

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing definitions; providing an
 4 exemption from public record requirements for certain
 5 identifying and location information of current or
 6 former agency employees and the spouses and children
 7 of such employees; providing for retroactive
 8 application; specifying that the exemption does not
 9 limit certain existing exemptions; providing for
 10 future legislative review and repeal of the exemption;
 11 amending ss. 28.2221, 119.0714, 409.2577, and
 12 744.21031, F.S.; conforming cross-references to
 13 changes made by the act; providing a statement of
 14 public necessity; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 **Section 1. Paragraphs (d) and (e) of subsection (4) of**
 19 **section 119.071, Florida Statutes, are redesignated as**
 20 **paragraphs (e) and (f), respectively, and a new paragraph (d) is**
 21 **added to that subsection to read:**

22 119.071 General exemptions from inspection or copying of
 23 public records.—

24 (4) AGENCY PERSONNEL INFORMATION.—

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

26 a. "Home addresses" means the dwelling location at which
27 an individual resides and includes the physical address, mailing
28 address, and street address.

29 b. "Telephone numbers" includes home telephone numbers,
30 personal cellular telephone numbers, personal pager telephone
31 numbers, and telephone numbers associated with personal
32 communications devices.

33 2. The home addresses, telephone numbers, personal
34 electronic mail addresses, and dates of birth of current or
35 former agency employees; the names, home addresses, telephone
36 numbers, personal electronic mail addresses, dates of birth, and
37 places of employment of the spouses and children of such
38 employees; and the names and locations of schools and day care
39 facilities attended by the children of such employees held by
40 the employing agency are exempt from s. 119.07(1) and s. 24(a),
41 Art. I of the State Constitution. This exemption applies to such
42 information held by an employing agency before, on, or after the
43 effective date of this exemption.

44 3. The exemption provided in subparagraph 2. does not
45 limit any exemption contained in paragraph (e).

46 4. This paragraph is subject to the Open Government Sunset
47 Review Act in accordance with s. 119.15 and shall stand repealed
48 on October 2, 2031, unless reviewed and saved from repeal
49 through reenactment by the Legislature.

50 **Section 2. Paragraph (b) of subsection (2) and paragraph**

51 **(b) of subsection (6) of section 28.2221, Florida Statutes, are**
52 **amended to read:**

53 28.2221 Electronic access to official records.—

54 (2)

55 (b) Unless otherwise required by the court, a county
56 recorder may not remove the grantor name, grantee name, or party
57 name from the register of the Official Records, as described in
58 s. 28.222(2), and the index on the publicly available Internet
59 website on the basis of an exemption as defined in s. 119.011
60 unless the name of the grantor or grantee includes the street
61 address portion of the home address as defined in s.

62 119.071(4)(e) ~~s. 119.071(4)(d)~~, in which case the county
63 recorder must remove the street address portion from display.
64 Home addresses, as defined in s. 119.071(4)(e) ~~s. 119.071(4)(d)~~,
65 which are exempt from inspection or copying under s. 119.071
66 must be included within the Official Records as described in s.
67 28.222(2) but may not be included within the index or otherwise
68 displayed on the county recorder's publicly available Internet
69 website on which images or copies of the county's official
70 records are placed.

71 (6)

72 (b)1. For the purpose of conducting a title search, as
73 defined in s. 627.7711(4), of the Official Records, as described
74 in s. 28.222(2), and upon presentation of photo identification
75 and affirmation by sworn affidavit consistent with s. 92.50 to

76 | the county recorder, information restricted from public display,
77 | inspection, or copying under paragraph (5) (a) pursuant to a
78 | request for removal made under s. 119.071(4) (e) ~~s. 119.071(4) (d)~~
79 | may be disclosed to:

80 | a. A title insurer authorized pursuant to s. 624.401 and
81 | its affiliates as defined in s. 624.10;

82 | b. A title insurance agent or title insurance agency as
83 | defined in s. 626.841(1) and (2), respectively; or

84 | c. An attorney duly admitted to practice law in this state
85 | and in good standing with The Florida Bar.

86 | 2. The photo identification and affirmation by sworn
87 | affidavit may be delivered in person, by mail, or by electronic
88 | transmission to the county recorder.

89 | 3. The affiant requestor must attest to his or her
90 | authority and the authorized purpose to access exempt
91 | information pursuant to this section for the property specified
92 | within the sworn affidavit.

93 | 4. The affiant requestor must identify the Official
94 | Records book and page number, instrument number, or the clerk's
95 | file number for each document requested within the sworn
96 | affidavit and must include a description of the lawful purpose
97 | and identify the individual or property that is the subject of
98 | the search within the sworn affidavit.

99 | 5. Affidavits submitted by a title insurer, title
100 | insurance agent, or title insurance agency must include the

101 Florida Company Code or the license number, as applicable, and
 102 an attestation to the affiant requestor's authorization to
 103 transact business in this state. Affidavits submitted by an
 104 attorney authorized under this section must include the affiant
 105 requestor's Florida Bar number and a statement that the affiant
 106 requestor has an agency agreement with a title insurer directly
 107 or through his or her law firm.

108 6. The county recorder must record such affidavit in the
 109 Official Records, as described in s. 28.222(2), but may not
 110 place the image or copy of the affidavit on a publicly available
 111 Internet website for general public display.

112 7. Upon providing a document disclosing redacted
 113 information to an affiant requestor under this section, the
 114 county recorder must provide a copy of the affidavit requesting
 115 disclosure of the redacted information to each affected party at
 116 the address listed on the document or on the request for removal
 117 made by the affected party under s. 119.071. The county recorder
 118 must prepare a certificate of mailing to be affixed to the
 119 affidavit and must receive the statutory service charges as
 120 prescribed by s. 28.24 from the affiant requestor.

121 8. Any party making a false attestation under this section
 122 is subject to the penalty of perjury under s. 837.012.

123 **Section 3. Paragraph (f) of subsection (2) and paragraph**
 124 **(f) of subsection (3) of section 119.0714, Florida Statutes, are**
 125 **amended to read:**

126 119.0714 Court files; court records; official records.—

127 (2) COURT RECORDS.—

128 (f) A request for maintenance of a public records
129 exemption in s. 119.071(4)(e)2. ~~s. 119.071(4)(d)2.~~ made pursuant
130 to s. 119.071(4)(e)3. ~~s. 119.071(4)(d)3.~~ must specify the
131 document type, name, identification number, and page number of
132 the court record that contains the exempt information.

133 (3) OFFICIAL RECORDS.—A person who prepares or files a
134 record for recording in the official records as provided in
135 chapter 28 may not include in that record a social security
136 number or a bank account, debit, charge, or credit card number
137 unless otherwise expressly required by law.

138 (f) A request for maintenance of a public records
139 exemption in s. 119.071(4)(e)2. ~~s. 119.071(4)(d)2.~~ made pursuant
140 to s. 119.071(4)(e)3. ~~s. 119.071(4)(d)3.~~ must specify the
141 document type, name, identification number, and page number of
142 the official record that contains the exempt information.

143 **Section 4. Section 409.2577, Florida Statutes, is amended**
144 **to read:**

145 409.2577 Parent locator service.—The department shall
146 establish a parent locator service to assist in locating parents
147 who have deserted their children and other persons liable for
148 support of dependent children. The department shall use all
149 sources of information available, including the Federal Parent
150 Locator Service, and may request and shall receive information

151 from the records of any person or the state or any of its
152 political subdivisions or any officer thereof. Any agency as
153 defined in s. 120.52, any political subdivision, and any other
154 person shall, upon request, provide the department any
155 information relating to location, salary, insurance, social
156 security, income tax, and employment history necessary to locate
157 parents who owe or potentially owe a duty of support pursuant to
158 Title IV-D of the Social Security Act. This provision shall
159 expressly take precedence over any other statutory nondisclosure
160 provision which limits the ability of an agency to disclose such
161 information, except that law enforcement information as provided
162 in s. 119.071(4)(e) ~~s. 119.071(4)(d)~~ is not required to be
163 disclosed, and except that confidential taxpayer information
164 possessed by the Department of Revenue shall be disclosed only
165 to the extent authorized in s. 213.053(16). Nothing in this
166 section requires the disclosure of information if such
167 disclosure is prohibited by federal law. Information gathered or
168 used by the parent locator service is confidential and exempt
169 from the provisions of s. 119.07(1). Additionally, the
170 department is authorized to collect any additional information
171 directly bearing on the identity and whereabouts of a person
172 owing or asserted to be owing an obligation of support for a
173 dependent child. The department shall, upon request, make
174 information available only to public officials and agencies of
175 this state; political subdivisions of this state, including any

176 agency thereof providing child support enforcement services to
 177 non-Title IV-D clients; the parent owed support, legal guardian,
 178 attorney, or agent of the child; and other states seeking to
 179 locate parents who have deserted their children and other
 180 persons liable for support of dependents, for the sole purpose
 181 of establishing, modifying, or enforcing their liability for
 182 support, and shall make such information available to the
 183 Department of Children and Families for the purpose of diligent
 184 search activities pursuant to chapter 39. If the department has
 185 reasonable evidence of domestic violence or child abuse and the
 186 disclosure of information could be harmful to the parent owed
 187 support or the child of such parent, the child support program
 188 director or designee shall notify the Department of Children and
 189 Families and the Secretary of the United States Department of
 190 Health and Human Services of this evidence. Such evidence is
 191 sufficient grounds for the department to disapprove an
 192 application for location services.

193 **Section 5. Paragraph (c) of subsection (1) of section**
 194 **744.21031, Florida Statutes, is amended to read:**

195 744.21031 Public records exemption.—

196 (1) For purposes of this section, the term:

197 (c) "Telephone numbers" has the same meaning as provided
 198 in s. 119.071(4)(e)1.c. ~~s. 119.071(4)(d)1.e.~~

199 **Section 6. The Legislature finds that it is a public**
 200 **necessity that the home addresses, telephone numbers, personal**

201 electronic mail addresses, and dates of birth of current or
202 former agency employees; the names, home addresses, telephone
203 numbers, personal electronic mail addresses, dates of birth, and
204 places of employment of the spouses and children of such
205 employees; and the names and locations of schools and day care
206 facilities attended by the children of such employees held by
207 the employing agency be made exempt from s. 119.07(1), Florida
208 Statutes, and s. 24(a), Article I of the State Constitution.
209 Current or former agency employees and their spouses and
210 children may be targets of harassment, stalking, intimidation,
211 threats, or other forms of harm due to the nature of the
212 employees' public duties. The public release of home addresses,
213 telephone numbers, and personal electronic mail addresses could
214 enable a person intent on harming or harassing such employee or
215 the employee's family to directly contact, locate, or surveil
216 such individuals. Protecting such information reduces the risk
217 of unwanted contact, cyberstalking, and other privacy invasions.
218 In addition, the public release of the names and places of
219 employment of the spouses and children of current or former
220 agency employees poses additional risks of harm to such
221 individuals. Disclosure of such information increases the
222 ability of malicious actors to directly target or locate the
223 family members of current or former agency employees. Protecting
224 this information reduces the risk of harassment, stalking, or
225 physical harm to the spouses and children of such employees.

