3965 otherwise evades the jurisdiction of the court in which a  
3966 criminal case is pending against the defendant or person. This  
3967 subparagraph applies to any entity that is owned or controlled  
3968 by a person to whom this paragraph applies;

3969 3. Creditor process issued under chapter 56 or chapter 77  
3970 may be served upon any person or entity over whom the court has  
3971 personal jurisdiction. Writs of garnishment issued under s.  
3972 77.01 and proceedings supplementary under s. 56.29 apply to  
3973 intangible assets wherever located, without territorial  
3974 limitation, including bank accounts as defined in s.  
3975 674.104(1)(a), financial assets as defined in s. 678.1021(1), or

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3976 other intangible property as defined in s. 717.101. The situs of  
3977 any intangible assets held or maintained by or in the  
3978 possession, custody, or control of a person or entity so served  
3979 shall be deemed to be in this state for the purposes of a  
3980 proceeding under chapter 56 or chapter 77. Service of a writ or  
3981 notice to appear under this section shall provide the court with  
3982 in rem jurisdiction over any intangible assets regardless of the  
3983 location of the assets;

3984 4. Notwithstanding s. 678.1121, the interest of a debtor  
3985 in a financial asset or security entitlement may be reached by a  
3986 creditor by legal process upon the securities intermediary with  
3987 whom the debtor's securities account is maintained, or, if that  
3988 is a foreign entity, legal process under chapter 56 or chapter  
3989 77 may be served upon the United States securities custodian or  
3990 intermediary that has reported holding, maintaining, possessing,  
3991 or controlling the blocked financial assets or security  
3992 entitlements to the Office of Foreign Assets Control of the  
3993 United States Department of the Treasury, and such financial  
3994 assets or security entitlements shall be subject to execution,  
3995 garnishment, and turnover by the United States securities  
3996 custodian or intermediary; and

3997 5. Notwithstanding s. 670.502(4), when an electronic funds  
3998 transfer is not completed within 5 banking days and is canceled  
3999 pursuant to s. 670.211(4) because a United States intermediary  
4000 financial institution has blocked the transaction in compliance

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4001 with a United States sanctions program, and a terrorist party or  
4002 any agency or instrumentality thereof was either the originator  
4003 or the intended beneficiary, then the blocked funds shall be  
4004 deemed owned by the terrorist party or its agency or  
4005 instrumentality and shall be subject to execution and  
4006 garnishment.

4007 **Section 77.** This act shall take effect upon becoming a  
4008 law.