226 Additionally, the release of dates of birth of current or former
227 agency employees and their spouses and children poses a risk of
228 identity theft, fraud, and impersonation. Dates of birth are
229 commonly used as a means of verifying identity and, when
230 combined with other identifying information, may be used by
231 malicious actors to falsely represent themselves as the
232 individual and gain unauthorized access to financial accounts or
233 otherwise misuse the individual's identity for unlawful
234 purposes. Protecting this information is therefore essential to
235 reducing the risk of identity theft, fraud, impersonation, and
236 other unlawful use of such information. Furthermore, the release
237 of the names and locations of schools and day care facilities
238 attended by the children of current or former agency employees
239 poses a risk to the safety of such children. Disclosure of this
240 information would enable a person to locate the children of such
241 employees at predictable times and places. Protecting this
242 information is therefore essential to preventing potential harm,
243 including stalking, harassment, kidnapping, or other threats to
244 the well-being of such employees' minor children. Finally, the
245 Legislature finds that current or former agency employees and
246 their families should not be subject to increased safety risks
247 or other privacy invasions solely because the employee works or
248 worked for an agency.

249 **Section 7.** This act shall take effect upon becoming a law.

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 112.3261, F.S.; defining the term
4 "expenditure"; requiring the Commission on Ethics to
5 investigate a lobbyist or principal who has made a
6 prohibited expenditure and to provide the Governor
7 with a report of its findings and recommendations
8 regarding such investigation; prohibiting certain
9 persons from making or accepting expenditures;
10 amending s. 373.0693, F.S.; deleting a provision
11 requiring legislative approval before the
12 establishment of a subdistrict or basin in a certain
13 water management district takes effect; amending s.
14 373.079, F.S.; requiring a quorum for the conduct of
15 official business by the governing board of a water
16 management district; providing requirements for a
17 quorum; requiring an affirmative vote of a majority of
18 the members of the governing board before any action
19 may be taken by the board; amending s. 373.470, F.S.;
20 requiring the South Florida Water Management District,
21 in cooperation with the Department of Environmental
22 Protection, to provide a detailed report that includes
23 the total estimated remaining cost of implementation
24 of the Comprehensive Everglades Restoration Plan and
25 the status of applicable performance indicators for
26 all project components; requiring that the project
27 components be subdivided into specified categories
28 based on the project's status; specifying requirements
29 for performance indicators for certain projects or

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30 project components; providing legislative recognition
31 of the value of the integrated delivery schedule;
32 requiring the South Florida Ecosystem Restoration Task
33 Force to identify certain sources of funding when
34 making recommendations for updates to the integrated
35 delivery schedule; amending s. 373.501, F.S.;
36 prohibiting a water management district from using
37 state funds for a specified purpose; providing an
38 exception; amending s. 373.503, F.S.; authorizing
39 water management districts to levy certain ad valorem
40 taxes on specified property for certain purposes;
41 requiring a district governing board levying ad
42 valorem taxes for certain projects to adopt a
43 resolution approved by a majority vote of the voting
44 electors in the district or basin; specifying
45 requirements for such resolution; providing
46 specifications for the millage levied; requiring that
47 the referendum question on the ballot specify the
48 purpose of the levy and the maximum length of time the
49 millage may be imposed; defining the term "capital
50 improvement projects"; revising requirements for the
51 maximum total millage rate; amending s. 373.535, F.S.;
52 requiring that the preliminary budget for each water
53 management district include a section that contains
54 the district's capital improvement plan for the
55 current fiscal year and the next fiscal year;
56 requiring that such section contain specified
57 information; requiring the South Florida Water
58 Management District to include a section in its

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59 preliminary budget for all projects within the
60 Comprehensive Everglades Restoration Plan; requiring
61 that the section contain specified information;
62 requiring the South Florida Water Management District
63 to indicate the fiscal year from which certain
64 appropriations are expended; requiring the district to
65 incorporate state revenues in a certain manner when
66 estimating expenditures for the next fiscal year;
67 providing an exception; providing construction;
68 amending s. 373.536, F.S.; authorizing the Legislative
69 Budget Commission to reject certain district budget
70 proposals; providing an exception; providing
71 construction; requiring the South Florida Water
72 Management District to include in its budget document
73 certain sections that incorporate the actual amount of
74 state revenues appropriated for the fiscal year;
75 requiring that a water management district's tentative
76 budget for its proposed operations and funding
77 requirements include the district's capital
78 improvement plan for the current year and the next
79 fiscal year; amending s. 373.6075, F.S.; requiring a
80 water management district to give preference to
81 certain bids, proposals, or replies for the design,
82 engineering, or construction of capital improvement
83 projects in excess of a specified amount; requiring a
84 water management district to consider certain factors
85 for the purpose of the competitive bid selection
86 process; amending s. 380.093, F.S.; requiring that
87 certain projects submitted by water management

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88 districts to the department for the Statewide Flooding
89 and Sea Level Rise Resilience Plan be ranked on a
90 separate list; revising the list of information that
91 must be submitted by the department for each project;
92 specifying the composition of the total amount of
93 funding for such plan; restricting funding available
94 to water management districts; reenacting s. 373.0697,
95 F.S., relating to basin taxes, to incorporate the
96 amendment made to s. 373.503, F.S., in a reference
97 thereto; providing an effective date.
98

99 Be It Enacted by the Legislature of the State of Florida:
100

101 Section 1. Present paragraphs (b), (c), and (d) of
102 subsection (1) of section 112.3261, Florida Statutes, are
103 redesignated as paragraphs (c), (d), and (e), respectively, a
104 new paragraph (b) is added to that subsection, subsection (9) is
105 added to that section, and subsection (7) of that section is
106 amended, to read:

107 112.3261 Lobbying before water management districts;
108 registration and reporting.—

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

110 (b) "Expenditure" has the same meaning as in s. 112.3215.

111 (7) Upon receipt of a sworn complaint alleging that a
112 lobbyist or principal has failed to register with a district,
113 has made a prohibited expenditure, or has knowingly submitted
114 false information in a report or registration required under
115 this section, the commission shall investigate a lobbyist or
116 principal pursuant to the procedures established under s.

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117 112.324. The commission shall provide the Governor with a report
118 of its findings and recommendations in any investigation
119 conducted pursuant to this subsection. The Governor is
120 authorized to enforce the commission's findings and
121 recommendations.

122 (9) Notwithstanding s. 112.3148, s. 112.3149, or any other
123 law, a lobbyist or principal may not make, directly or
124 indirectly, any expenditure, and a district governing board
125 member, an executive director, or any district employee who
126 qualifies as a local officer as defined in s. 112.3145(1) may
127 not knowingly accept, directly or indirectly, any expenditure.

128 Section 2. Subsection (1) of section 373.0693, Florida
129 Statutes, is amended to read:

130 373.0693 Basins; basin boards.—

131 (1)~~(a)~~ Any areas within a district may be designated by the
132 district governing board as subdistricts or basins. The
133 designations of such basins must ~~shall~~ be made by the district
134 governing board by resolutions thereof. The governing board of
135 the district may change the boundaries of such basins, or create
136 new basins, by resolution.

137 ~~(b) No subdistrict or basin in the St. Johns River Water~~
138 ~~Management District other than established by this act shall~~
139 ~~become effective until approved by the Legislature.~~

140 Section 3. Subsection (7) of section 373.079, Florida
141 Statutes, is amended to read:

142 373.079 Members of governing board; oath of office; staff.—

143 (7) The governing board shall meet at least once a month
144 and upon call of the chair. A quorum is necessary for the board
145 to conduct official business. A majority of the members of the

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146 governing board, which includes both appointed members and
147 vacancies, constitutes a quorum. A board member's appearance at
148 a board meeting, whether such appearance is in person or through
149 the use of communications media technology, must be counted for
150 the determination of a quorum. Except where otherwise provided
151 by law, action may be taken by the governing board only upon an
152 affirmative vote of a majority of the members of the governing
153 board. The governing board, a basin board, a committee, or an
154 advisory board may conduct meetings by means of communications
155 media technology in accordance with rules adopted pursuant to s.
156 120.54(5)(b) ~~s. 120.54~~.

157 Section 4. Subsection (7) of section 373.470, Florida
158 Statutes, is amended, and subsection (8) is added to that
159 section, to read:

160 373.470 Everglades restoration.—

161 (7) ANNUAL REPORT.—To provide enhanced oversight of and
162 accountability for the financial commitments established under
163 this section and the progress made in the implementation of the
164 comprehensive plan, the following information must be prepared
165 annually as part of the consolidated annual report required by
166 s. 373.036(7):

167 (a) The district, in cooperation with the department, shall
168 provide the following information as it relates to
169 implementation of the comprehensive plan:

170 1. An identification of funds, by source and amount,
171 received by the state and by each local sponsor during the
172 fiscal year.

173 2. An itemization of expenditures, by source and amount,
174 made by the state and by each local sponsor during the fiscal

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175 year.

176 3. A description of the purpose for which the funds were
177 expended.

178 4. The unencumbered balance of funds remaining in trust
179 funds or other accounts designated for implementation of the
180 comprehensive plan.

181 5. A schedule of anticipated expenditures for the next
182 fiscal year.

183 (b) The department shall prepare a detailed report on all
184 funds expended by the state and credited toward the state's
185 share of funding for implementation of the comprehensive plan.
186 The report shall include:

187 1. A description of all expenditures, by source and amount,
188 from the former Conservation and Recreation Lands Trust Fund,
189 the Land Acquisition Trust Fund, the former Preservation 2000
190 Trust Fund, the Florida Forever Trust Fund, the Save Our
191 Everglades Trust Fund, and other named funds or accounts for the
192 acquisition or construction of project components or other
193 features or facilities that benefit the comprehensive plan.

194 2. A description of the purposes for which the funds were
195 expended.

196 3. The unencumbered fiscal-year-end balance that remains in
197 each trust fund or account identified in subparagraph 1.

198 (c) The district, in cooperation with the department, shall
199 provide a detailed report on progress made in the implementation
200 of the comprehensive plan, including the total estimated
201 remaining cost of implementation of the comprehensive plan. The
202 report must also include the status of and applicable
203 performance indicators for all project components. The project

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204 components must be subdivided into the following categories
205 based on the project's status:

206 1. Planning and design phase.

207 2. Construction phase, for which the performance indicators
208 must include, but are not limited to:

209 a. Whether the project is on time and on budget based on a
210 schedule performance index; and

211 b. Whether the project had any claims, change orders, or
212 credits upon closeout, including the description, date, and cost
213 of the change, compensatory amounts, and the remedy or
214 resolution exercised as it pertains to the schedule or budget of
215 the project.

216 3. Operational phase, for which the performance indicators
217 must include, but are not limited to, whether the operation of
218 the project is achieving the goals and objectives identified in
219 the final project implementation report.

220 4. Pending projects phase, which includes project
221 components that have not yet entered the planning or design
222 phase.

223 5. The estimated expenditures for the project in the prior
224 fiscal year compared to the actual expenditures, with an
225 explanation for significant variances ~~initiated after the~~
226 ~~effective date of this act or the date of the last report~~
227 ~~prepared under this subsection, whichever is later.~~

228 (d) For a project or project component developed pursuant
229 to s. 255.065, the performance indicators in the report must be
230 consistent with national industry standards for the delivery
231 method.

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233 The information required in paragraphs (a), (b), ~~and~~ (c), and
234 (d) must ~~shall~~ be provided as part of the consolidated annual
235 report required by s. 373.036(7). Each annual report is due by
236 March 1.

237 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
238 recognizes the value of the integrated delivery schedule as a
239 forward-looking snapshot of upcoming planning, design, and
240 construction schedules for the comprehensive plan and as a tool
241 that provides information to decisionmakers and facilitates
242 achievement of the goals and purposes of the comprehensive plan
243 at the earliest possible time to the extent practical, given
244 funding, engineering, and other contractual constraints. The
245 Legislature further recognizes that the schedule acts as a
246 planning document and does not represent a budget or financial
247 commitment on behalf of any of the participants of the South
248 Florida Ecosystem Restoration Task Force. Therefore, when making
249 recommendations for any update to the schedule, state and local
250 members of the task force shall identify project funding sources
251 to reflect whether funding will use recurring state funds
252 provided pursuant to s. 375.041(3)(b)1., 4., and 5., or whether
253 the project may be funded with nonrecurring state funds.

254 Section 5. Subsection (3) is added to section 373.501,
255 Florida Statutes, to read:

256 373.501 Appropriation of funds to water management
257 districts.—

258 (3) A water management district may not use state funds as
259 a local match for any state grant program unless such funds have
260 been specifically appropriated to the district for such purpose.

261 Section 6. Subsection (3) of section 373.503, Florida

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262 Statutes, is amended to read:

263 373.503 Manner of taxation.—

264 (3)(a)1. The districts may, by resolution adopted by a
265 majority vote of the governing board, levy ad valorem taxes on
266 property within the district solely for the purposes of this
267 chapter and of chapter 25270, 1949, Laws of Florida, as amended,
268 and chapter 61-691, Laws of Florida, as amended. If appropriate,
269 taxes levied by each governing board may be separated by the
270 governing board into a millage necessary for the purposes of the
271 district and a millage necessary for financing basin functions
272 specified in s. 373.0695.

273 2.a. A district may levy separate ad valorem taxes on
274 property within the district or basin for the purposes of the
275 construction of capital improvement projects. Such levy must be
276 by resolution adopted by a majority vote of the district's
277 governing board and conditioned to take effect only upon
278 approval by a majority vote of the electors in the district or
279 basin, as applicable, voting in a referendum held at a general
280 election as defined in s. 97.021. The resolution must be
281 conditioned to take effect on the January 1 immediately
282 following voter approval of the referendum. The resolution must
283 include the millage to be levied, a detailed description of the
284 capital improvement projects to be funded by the millage, such
285 projects' expected dates of completion, and the maximum duration
286 for the levy of the millage, which may not extend beyond the
287 date that the projects are expected to be completed. The millage
288 levied under this subparagraph may be up to an amount that, when
289 combined with millage levied under subparagraph 1., does not
290 exceed the maximum total millage rate authorized under paragraph

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291 (b). The referendum question on the ballot must specify a brief
292 and general description of the purpose of the levy and the
293 maximum length of time the millage may be imposed.

294 b. For purposes of this subparagraph, the term "capital
295 improvement projects" means projects related to water supply,
296 including alternative water supply and water resource
297 development projects identified in the district's regional water
298 supply plans, water quality, flood protection and floodplain
299 management, and natural systems.

300 (b)-(a) Notwithstanding any other general or special law,
301 and subject to subsection (4), the maximum total millage rate
302 for all district and basin purposes authorized under this
303 section shall be:

- 304 1. Northwest Florida Water Management District: 0.05 mill.
- 305 2. Suwannee River Water Management District: 0.75 mill.
- 306 3. St. Johns River Water Management District: 0.6 mill.
- 307 4. Southwest Florida Water Management District: 1.0 mill.
- 308 5. South Florida Water Management District: 0.80 mill.

309 (c)-(b) The apportionment of millages levied pursuant to
310 subparagraph (a)1. in the South Florida Water Management
311 District shall be a maximum of 40 percent for district purposes
312 and a maximum of 60 percent for basin purposes, respectively.

313 (d)-(e) Within the Southwest Florida Water Management
314 District, the maximum millage assessed for district purposes may
315 not exceed 50 percent of the total authorized millage if there
316 are one or more basins in the district, and the maximum millage
317 assessed for basin purposes may not exceed 50 percent of the
318 total authorized millage.

319 Section 7. Section 373.535, Florida Statutes, is amended to

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320 read:

321 373.535 Preliminary district budgets.—

322 (1) BUDGET DEVELOPMENT.—

323 (a) By January 15 of each year, each water management
324 district shall submit a preliminary budget for the next fiscal
325 year for legislative review to the President of the Senate, the
326 Speaker of the House of Representatives, and the chairs of each
327 legislative committee and subcommittee having substantive or
328 fiscal jurisdiction over water management districts, as
329 determined by the President of the Senate or the Speaker of the
330 House of Representatives, as applicable, in the form and manner
331 prescribed in s. 373.536(5) (e).

332 (b) Each preliminary budget must also include:

333 1. A section that clearly identifies and provides
334 justification for each proposed expenditure listed in s.
335 373.536(5) (e)4.e. and f. and identifies the source of funds for
336 each proposed expenditure.

337 2. A section identifying the justification for proposed
338 expenditures by core mission area of responsibility and the
339 source of funds needed for activities related to water supply,
340 including alternative water supply and water resource
341 development projects identified in the district's regional water
342 supply plans, water quality, flood protection and floodplain
343 management, and natural systems.

344 3. A section that includes the district's capital
345 improvement plan for the current fiscal year and the next fiscal
346 year, which will be incorporated as part of the district's 5-
347 year capital improvement plan. The following information must be
348 included for each project contained in the capital improvement

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349 plan:

350 a. Estimated beginning and ending date.

351 b. Current status, such as planning, construction, or
352 operations.

353 c. Funding source, grouped by federal, state, and local
354 pursuant to s. 373.503(3)(a)1., local pursuant to s.
355 373.503(3)(a)2., or other.

356 d. Total cost of the project.

357 e. Whether the project is funded from reserves.

358 f. Total expenditures made to date, by fiscal year.

359 g. Current year estimated expenditures.

360 h. Annual budget, including future budget requests, until
361 project completion, by funding source.

362 i. Project description.

363 j. State program code, such as operations and maintenance
364 or ecosystems restoration.

365 ~~4.3.~~ A section reviewing the adopted and proposed budget
366 allocations by program area and the performance metrics for the
367 prior year.

368 ~~5.4.~~ An analysis of each preliminary budget to determine
369 the adequacy of fiscal resources available to the district and
370 the adequacy of proposed district expenditures related to the
371 core mission areas of responsibility for water supply, including
372 alternative water supply and water resource development projects
373 identified in the district's regional water supply plans, water
374 quality, flood protection and floodplain management, and natural
375 systems. The analysis must be based on the particular needs
376 within each district for core mission areas of responsibility.
377 The water supply analysis must specifically include a

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378 determination of the adequacy of each district's fiscal
379 resources provided in the district's preliminary budget to
380 achieve appropriate progress toward meeting the districtwide 20-
381 year projected water supply demands, including funding for
382 alternative water supply development and conservation projects.

383 (c)~~(b)~~ If applicable, the preliminary budget for each
384 district must specify that the district's first obligation for
385 payment is the debt service on bonds and certificates of
386 participation.

387 (d) In addition to the information that must be included
388 for projects carried out pursuant to the capital improvement
389 plan in subparagraph (b)3., the South Florida Water Management
390 District must include a separate section in its preliminary
391 budget for all projects within the Comprehensive Everglades
392 Restoration Plan. The information for the separate section must
393 be provided on a project-by-project basis and include the source
394 of funds. For each project, all of the following information
395 must be included:

396 1. The project title and a brief description.
397 2. The total estimated cost of the project, delineated by
398 federal and nonfederal sponsor obligations. The local sponsor
399 obligations must be further delineated by state and district
400 obligations.

401 3. The timeline for the project.
402 4. The total expenditures to date and estimated remaining
403 expenditures needed for project completion.

404 5. The estimate of expenditures for the current year.
405 6. The estimate of expenditures for the next fiscal year.

406 (e) For expenditures funded by state appropriations, the

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407 South Florida Water Management District shall indicate which
408 fiscal year the appropriation is from. In estimating
409 expenditures for the next fiscal year, the district may
410 incorporate state revenues only in an amount up to the amount of
411 funds specifically provided in s. 375.041(3)(b)1., 4., and 5.,
412 unless the district commits district revenues on a dollar-for-
413 dollar basis for any amount over such amount specifically
414 provided.

415 (2) LEGISLATIVE REVIEW.—

416 (a) The Legislature may annually review the preliminary
417 budget for each district, including, but not limited to, those
418 items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,
419 outreach, management, and administration program areas.

420 (b) On or before March 1 of each year, the President of the
421 Senate and the Speaker of the House of Representatives may
422 submit comments regarding the preliminary budget to the
423 districts, and provide a copy of the comments to the Executive
424 Office of the Governor. Each district shall respond to the
425 comments in writing on or before March 15 of each year to the
426 President of the Senate, the Speaker of the House of
427 Representatives, and the Executive Office of the Governor.

428 (c) If, following such review, the Legislature does not
429 take any action pursuant to s. 373.503 on or before July 1 of
430 each year, a water management district may proceed with budget
431 development as provided in subsection (3) and s. 373.536.

432 (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
433 preliminary budget as submitted pursuant to subsection (1), and
434 as may be amended by the district in response to review by the
435 Legislature pursuant to this section and s. 373.503, as the

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436 basis for developing the tentative budget for the next fiscal
 437 year as provided in s. 373.536(5). However, this subsection may
 438 not be construed to impair any contractual obligations.

439 Section 8. Paragraphs (c) and (e) of subsection (5) of
 440 section 373.536, Florida Statutes, are amended to read:

441 373.536 District budget and hearing thereon.—

442 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 443 APPROVAL.—

444 (c) The Legislative Budget Commission may reject any of the
 445 following district budget proposals unless specifically
 446 appropriated by the Legislature:

447 1. A single purchase of land in excess of \$10 million,
 448 except for land exchanges.

449 2. Any cumulative purchase of land during a single fiscal
 450 year in excess of \$50 million.

451 3. Any issuance of debt on or after July 1, 2012.

452 4. Any program expenditure ~~expenditures~~ as described in
 453 sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a
 454 district's total annual budget.

455 5. Any individual variance ~~variances~~ in a district's
 456 tentative budget which is in excess of 25 percent from a
 457 district's preliminary budget.

458 6. Any individual portion of a district's tentative budget
 459 funded with state appropriations.

460 7. Any individual project in the district's 5-year capital
 461 improvement plan, except for those projects fully funded with
 462 revenues approved by voters pursuant to s. 373.503(3)(a)2.a.

463
 464 Written disapproval of any provision in the tentative budget

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465 must be received by the district at least 5 business days before
466 the final district budget adoption hearing conducted under s.
467 200.065(2)(d). If written disapproval is not received at least 5
468 business days before the final budget adoption hearing, the
469 governing board may proceed with final adoption. Any provision
470 rejected by the Executive Office of the Governor or the
471 Legislative Budget Commission may not be included in a
472 district's final budget and may not be acted upon through any
473 other means without the prior approval of the entity rejecting
474 the provision.

475 (e) The tentative budget must be based on the preliminary
476 budget as submitted to the Legislature, and as may be amended by
477 the district in response to review by the Legislature pursuant
478 to ss. 373.503 and 373.535, as the basis for developing the
479 tentative budget for the next fiscal year as provided in this
480 subsection; however, this subsection may not be construed to
481 impair any contractual obligations. The tentative budget, ~~and~~
482 must set forth the proposed expenditures of the district, to
483 which may be added an amount to be held as reserve. The
484 tentative budget must include, but is not limited to, the
485 following information for the preceding fiscal year and the
486 current fiscal year, and the proposed amounts for the upcoming
487 fiscal year, in a standard format prescribed by the Executive
488 Office of the Governor, in consultation with the Legislature:

489 1. The estimated amount of funds remaining at the beginning
490 of the fiscal year which have been obligated for the payment of
491 outstanding commitments not yet completed.

492 2. The estimated amount of unobligated funds or net cash
493 balance on hand at the beginning of the fiscal year; an

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494 accounting of the source, balance, and projected future use of
495 the unobligated funds; and the estimated amount of funds to be
496 raised by district taxes or received from other sources to meet
497 the requirements of the district.

498 3. The millage rates and the percentage increase above the
499 rolled-back rate, together with a summary of the reasons the
500 increase is required, and the percentage increase in taxable
501 value resulting from new construction within the district.

502 4. The salaries and benefits, expenses, operating capital
503 outlay, number of authorized positions, and other personal
504 services for the following program areas of the district:

- 505 a. Water resource planning and monitoring;
506 b. Land acquisition, restoration, and public works;
507 c. Operation and maintenance of works and lands;
508 d. Regulation;
509 e. Outreach for which the information provided must contain
510 a full description and accounting of expenditures for water
511 resources education; public information and public relations,
512 including public service announcements and advertising in any
513 media; and lobbying activities related to local, regional, state
514 and federal governmental affairs, whether incurred by district
515 staff or through contractual services; and
516 f. Management and administration.

517
518 In addition to the program areas reported by all water
519 management districts, the South Florida Water Management
520 District shall include in its budget document separate sections
521 on all costs associated with the Everglades Construction Project
522 and the Comprehensive Everglades Restoration Plan, incorporating

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523 the amount of state revenues appropriated for the fiscal year.

524 5. The total estimated amount in the district budget for
525 each area of responsibility listed in subparagraph 4. and for
526 water resource, water supply, and alternative water supply
527 development projects identified in the district's regional water
528 supply plans.

529 6. A description of each new, expanded, reduced, or
530 eliminated program.

531 7. The funding sources, including, but not limited to, ad
532 valorem taxes, Surface Water Improvement and Management Program
533 funds, other state funds, federal funds, and user fees and
534 permit fees for each program area.

535 8. The water management district's capital improvement plan
536 for the current fiscal year and the next fiscal year, in the
537 same format as required in the preliminary budget.

538 Section 9. Section 373.6075, Florida Statutes, is amended
539 to read:

540 373.6075 Purchases from contracts of other entities.—

541 (1) A water management district may purchase commodities
542 and contractual services, excluding services subject to s.
543 287.055, from the purchasing contracts of special districts,
544 municipalities, counties, other political subdivisions,
545 educational institutions, other states, nonprofit entities,
546 purchasing cooperatives, or the Federal Government, which have
547 been procured pursuant to competitive bid, request for proposal,
548 request for qualification, competitive selection, or competitive
549 negotiation, and which are otherwise in compliance with general
550 law if the purchasing contract of the other entity is procured
551 by a process that meets the procurement requirements of the

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552 water management district.

553 (2) For contractual services for the design, engineering,
554 or construction, or for any combination of the design,
555 engineering, or construction of capital improvement projects
556 with a total project cost estimated at \$20 million or more, a
557 water management district shall give preference to the lowest
558 responsible and responsive bid, proposal, or reply that includes
559 proof of district-defined acceptable minimum work experience
560 within this state, project-specific payment and performance
561 bonds in amounts appropriate for the project contract amount,
562 and minimum warranty of 2 years beginning at substantial
563 completion, or that includes proof of a comparable financial
564 assurance mechanism, as defined by district rule.

565 (3) For the purpose of the competitive selection process in
566 s. 287.055(4) or procurement procedures in s. 255.065(3), a
567 water management district shall consider whether a bid,
568 proposal, or reply includes appropriate payment and performance
569 bonds, proof of a comparable financial assurance mechanism, as
570 defined by district rule, or documentation of all bond faults or
571 bond claims within the last 10 years, including all open and
572 closed claims and agreed-upon amounts with a description of the
573 claim and any resolution.

574 Section 10. Paragraphs (a), (c), (d), (e), and (h) of
575 subsection (5) of section 380.093, Florida Statutes, are amended
576 to read:

577 380.093 Resilient Florida Grant Program; comprehensive
578 statewide flood vulnerability and sea level rise data set and
579 assessment; Statewide Flooding and Sea Level Rise Resilience
580 Plan; regional resilience entities.-

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581 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.-

582 (a) By December 1 of each year, the department shall
583 develop a Statewide Flooding and Sea Level Rise Resilience Plan
584 on a 3-year planning horizon and submit it to the Governor, the
585 President of the Senate, and the Speaker of the House of
586 Representatives. The plan must consist of ranked projects that
587 address risks of flooding and sea level rise to coastal and
588 inland communities in the state. All eligible projects submitted
589 to the department pursuant to this section must be ranked and
590 included in the plan. All eligible projects submitted by a water
591 management district must be ranked on a separate list. Each plan
592 must include a detailed narrative overview describing how the
593 plan was developed, including a description of the methodology
594 used by the department to determine project eligibility, a
595 description of the methodology used to rank projects, the
596 specific scoring system used, the project proposal application
597 form, a copy of each submitted project proposal application form
598 separated by eligible projects and ineligible projects, the
599 total number of project proposals received and deemed eligible,
600 the total funding requested, and the total funding requested for
601 eligible projects.

602 (c) Each plan submitted by the department pursuant to this
603 subsection must include all of the following information for
604 each recommended project:

- 605 1. A description of the project.
- 606 2. The location of the project.
- 607 3. An estimate of how long the project will take to
608 complete.
- 609 4. An estimate of the cost of the project.

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610 5. The cost-share percentage available for the project, if
611 applicable.

612 6. A summary of the priority score assigned to the project.

613 7. The project sponsor.

614 (d)1. By September 1 of each year, all of the following
615 entities may submit to the department a list of proposed
616 projects that address risks of flooding or sea level rise
617 identified in the comprehensive statewide flood vulnerability
618 and sea level rise assessment or vulnerability assessments that
619 meet the requirements of subsection (3):

620 a. Counties.

621 b. Municipalities.

622 c. Special districts as defined in s. 189.012 which are
623 responsible for the management and maintenance of inlets and
624 intracoastal waterways or for the operation and maintenance of a
625 potable water facility, a wastewater facility, an airport, or a
626 seaport facility.

627 d. Regional resilience entities acting on behalf of one or
628 more member counties or municipalities.

629

630 For the plans submitted by December 1, 2024, such entities may
631 submit projects identified in existing vulnerability assessments
632 that do not comply with subsection (3) only if the entity is
633 actively developing a vulnerability assessment that is either
634 under a signed grant agreement with the department pursuant to
635 subsection (3) or funded by another state or federal agency, or
636 is self-funded and intended to meet the requirements of
637 paragraph (3)(d) or if the existing vulnerability assessment was
638 completed using previously compliant statutory requirements.

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639 Projects identified from this category of vulnerability
640 assessments will be eligible for submittal until the prior
641 vulnerability assessment has been updated to meet most recent
642 statutory requirements.

643 2. By September 1 of each year, all of the following
644 entities may submit to the department a list of any proposed
645 projects that address risks of flooding or sea level rise
646 identified in the comprehensive statewide flood vulnerability
647 and sea level rise assessment or vulnerability assessments that
648 meet the requirements of subsection (3), or that mitigate the
649 risks of flooding or sea level rise on water supplies or water
650 resources of the state and a corresponding evaluation of each
651 project:

- 652 a. Water management districts.
- 653 b. Drainage districts.
- 654 c. Erosion control districts.
- 655 d. Flood control districts.
- 656 e. Regional water supply authorities.

657 3. Each project submitted to the department pursuant to
658 this paragraph for consideration by the department for inclusion
659 in the plan must include all of the following information:

- 660 a. A description of the project.
- 661 b. The location of the project.
- 662 c. An estimate of how long the project will take to
663 complete.
- 664 d. An estimate of the cost of the project.
- 665 e. The cost-share percentage available for the project, if
666 applicable.
- 667 f. The project sponsor.

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668 (e) Each project included in the plan must have a minimum
669 50 percent cost share unless the project assists or is within a
670 community eligible for a reduced cost share. For purposes of
671 this section, the term "community eligible for a reduced cost
672 share" means:

673 1. A municipality that has a population of 10,000 or less
674 ~~fewer~~, according to the most recent April 1 population estimates
675 posted on the Office of Economic and Demographic Research's
676 website, and a per capita annual income that is less than the
677 state's per capita annual income as shown in the most recent
678 release from the Bureau of the Census of the United States
679 Department of Commerce that includes both measurements;

680 2. A county that has a population of 50,000 or less ~~fewer~~,
681 according to the most recent April 1 population estimates posted
682 on the Office of Economic and Demographic Research's website,
683 and a per capita annual income that is less than the state's per
684 capita annual income as shown in the most recent release from
685 the Bureau of the Census of the United States Department of
686 Commerce that includes both measurements; or

687 3. A municipality or county that has a per capita annual
688 income that is equal to or less than 75 percent of the state's
689 per capita annual income as shown in the most recent release
690 from the Bureau of the Census of the United States Department of
691 Commerce.

692 (h) The total amount of funding proposed for each year of
693 the plan must ~~may not~~ be at least less than \$100 million. No
694 more than 25 percent of the total amount proposed may fund
695 projects submitted by water management districts. Upon review
696 and subject to appropriation, the Legislature shall approve

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697 funding for the projects as specified in the plan. Multiyear
698 projects that receive funding for the first year of the project
699 must be included in subsequent plans and funded until the
700 project is complete, provided that the project sponsor has
701 complied with all contractual obligations and funds are
702 available.

703 Section 11. For the purpose of incorporating the amendment
704 made by this act to section 373.503, Florida Statutes, in a
705 reference thereto, section 373.0697, Florida Statutes, is
706 reenacted to read:

707 373.0697 Basin taxes.—The respective basins may, pursuant
708 to s. 9(b), Art. VII of the State Constitution, by resolution
709 request the governing board of the district to levy ad valorem
710 taxes within such basin. Upon receipt of such request, a basin
711 tax levy shall be made by the governing board of the district to
712 finance basin functions enumerated in s. 373.0695,
713 notwithstanding the provisions of any other general or special
714 law to the contrary, and subject to the provisions of s.
715 373.503(3).

716 (1) The amount of money to be raised by said tax levy shall
717 be determined by the adoption of an annual budget by the
718 district board of governors, and the average millage for the
719 basin shall be that amount required to raise the amount called
720 for by the annual budget when applied to the total assessment of
721 the basin as determined for county taxing purposes. However, no
722 such tax shall be levied within the basin unless and until the
723 annual budget and required tax levy shall have been approved by
724 formal action of the basin board, and no county in the district
725 shall be taxed under this provision at a rate to exceed 1 mill.

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726 (2) The taxes provided for in this section shall be
727 extended by the county property appraiser on the county tax roll
728 in each county within, or partly within, the basin and shall be
729 collected by the tax collector in the same manner and time as
730 county taxes, and the proceeds therefrom paid to the district
731 for basin purposes. Said taxes shall be a lien, until paid, on
732 the property against which assessed and enforceable in like
733 manner as county taxes. The property appraisers, tax collectors,
734 and clerks of the circuit court of the respective counties shall
735 be entitled to compensation for services performed in connection
736 with such taxes at the same rates as apply to county taxes.

737 (3) It is hereby determined that the taxes authorized by
738 this subsection are in proportion to the benefits to be derived
739 by the several parcels of real estate within the basin from the
740 works authorized herein.

741 Section 12. This act shall take effect July 1, 2026.

1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 112.3261, F.S.; defining the term
4 "expenditure"; requiring the Commission on Ethics to
5 investigate a lobbyist or principal who has made a
6 prohibited expenditure and to provide the Governor
7 with a report of its findings and recommendations
8 regarding such investigation; prohibiting certain
9 persons from making or accepting expenditures;
10 amending s. 373.0693, F.S.; deleting a provision
11 requiring legislative approval before the
12 establishment of a subdistrict or basin in a certain
13 water management district takes effect; amending s.
14 373.079, F.S.; requiring a quorum for the conduct of
15 official business by the governing board of a water
16 management district; providing requirements for a
17 quorum; requiring an affirmative vote of a majority of
18 the members of the governing board before any action
19 may be taken by the board; amending s. 373.470, F.S.;
20 requiring the South Florida Water Management District,
21 in cooperation with the Department of Environmental
22 Protection, to provide a detailed report that includes
23 the total estimated remaining cost of implementation
24 of the Comprehensive Everglades Restoration Plan and
25 the status of applicable performance indicators for

26 | all project components; requiring that the project
27 | components be subdivided into specified categories
28 | based on the project's status; specifying requirements
29 | for performance indicators for certain projects or
30 | project components; providing legislative recognition
31 | of the value of the integrated delivery schedule;
32 | requiring the South Florida Ecosystem Restoration Task
33 | Force to identify certain sources of funding when
34 | making recommendations for updates to the integrated
35 | delivery schedule; amending s. 373.501, F.S.;
36 | prohibiting a water management district from using
37 | state funds for a specified purpose; providing an
38 | exception; amending s. 373.503, F.S.; authorizing
39 | water management districts to levy certain ad valorem
40 | taxes on specified property for certain purposes;
41 | requiring a district governing board levying ad
42 | valorem taxes for certain projects to adopt a
43 | resolution approved by a majority vote of the voting
44 | electors in the district or basin; specifying
45 | requirements for such resolution; providing
46 | specifications for the millage levied; requiring that
47 | the referendum question on the ballot specify the
48 | purpose of the levy and the maximum length of time the
49 | millage may be imposed; defining the term "capital
50 | improvement projects"; revising requirements for the

51 maximum total millage rate; reenacting and amending s.
52 373.535, F.S.; requiring that the preliminary budget
53 for each water management district include a section
54 that contains the district's capital improvement plan
55 for the current fiscal year and the next fiscal year;
56 requiring that such section contain specified
57 information; requiring the South Florida Water
58 Management District to include a section in its
59 preliminary budget for all projects within the
60 Comprehensive Everglades Restoration Plan; requiring
61 that the section contain specified information;
62 requiring the South Florida Water Management District
63 to indicate the fiscal year from which certain
64 appropriations are expended; requiring the district to
65 incorporate state revenues in a certain manner when
66 estimating expenditures for the next fiscal year;
67 providing an exception; providing construction;
68 amending s. 373.536, F.S.; authorizing the Legislative
69 Budget Commission to reject certain district budget
70 proposals; providing an exception; providing
71 construction; requiring the South Florida Water
72 Management District to include in its budget document
73 certain sections that incorporate the actual amount of
74 state revenues appropriated for the fiscal year;
75 requiring that a water management district's tentative

76 budget for its proposed operations and funding
77 requirements include the district's capital
78 improvement plan for the current year and the next
79 fiscal year; amending s. 373.6075, F.S.; requiring a
80 water management district to give preference to
81 certain bids, proposals, or replies for the design,
82 engineering, or construction of capital improvement
83 projects in excess of a specified amount; requiring a
84 water management district to consider certain factors
85 for the purpose of the competitive bid selection
86 process; amending s. 380.093, F.S.; requiring that
87 certain projects submitted by water management
88 districts to the department for the Statewide Flooding
89 and Sea Level Rise Resilience Plan be ranked on a
90 separate list; revising the list of information that
91 must be submitted by the department for each project;
92 specifying the composition of the total amount of
93 funding for such plan; restricting funding available
94 to water management districts; reenacting s. 373.0697,
95 F.S., relating to basin taxes, to incorporate the
96 amendment made to s. 373.503, F.S., in a reference
97 thereto; providing an effective date.

98
99 Be It Enacted by the Legislature of the State of Florida:
100

101 **Section 1. Present paragraphs (b), (c), and (d) of**
102 **subsection (1) of section 11.3261, Florida Statutes, are**
103 **redesignated as paragraphs (c), (d), and (e), respectively, a**
104 **new paragraph (b) is added to that subsection, subsection (9) is**
105 **added to that section, and subsection (7) of that section is**
106 **amended, to read:**

107 112.3261 Lobbying before water management districts;
108 registration and reporting.-

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

110 (b) "Expenditure" has the same meaning as in s. 112.3215.

111 (7) Upon receipt of a sworn complaint alleging that a
112 lobbyist or principal has failed to register with a district,
113 has made a prohibited expenditure, or has knowingly submitted
114 false information in a report or registration required under
115 this section, the commission shall investigate a lobbyist or
116 principal pursuant to the procedures established under s.
117 112.324. The commission shall provide the Governor with a report
118 of its findings and recommendations in any investigation
119 conducted pursuant to this subsection. The Governor is
120 authorized to enforce the commission's findings and
121 recommendations.

122 (9) Notwithstanding s. 112.3148, s. 112.3149, or any other
123 law, a lobbyist or principal may not make, directly or
124 indirectly, any expenditure, and a district governing board
125 member, an executive director, or any district employee who

126 qualifies as a local officer as defined in s. 112.3145(1) may
 127 not knowingly accept, directly or indirectly, any expenditure.

128 **Section 2. Subsection (1) of section 373.0693, Florida**
 129 **Statutes, is amended to read:**

130 373.0693 Basins; basin boards.—

131 (1) ~~(a)~~ Any areas within a district may be designated by
 132 the district governing board as subdistricts or basins. The
 133 designations of such basins must ~~shall~~ be made by the district
 134 governing board by resolutions thereof. The governing board of
 135 the district may change the boundaries of such basins, or create
 136 new basins, by resolution.

137 ~~(b) No subdistrict or basin in the St. Johns River Water~~
 138 ~~Management District other than established by this act shall~~
 139 ~~become effective until approved by the Legislature.~~

140 **Section 3. Subsection (7) of section 373.079, Florida**
 141 **Statutes, is amended to read:**

142 373.079 Members of governing board; oath of office;
 143 staff.—

144 (7) The governing board shall meet at least once a month
 145 and upon call of the chair. A quorum is necessary for the board
 146 to conduct official business. A majority of the members of the
 147 governing board, which includes both appointed members and
 148 vacancies, constitutes a quorum. A board member's appearance at
 149 a board meeting, whether such appearance is in person or through
 150 the use of communications media technology, must be counted for

151 the determination of a quorum. Except where otherwise provided
152 by law, action may be taken by the governing board only upon an
153 affirmative vote of a majority of the members of the governing
154 board. The governing board, a basin board, a committee, or an
155 advisory board may conduct meetings by means of communications
156 media technology in accordance with rules adopted pursuant to s.
157 120.54(5)(b) ~~s. 120.54~~.

158 **Section 4. Subsection (7) of section 373.470, Florida**
159 **Statutes, is amended, and subsection (8) is added to that**
160 **section, to read:**

161 373.470 Everglades restoration.—

162 (7) ANNUAL REPORT.—To provide enhanced oversight of and
163 accountability for the financial commitments established under
164 this section and the progress made in the implementation of the
165 comprehensive plan, the following information must be prepared
166 annually as part of the consolidated annual report required by
167 s. 373.036(7):

168 (a) The district, in cooperation with the department,
169 shall provide the following information as it relates to
170 implementation of the comprehensive plan:

171 1. An identification of funds, by source and amount,
172 received by the state and by each local sponsor during the
173 fiscal year.

174 2. An itemization of expenditures, by source and amount,
175 made by the state and by each local sponsor during the fiscal

176 | year.

177 | 3. A description of the purpose for which the funds were
178 | expended.

179 | 4. The unencumbered balance of funds remaining in trust
180 | funds or other accounts designated for implementation of the
181 | comprehensive plan.

182 | 5. A schedule of anticipated expenditures for the next
183 | fiscal year.

184 | (b) The department shall prepare a detailed report on all
185 | funds expended by the state and credited toward the state's
186 | share of funding for implementation of the comprehensive plan.
187 | The report shall include:

188 | 1. A description of all expenditures, by source and
189 | amount, from the former Conservation and Recreation Lands Trust
190 | Fund, the Land Acquisition Trust Fund, the former Preservation
191 | 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our
192 | Everglades Trust Fund, and other named funds or accounts for the
193 | acquisition or construction of project components or other
194 | features or facilities that benefit the comprehensive plan.

195 | 2. A description of the purposes for which the funds were
196 | expended.

197 | 3. The unencumbered fiscal-year-end balance that remains
198 | in each trust fund or account identified in subparagraph 1.

199 | (c) The district, in cooperation with the department,
200 | shall provide a detailed report on progress made in the

201 implementation of the comprehensive plan, including the total
202 estimated remaining cost of implementation of the comprehensive
203 plan. The report must also include the status of and applicable
204 performance indicators for all project components. The project
205 components must be subdivided into the following categories
206 based on the project's status:

- 207 1. Planning and design phase.
- 208 2. Construction phase, for which the performance
209 indicators must include, but are not limited to:
 - 210 a. Whether the project is on time and on budget based on a
211 schedule performance index; and
 - 212 b. Whether the project had any claims, change orders, or
213 credits upon closeout, including the description, date, and cost
214 of the change, compensatory amounts, and the remedy or
215 resolution exercised as it pertains to the schedule or budget of
216 the project.
- 217 3. Operational phase, for which the performance indicators
218 must include, but are not limited to, whether the operation of
219 the project is achieving the goals and objectives identified in
220 the final project implementation report.
- 221 4. Pending projects phase, which includes project
222 components that have not yet entered the planning or design
223 phase.
- 224 5. The estimated expenditures for the project in the prior
225 fiscal year compared to the actual expenditures, with an

226 explanation for significant variances initiated after the
227 effective date of this act or the date of the last report
228 prepared under this subsection, whichever is later.

229 (d) For a project or project component developed pursuant
230 to s. 255.065, the performance indicators in the report must be
231 consistent with national industry standards for the delivery
232 method.

233
234 The information required in paragraphs (a), (b), ~~and~~ (c), and
235 (d) must shall be provided as part of the consolidated annual
236 report required by s. 373.036(7). Each annual report is due by
237 March 1.

238 (8) INTEGRATED DELIVERY SCHEDULE.—The Legislature
239 recognizes the value of the integrated delivery schedule as a
240 forward-looking snapshot of upcoming planning, design, and
241 construction schedules for the comprehensive plan and as a tool
242 that provides information to decision-makers and facilitates
243 achievement of the goals and purposes of the comprehensive plan
244 at the earliest possible time to the extent practical, given
245 funding, engineering, and other contractual constraints. The
246 Legislature further recognizes that the schedule acts as a
247 planning document and does not represent a budget or financial
248 commitment on behalf of any of the participants of the South
249 Florida Ecosystem Restoration Task Force. Therefore, when making
250 recommendations for any update to the schedule, state and local

251 members of the task force shall identify project funding sources
252 to reflect whether funding will use recurring state funds
253 provided pursuant to s. 375.041(3)(b)1., 4., and 5., or whether
254 the project may be funded with nonrecurring state funds.

255 **Section 5. Subsection (3) is added to section 373.501,**
256 **Florida Statutes, to read:**

257 373.501 Appropriation of funds to water management
258 districts.—

259 (3) A water management district may not use state funds as
260 a local match for any state grant program unless such funds have
261 been specifically appropriated to the district for such purpose.

262 **Section 6. Subsection (3) of section 373.503, Florida**
263 **Statutes, is amended to read:**

264 373.503 Manner of taxation.—

265 (3)(a)1. The districts may, by resolution adopted by a
266 majority vote of the governing board, levy ad valorem taxes on
267 property within the district solely for the purposes of this
268 chapter and of chapter 25270, 1949, Laws of Florida, as amended,
269 and chapter 61-691, Laws of Florida, as amended. If appropriate,
270 taxes levied by each governing board may be separated by the
271 governing board into a millage necessary for the purposes of the
272 district and a millage necessary for financing basin functions
273 specified in s. 373.0695.

274 2.a. A district may levy separate ad valorem taxes on
275 property within the district or basin for the purposes of the

276 construction of capital improvement projects. Such levy must be
277 by resolution adopted by a majority vote of the district's
278 governing board and conditioned to take effect only upon
279 approval by a majority vote of the electors in the district or
280 basin, as applicable, voting in a referendum held at a general
281 election as defined in s. 97.021. The resolution must be
282 conditioned to take effect on the January 1 immediately
283 following voter approval of the referendum. The resolution must
284 include the millage to be levied, a detailed description of the
285 capital improvement projects to be funded by the millage, such
286 projects' expected dates of completion, and the maximum duration
287 for the levy of the millage, which may not extend beyond the
288 date that the projects are expected to be completed. The millage
289 levied under this subparagraph may be up to an amount that, when
290 combined with millage levied under subparagraph 1., does not
291 exceed the maximum total millage rate authorized under paragraph
292 (b). The referendum question on the ballot must specify a brief
293 and general description of the purpose of the levy and the
294 maximum length of time the millage may be imposed.

295 b. For purposes of this subparagraph, the term "capital
296 improvement projects" means projects related to water supply,
297 including alternative water supply and water resource
298 development projects identified in the district's regional water
299 supply plans, water quality, flood protection and floodplain
300 management, and natural systems.

301 (b)~~(a)~~ Notwithstanding any other general or special law,
 302 and subject to subsection (4), the maximum total millage rate
 303 for all district and basin purposes authorized under this
 304 section shall be:

- 305 1. Northwest Florida Water Management District: 0.05 mill.
- 306 2. Suwannee River Water Management District: 0.75 mill.
- 307 3. St. Johns River Water Management District: 0.6 mill.
- 308 4. Southwest Florida Water Management District: 1.0 mill.
- 309 5. South Florida Water Management District: 0.80 mill.

310 (c)~~(b)~~ The apportionment of millages levied pursuant to
 311 subparagraph (a)1. in the South Florida Water Management
 312 District shall be a maximum of 40 percent for district purposes
 313 and a maximum of 60 percent for basin purposes, respectively.

314 (d)~~(e)~~ Within the Southwest Florida Water Management
 315 District, the maximum millage assessed for district purposes may
 316 not exceed 50 percent of the total authorized millage if there
 317 are one or more basins in the district, and the maximum millage
 318 assessed for basin purposes may not exceed 50 percent of the
 319 total authorized millage.

320 **Section 7. Section 373.535, Florida Statutes, is amended**
 321 **to read:**

322 373.535 Preliminary district budgets.—

323 (1) BUDGET DEVELOPMENT.—

324 (a) By January 15 of each year, each water management
 325 district shall submit a preliminary budget for the next fiscal

326 year for legislative review to the President of the Senate, the
327 Speaker of the House of Representatives, and the chairs of each
328 legislative committee and subcommittee having substantive or
329 fiscal jurisdiction over water management districts, as
330 determined by the President of the Senate or the Speaker of the
331 House of Representatives, as applicable, in the form and manner
332 prescribed in s. 373.536(5) (e).

333 (b) Each preliminary budget must also include:

334 1. A section that clearly identifies and provides
335 justification for each proposed expenditure listed in s.
336 373.536(5) (e)4.e. and f. and identifies the source of funds for
337 each proposed expenditure.

338 2. A section identifying the justification for proposed
339 expenditures by core mission area of responsibility and the
340 source of funds needed for activities related to water supply,
341 including alternative water supply and water resource
342 development projects identified in the district's regional water
343 supply plans, water quality, flood protection and floodplain
344 management, and natural systems.

345 3. A section that includes the district's capital
346 improvement plan for the current fiscal year and the next fiscal
347 year, which will be incorporated as part of the district's 5-
348 year capital improvement plan. The following information must be
349 included for each project contained in the capital improvement
350 plan:

351 a. Estimated beginning and ending date.

352 b. Current status, such as planning, construction, or
353 operations.

354 c. Funding source, grouped by federal, state, and local
355 pursuant to s. 373.503(3)(a)1., local pursuant to s.
356 373.503(3)(a)2., or other.

357 d. Total cost of the project.

358 e. Whether the project is funded from reserves.

359 f. Total expenditures made to date, by fiscal year.

360 g. Current year estimated expenditures.

361 h. Annual budget, including future budget requests, until
362 project completion, by funding source.

363 i. Project description.

364 j. State program code, such as operations and maintenance
365 or ecosystems restoration.

366 ~~4.3.~~ A section reviewing the adopted and proposed budget
367 allocations by program area and the performance metrics for the
368 prior year.

369 ~~5.4.~~ An analysis of each preliminary budget to determine
370 the adequacy of fiscal resources available to the district and
371 the adequacy of proposed district expenditures related to the
372 core mission areas of responsibility for water supply, including
373 alternative water supply and water resource development projects
374 identified in the district's regional water supply plans, water
375 quality, flood protection and floodplain management, and natural

376 systems. The analysis must be based on the particular needs
377 within each district for core mission areas of responsibility.
378 The water supply analysis must specifically include a
379 determination of the adequacy of each district's fiscal
380 resources provided in the district's preliminary budget to
381 achieve appropriate progress toward meeting the districtwide 20-
382 year projected water supply demands, including funding for
383 alternative water supply development and conservation projects.

384 (c) ~~(b)~~ If applicable, the preliminary budget for each
385 district must specify that the district's first obligation for
386 payment is the debt service on bonds and certificates of
387 participation.

388 (d) In addition to the information that must be included
389 for projects carried out pursuant to the capital improvement
390 plan in subparagraph (b)3., the South Florida Water Management
391 District must include a separate section in its preliminary
392 budget for all projects within the Comprehensive Everglades
393 Restoration Plan. The information for the separate section must
394 be provided on a project-by-project basis and include the source
395 of funds. For each project, all of the following information
396 must be included:

- 397 1. The project title and a brief description.
398 2. The total estimated cost of the project, delineated by
399 federal and nonfederal sponsor obligations. The local sponsor
400 obligations must be further delineated by state and district

401 obligations.

402 3. The timeline for the project.

403 4. The total expenditures to date and estimated remaining
404 expenditures needed for project completion.

405 5. The estimate of expenditures for the current year.

406 6. The estimate of expenditures for the next fiscal year.

407 (e) For expenditures funded by state appropriations, the
408 South Florida Water Management District shall indicate which
409 fiscal year the appropriation is from. In estimating
410 expenditures for the next fiscal year, the district may
411 incorporate state revenues only in an amount up to the amount of
412 funds specifically provided in s. 375.041(3)(b)1., 4., and 5.,
413 unless the district commits district revenues on a dollar-for-
414 dollar basis for any amount over such amount specifically
415 provided.

416 (2) LEGISLATIVE REVIEW.—

417 (a) The Legislature may annually review the preliminary
418 budget for each district, including, but not limited to, those
419 items listed in s. 373.536(5)(e)4.d.-f., specific to regulation,
420 outreach, management, and administration program areas.

421 (b) On or before March 1 of each year, the President of
422 the Senate and the Speaker of the House of Representatives may
423 submit comments regarding the preliminary budget to the
424 districts, and provide a copy of the comments to the Executive
425 Office of the Governor. Each district shall respond to the

426 | comments in writing on or before March 15 of each year to the
427 | President of the Senate, the Speaker of the House of
428 | Representatives, and the Executive Office of the Governor.

429 | (c) If, following such review, the Legislature does not
430 | take any action pursuant to s. 373.503 on or before July 1 of
431 | each year, a water management district may proceed with budget
432 | development as provided in subsection (3) and s. 373.536.

433 | (3) FUNDING AUTHORITY GRANTED.—Each district shall use the
434 | preliminary budget as submitted pursuant to subsection (1), and
435 | as may be amended by the district in response to review by the
436 | Legislature pursuant to this section and s. 373.503, as the
437 | basis for developing the tentative budget for the next fiscal
438 | year as provided in s. 373.536(5). However, this subsection may
439 | not be construed to impair any contractual obligations.

440 | **Section 8. Paragraphs (c) and (e) of subsection (5) of**
441 | **section 373.536, Florida Statutes, are amended to read:**

442 | 373.536 District budget and hearing thereon.—

443 | (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
444 | APPROVAL.—

445 | (c) The Legislative Budget Commission may reject any of
446 | the following district budget proposals unless specifically
447 | appropriated by the Legislature:

448 | 1. A single purchase of land in excess of \$10 million,
449 | except for land exchanges.

450 | 2. Any cumulative purchase of land during a single fiscal

451 year in excess of \$50 million.

452 3. Any issuance of debt on or after July 1, 2012.

453 4. Any program expenditure ~~expenditures~~ as described in
454 sub-subparagraphs (e)4.e. and f. in excess of 15 percent of a
455 district's total annual budget.

456 5. Any individual variance ~~variances~~ in a district's
457 tentative budget which is in excess of 25 percent from a
458 district's preliminary budget.

459 6. Any individual portion of a district's tentative budget
460 funded with state appropriations.

461 7. Any individual project in the district's 5-year capital
462 improvement plan, except for those projects fully funded with
463 revenues approved by voters pursuant to s. 373.503(3)(a)2.a.

464

465 Written disapproval of any provision in the tentative budget
466 must be received by the district at least 5 business days before
467 the final district budget adoption hearing conducted under s.
468 200.065(2)(d). If written disapproval is not received at least 5
469 business days before the final budget adoption hearing, the
470 governing board may proceed with final adoption. Any provision
471 rejected by the Executive Office of the Governor or the
472 Legislative Budget Commission may not be included in a
473 district's final budget and may not be acted upon through any
474 other means without the prior approval of the entity rejecting
475 the provision.

476 (e) The tentative budget must be based on the preliminary
477 budget as submitted to the Legislature, and as may be amended by
478 the district in response to review by the Legislature pursuant
479 to ss. 373.503 and 373.535, as the basis for developing the
480 tentative budget for the next fiscal year as provided in this
481 subsection; however, this subsection may not be construed to
482 impair any contractual obligations. The tentative budget, ~~and~~
483 must set forth the proposed expenditures of the district, to
484 which may be added an amount to be held as reserve. The
485 tentative budget must include, but is not limited to, the
486 following information for the preceding fiscal year and the
487 current fiscal year, and the proposed amounts for the upcoming
488 fiscal year, in a standard format prescribed by the Executive
489 Office of the Governor, in consultation with the Legislature:
490 1. The estimated amount of funds remaining at the
491 beginning of the fiscal year which have been obligated for the
492 payment of outstanding commitments not yet completed.
493 2. The estimated amount of unobligated funds or net cash
494 balance on hand at the beginning of the fiscal year; an
495 accounting of the source, balance, and projected future use of
496 the unobligated funds; and the estimated amount of funds to be
497 raised by district taxes or received from other sources to meet
498 the requirements of the district.
499 3. The millage rates and the percentage increase above the
500 rolled-back rate, together with a summary of the reasons the

501 increase is required, and the percentage increase in taxable
 502 value resulting from new construction within the district.

503 4. The salaries and benefits, expenses, operating capital
 504 outlay, number of authorized positions, and other personal
 505 services for the following program areas of the district:

- 506 a. Water resource planning and monitoring;
- 507 b. Land acquisition, restoration, and public works;
- 508 c. Operation and maintenance of works and lands;
- 509 d. Regulation;
- 510 e. Outreach for which the information provided must
 511 contain a full description and accounting of expenditures for
 512 water resources education; public information and public
 513 relations, including public service announcements and
 514 advertising in any media; and lobbying activities related to
 515 local, regional, state and federal governmental affairs, whether
 516 incurred by district staff or through contractual services; and
 517 f. Management and administration.

518
 519 In addition to the program areas reported by all water
 520 management districts, the South Florida Water Management
 521 District shall include in its budget document separate sections
 522 on all costs associated with the Everglades Construction Project
 523 and the Comprehensive Everglades Restoration Plan, incorporating
 524 the amount of state revenues appropriated for the fiscal year.

525 5. The total estimated amount in the district budget for

526 each area of responsibility listed in subparagraph 4. and for
527 water resource, water supply, and alternative water supply
528 development projects identified in the district's regional water
529 supply plans.

530 6. A description of each new, expanded, reduced, or
531 eliminated program.

532 7. The funding sources, including, but not limited to, ad
533 valorem taxes, Surface Water Improvement and Management Program
534 funds, other state funds, federal funds, and user fees and
535 permit fees for each program area.

536 8. The water management district's capital improvement
537 plan for the current fiscal year and the next fiscal year, in
538 the same format as required in the preliminary budget.

539 **Section 9. Section 373.6075, Florida Statutes, is amended**
540 **to read:**

541 373.6075 Purchases from contracts of other entities.—

542 (1) A water management district may purchase commodities
543 and contractual services, excluding services subject to s.
544 287.055, from the purchasing contracts of special districts,
545 municipalities, counties, other political subdivisions,
546 educational institutions, other states, nonprofit entities,
547 purchasing cooperatives, or the Federal Government, which have
548 been procured pursuant to competitive bid, request for proposal,
549 request for qualification, competitive selection, or competitive
550 negotiation, and which are otherwise in compliance with general

551 law if the purchasing contract of the other entity is procured
552 by a process that meets the procurement requirements of the
553 water management district.

554 (2) For contractual services for the design, engineering,
555 or construction, or for any combination of the design,
556 engineering, or construction of capital improvement projects
557 with a total project cost estimated at \$20 million or more, a
558 water management district shall give preference to the lowest
559 responsible and responsive bid, proposal, or reply that includes
560 proof of district-defined acceptable minimum work experience
561 within this state, project-specific payment and performance
562 bonds in amounts appropriate for the project contract amount,
563 and minimum warranty of 2 years beginning at substantial
564 completion, or that includes proof of a comparable financial
565 assurance mechanism, as defined by district rule.

566 (3) For the purpose of the competitive selection process
567 in s. 287.055(4) or procurement procedures in s. 255.065(3), a
568 water management district shall consider whether a bid,
569 proposal, or reply includes appropriate payment and performance
570 bonds, proof of a comparable financial assurance mechanism, as
571 defined by district rule, or documentation of all bond faults or
572 bond claims within the last 10 years, including all open and
573 closed claims and agreed-upon amounts with a description of the
574 claim and any resolution.

575 **Section 10. Paragraphs (a), (c), (d), (e), and (h) of**

576 **subsection (5) of section 380.093, Florida Statutes, are amended**
577 **to read:**

578 380.093 Resilient Florida Grant Program; comprehensive
579 statewide flood vulnerability and sea level rise data set and
580 assessment; Statewide Flooding and Sea Level Rise Resilience
581 Plan; regional resilience entities.—

582 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE
583 PLAN.—

584 (a) By December 1 of each year, the department shall
585 develop a Statewide Flooding and Sea Level Rise Resilience Plan
586 on a 3-year planning horizon and submit it to the Governor, the
587 President of the Senate, and the Speaker of the House of
588 Representatives. The plan must consist of ranked projects that
589 address risks of flooding and sea level rise to coastal and
590 inland communities in the state. All eligible projects submitted
591 to the department pursuant to this section must be ranked and
592 included in the plan. All eligible projects submitted by a water
593 management district must be ranked on a separate list. Each plan
594 must include a detailed narrative overview describing how the
595 plan was developed, including a description of the methodology
596 used by the department to determine project eligibility, a
597 description of the methodology used to rank projects, the
598 specific scoring system used, the project proposal application
599 form, a copy of each submitted project proposal application form
600 separated by eligible projects and ineligible projects, the

601 total number of project proposals received and deemed eligible,
 602 the total funding requested, and the total funding requested for
 603 eligible projects.

604 (c) Each plan submitted by the department pursuant to this
 605 subsection must include all of the following information for
 606 each recommended project:

- 607 1. A description of the project.
- 608 2. The location of the project.
- 609 3. An estimate of how long the project will take to
 610 complete.
- 611 4. An estimate of the cost of the project.
- 612 5. The cost-share percentage available for the project, if
 613 applicable.
- 614 6. A summary of the priority score assigned to the
 615 project.
- 616 7. The project sponsor.

617 (d)1. By September 1 of each year, all of the following
 618 entities may submit to the department a list of proposed
 619 projects that address risks of flooding or sea level rise
 620 identified in the comprehensive statewide flood vulnerability
 621 and sea level rise assessment or vulnerability assessments that
 622 meet the requirements of subsection (3):

- 623 a. Counties.
- 624 b. Municipalities.
- 625 c. Special districts as defined in s. 189.012 which are

626 responsible for the management and maintenance of inlets and
 627 intracoastal waterways or for the operation and maintenance of a
 628 potable water facility, a wastewater facility, an airport, or a
 629 seaport facility.

630 d. Regional resilience entities acting on behalf of one or
 631 more member counties or municipalities.

632
 633 For the plans submitted by December 1, 2024, such entities may
 634 submit projects identified in existing vulnerability assessments
 635 that do not comply with subsection (3) only if the entity is
 636 actively developing a vulnerability assessment that is either
 637 under a signed grant agreement with the department pursuant to
 638 subsection (3) or funded by another state or federal agency, or
 639 is self-funded and intended to meet the requirements of
 640 paragraph (3)(d) or if the existing vulnerability assessment was
 641 completed using previously compliant statutory requirements.
 642 Projects identified from this category of vulnerability
 643 assessments will be eligible for submittal until the prior
 644 vulnerability assessment has been updated to meet most recent
 645 statutory requirements.

646 2. By September 1 of each year, all of the following
 647 entities may submit to the department a list of any proposed
 648 projects that address risks of flooding or sea level rise
 649 identified in the comprehensive statewide flood vulnerability
 650 and sea level rise assessment or vulnerability assessments that

651 meet the requirements of subsection (3), or that mitigate the
 652 risks of flooding or sea level rise on water supplies or water
 653 resources of the state and a corresponding evaluation of each
 654 project:

- 655 a. Water management districts.
- 656 b. Drainage districts.
- 657 c. Erosion control districts.
- 658 d. Flood control districts.
- 659 e. Regional water supply authorities.

660 3. Each project submitted to the department pursuant to
 661 this paragraph for consideration by the department for inclusion
 662 in the plan must include all of the following information:

- 663 a. A description of the project.
- 664 b. The location of the project.
- 665 c. An estimate of how long the project will take to
 666 complete.
- 667 d. An estimate of the cost of the project.
- 668 e. The cost-share percentage available for the project, if
 669 applicable.
- 670 f. The project sponsor.

671 (e) Each project included in the plan must have a minimum
 672 50 percent cost share unless the project assists or is within a
 673 community eligible for a reduced cost share. For purposes of
 674 this section, the term "community eligible for a reduced cost
 675 share" means:

676 1. A municipality that has a population of 10,000 or less
 677 ~~fewer~~, according to the most recent April 1 population estimates
 678 posted on the Office of Economic and Demographic Research's
 679 website, and a per capita annual income that is less than the
 680 state's per capita annual income as shown in the most recent
 681 release from the Bureau of the Census of the United States
 682 Department of Commerce that includes both measurements;

683 2. A county that has a population of 50,000 or less ~~fewer~~,
 684 according to the most recent April 1 population estimates posted
 685 on the Office of Economic and Demographic Research's website,
 686 and a per capita annual income that is less than the state's per
 687 capita annual income as shown in the most recent release from
 688 the Bureau of the Census of the United States Department of
 689 Commerce that includes both measurements; or

690 3. A municipality or county that has a per capita annual
 691 income that is equal to or less than 75 percent of the state's
 692 per capita annual income as shown in the most recent release
 693 from the Bureau of the Census of the United States Department of
 694 Commerce.

695 (h) The total amount of funding proposed for each year of
 696 the plan must ~~may not~~ be at least ~~less than~~ \$100 million. No
 697 more than 25 percent of the total amount proposed may fund
 698 projects submitted by water management districts. Upon review
 699 and subject to appropriation, the Legislature shall approve
 700 funding for the projects as specified in the plan. Multiyear

701 projects that receive funding for the first year of the project
702 must be included in subsequent plans and funded until the
703 project is complete, provided that the project sponsor has
704 complied with all contractual obligations and funds are
705 available.

706 **Section 11. For the purpose of incorporating the amendment**
707 **made by this act to section 373.503, Florida Statutes, in a**
708 **reference thereto, section 373.0697, Florida Statutes, is**
709 **reenacted to read:**

710 373.0697 Basin taxes.—The respective basins may, pursuant
711 to s. 9(b), Art. VII of the State Constitution, by resolution
712 request the governing board of the district to levy ad valorem
713 taxes within such basin. Upon receipt of such request, a basin
714 tax levy shall be made by the governing board of the district to
715 finance basin functions enumerated in s. 373.0695,
716 notwithstanding the provisions of any other general or special
717 law to the contrary, and subject to the provisions of s.
718 373.503(3).

719 (1) The amount of money to be raised by said tax levy
720 shall be determined by the adoption of an annual budget by the
721 district board of governors, and the average millage for the
722 basin shall be that amount required to raise the amount called
723 for by the annual budget when applied to the total assessment of
724 the basin as determined for county taxing purposes. However, no
725 such tax shall be levied within the basin unless and until the

726 annual budget and required tax levy shall have been approved by
727 formal action of the basin board, and no county in the district
728 shall be taxed under this provision at a rate to exceed 1 mill.

729 (2) The taxes provided for in this section shall be
730 extended by the county property appraiser on the county tax roll
731 in each county within, or partly within, the basin and shall be
732 collected by the tax collector in the same manner and time as
733 county taxes, and the proceeds therefrom paid to the district
734 for basin purposes. Said taxes shall be a lien, until paid, on
735 the property against which assessed and enforceable in like
736 manner as county taxes. The property appraisers, tax collectors,
737 and clerks of the circuit court of the respective counties shall
738 be entitled to compensation for services performed in connection
739 with such taxes at the same rates as apply to county taxes.

740 (3) It is hereby determined that the taxes authorized by
741 this subsection are in proportion to the benefits to be derived
742 by the several parcels of real estate within the basin from the
743 works authorized herein.

744 **Section 12.** This act shall take effect July 1, 2026.

By Senator Mayfield

19-00269-26

2026802__

1 A bill to be entitled
2 An act relating to public officers and employees;
3 creating s. 20.71, F.S.; requiring that, beginning on
4 a specified date, secretaries and executive directors
5 of departments, chief administrative officers of
6 certain units of state government, members of
7 commissions and licensing boards, chairs of governing
8 boards or certain chief executives of certain
9 statewide entities, or any persons appointed to hold
10 state office in the executive branch of state
11 government be United States citizens and residents of
12 this state; providing that such an office is
13 automatically deemed vacant if the person holding that
14 office does not meet certain requirements; requiring
15 that, beginning on a specified date, members of the
16 board of trustees for state universities be United
17 States citizens and residents of this state or
18 graduates of the state university that the board
19 oversees; requiring that, beginning on a specified
20 date, members of the Board of Governors of the State
21 University System be United States citizens and either
22 residents of this state or graduates of a state
23 university; providing that if any such requirements
24 are not met, the member's office is deemed vacant;
25 amending s. 104.31, F.S.; prohibiting state, county,
26 and municipal officers and employees from using their
27 official authority or influence to solicit another
28 person to make certain contributions; revising
29 construction of provisions relating to political

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30 activities of state, county, and municipal officers
31 and employees; amending s. 112.061, F.S.; prohibiting
32 the authorization or approval of reimbursements for
33 travel expenses between the personal residence and
34 official headquarters of persons in specified
35 positions; defining the term "residence"; requiring
36 that the official headquarters for specified positions
37 be the city or town in which the department's official
38 headquarters is located; prohibiting persons serving
39 in specified positions from being reimbursed for
40 certain travel expenses; creating s. 112.31251, F.S.;
41 defining the term "office" for purposes of s. 5(a),
42 Art. II of the State Constitution; defining the term
43 "employment"; amending s. 112.3261, F.S.; defining the
44 term "expenditure"; requiring the Commission on Ethics
45 to investigate certain lobbyists or principals who
46 make prohibited expenditures; prohibiting lobbyists or
47 principals from making, and district governing board
48 members, executive directors, or certain employees of
49 water management districts from accepting, any
50 expenditure; amending s. 1001.71, F.S.; conforming a
51 provision to changes made by the act; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 20.71, Florida Statutes, is created to
57 read:

58 20.71 Residency requirements.—Notwithstanding any other

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59 law:

60 (1) (a) Effective October 1, 2026, each of the following
61 persons must be a United States citizen and a resident of this
62 state:

63 1. The secretary of a department.

64 2. The executive director of a department.

65 3. The chief administrative officer of any unit of state
66 government which is housed under a department for administrative
67 purposes but is not subject to the control, supervision, or
68 direction of such department.

69 4. A member of a commission.

70 5. A member of a licensing board.

71 6. The chair of the governing board, or the chief
72 executive, of a statewide entity that is explicitly created or
73 established by statute, regardless of its legal form, for a
74 public purpose or to carry out a government program and that is
75 not under the direct control of a governmental entity.

76 7. Any other person appointed to hold state office in the
77 executive branch of state government.

78 (b) If a person listed in paragraph (a) does not meet the
79 requirements of that paragraph, such person's office is
80 automatically deemed vacant.

81 (2) Effective January 6, 2027, each member of a state
82 university board of trustees must be a United States citizen and
83 either a resident of this state or a graduate of the state
84 university, the administration of which is overseen by such
85 board of trustees. If any member of a state university board of
86 trustees does not meet the requirements of this subsection, such
87 member's office is automatically deemed vacant.

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88 (3) Effective January 6, 2027, each member of the Board of
89 Governors of the State University System must be a United States
90 citizen and either a resident of this state or a graduate of a
91 state university as defined in s. 1000.21. If any member of the
92 Board of Governors does not meet the requirements of this
93 subsection, such member's office is automatically deemed vacant.

94 Section 2. Subsections (1) and (2) of section 104.31,
95 Florida Statutes, are amended to read:

96 104.31 Political activities of state, county, and municipal
97 officers and employees.—

98 (1) No officer or employee of the state, or of any county
99 or municipality thereof, except as hereinafter exempted from
100 provisions hereof, shall:

101 (a) Use his or her official authority or influence for the
102 purpose of interfering with an election or a nomination of
103 office or coercing or influencing another person's vote or
104 affecting the result thereof.

105 (b) Use his or her official authority or influence to
106 directly or indirectly coerce or attempt to coerce, command,
107 solicit, or advise any other ~~person~~ ~~officer or employee~~ to make
108 a contribution as defined in s. 106.011 or to pay, lend, or
109 contribute ~~any part of his or her salary, or any money, or~~
110 anything else of value to any political party, candidate for
111 public office, political committee, organization, agency, or
112 person ~~for political purposes~~. Nothing in this paragraph or in
113 any county or municipal charter or ordinance shall prohibit an
114 officer or employee from suggesting to another person ~~employee~~
115 in a noncoercive manner that he or she may voluntarily make a
116 contribution as defined in s. 106.011 or pay, lend, or

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117 contribute money or anything else of value to any political
118 party, candidate for public office, political committee,
119 organization, agency, or person to a fund which is administered
120 by a party, committee, organization, agency, person, labor union
121 or other employee organization for political purposes.

122 (c) Directly or indirectly coerce or attempt to coerce,
123 command, and advise any such officer or employee as to where he
124 or she might purchase commodities or to interfere in any other
125 way with the personal right of said officer or employee.

126
127 ~~The provisions of~~ This section may shall not be construed so as
128 to prevent any person from becoming a candidate for and actively
129 campaigning for any elective office in this state. All such
130 persons shall retain the right to vote as they may choose and to
131 express their opinions on all political subjects and candidates.

132 ~~The provisions of~~ Paragraph (a) may shall not be construed so as
133 to limit the political activity in a general, special, primary,
134 bond, referendum, or other election of any kind or nature, of
135 elected officials or candidates for public office in the state
136 or of any county or municipality thereof; ~~and the provisions of~~
137 ~~paragraph (a) shall not be construed so as to limit the~~
138 ~~political activity in general or special elections of the~~
139 ~~officials appointed as the heads or directors of state~~
140 ~~administrative agencies, boards, commissions, or committees or~~
141 ~~of the members of state boards, commissions, or committees,~~
142 ~~whether they be salaried, nonsalaried, or reimbursed for~~
143 ~~expense. In the event of a dual capacity of any member of a~~
144 ~~state board, commission, or committee, any restrictive~~
145 ~~provisions applicable to either capacity shall apply. The~~

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146 ~~provisions of paragraph (a) shall not be construed so as to~~
147 ~~limit the political activity in a general, special, primary,~~
148 ~~bond, referendum, or other election of any kind or nature of the~~
149 ~~Governor, the elected members of the Governor's Cabinet, or the~~
150 ~~members of the Legislature. The provisions of Paragraphs (b) and~~
151 (c) shall apply to all officers and employees of the state or of
152 any county or municipality thereof, whether elected, appointed,
153 or otherwise employed, or whether the activity is ~~shall be~~ in
154 connection with a primary, general, special, bond, referendum,
155 or other election of any kind or nature.

156 (2) An employee of the state or any political subdivision
157 may not participate in any political campaign ~~for an elective~~
158 ~~office~~ while on duty.

159 Section 3. Subsection (4) of section 112.061, Florida
160 Statutes, is amended, and paragraph (j) is added to subsection
161 (3) of that section, to read:

162 112.061 Per diem and travel expenses of public officers,
163 employees, and authorized persons; statewide travel management
164 system.—

165 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

166 (j) Reimbursement of transportation expenses as provided in
167 subsection (7) may not be authorized or approved for travel of a
168 person serving in a position described in s. 20.71(1)(a)1., 2.,
169 or 3. between the person's residence and his or her official
170 headquarters. Per diem and subsistence allowances as provided in
171 subsection (6) may not be authorized or approved for a person
172 serving in a position described in s. 20.71(1)(a)1., 2., or 3.
173 when that person remains overnight in the person's county of
174 residence. For the purposes of this section, the term

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175 "residence" means the dwelling in which the person permanently
176 resides.

177 (4) OFFICIAL HEADQUARTERS.—The official headquarters of a
178 person serving in a position described in s. 20.71(1)(a)1., 2.,
179 or 3. must be the city or town in which the department's
180 official headquarters is located, and the official headquarters
181 of any other an officer or employee assigned to an office must
182 ~~shall~~ be the city or town in which the office is located except
183 that:

184 (a) The official headquarters of a person located in the
185 field must ~~shall~~ be the city or town nearest to the area where
186 the majority of the person's work is performed, or such other
187 city, town, or area as may be designated by the agency head
188 provided that in all cases such designation must be in the best
189 interests of the agency and not for the convenience of the
190 person.

191 (b) When any state employee is stationed in any city or
192 town for a period of more than ~~over~~ 30 continuous workdays, such
193 city or town must ~~shall~~ be deemed to be the employee's official
194 headquarters, and he or she may ~~shall~~ not be allowed per diem or
195 subsistence, as provided in this section, after such ~~the said~~
196 period of 30 continuous workdays has elapsed, unless this period
197 of time is extended by the express approval of the agency head
198 or his or her designee.

199 (c) A traveler may leave his or her assigned post to return
200 to his or her residence ~~home~~ overnight, over a weekend, or
201 during a holiday, but any time lost from regular duties must
202 ~~shall~~ be taken as annual leave and authorized in the usual
203 manner. The traveler may ~~shall~~ not be reimbursed for travel

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204 expenses in excess of the established rate for per diem
205 allowable had he or she remained at his or her assigned post. A
206 person serving in a position described in s. 20.71(1)(a)1., 2.,
207 or 3. may not be reimbursed for travel expenses for travel
208 between the person's assigned post and residence. However, when
209 a traveler has been temporarily assigned away from his or her
210 official headquarters for an approved period extending beyond 30
211 days, he or she is ~~shall be~~ entitled to reimbursement for travel
212 expenses at the established rate of one round trip for each 30-
213 day period actually taken to his or her residence ~~home~~ in
214 addition to pay and allowances otherwise provided.

215 (d) A Lieutenant Governor who permanently resides outside
216 of Leon County, may, if he or she so requests, have an
217 appropriate facility in his or her county designated as his or
218 her official headquarters for purposes of this section. This
219 official headquarters may only serve as the Lieutenant
220 Governor's personal office. The Lieutenant Governor may not use
221 state funds to lease space in any facility for his or her
222 official headquarters.

223 1. A Lieutenant Governor for whom an official headquarters
224 is established in his or her county of residence pursuant to
225 this paragraph is eligible for subsistence at a rate to be
226 established by the Governor for each day or partial day that the
227 Lieutenant Governor is at the State Capitol to conduct official
228 state business. In addition to the subsistence allowance, a
229 Lieutenant Governor is eligible for reimbursement for
230 transportation expenses as provided in subsection (7) for travel
231 between the Lieutenant Governor's official headquarters and the
232 State Capitol to conduct state business.

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233 2. Payment of subsistence and reimbursement for
234 transportation between a Lieutenant Governor's official
235 headquarters and the State Capitol shall be made to the extent
236 appropriated funds are available, as determined by the Governor.

237 3. This paragraph expires July 1, 2025.

238 Section 4. Section 112.31251, Florida Statutes, is created
239 to read:

240 112.31251 Definition of the term "office."—

241 (1) (a) For purposes of s. 5(a), Art. II of the State
242 Constitution, the term "office," when referring to an office in
243 this state, means any position in state, county, or municipal
244 government to which all of the following apply:

245 1. The position delegates to the individual holding such
246 position a portion of the sovereign power of the government.

247 2. The position requires the exercise of independent
248 governmental authority, which is performed in an official
249 capacity and is not based solely on a contractual or employment
250 relationship.

251 3. The position has a prescribed tenure.

252 4. The position exists independently of the individual
253 holding such position.

254 (b) The term "office" includes, but is not limited to, each
255 of the following positions:

256 1. The Governor.

257 2. The Lieutenant Governor.

258 3. A member of the Cabinet.

259 4. A state senator.

260 5. A state representative.

261 6. A county commissioner.

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- 262 7. A sheriff.
- 263 8. A tax collector.
- 264 9. A property appraiser.
- 265 10. A supervisor of elections.
- 266 11. A clerk of the circuit court.
- 267 12. A member of the Board of Governors of the State
268 University System.
- 269 13. A member of a board of trustees for a state university.
- 270 14. A member of a district school board.
- 271 15. A member of a state, county, or municipal board or
272 commission that exercises governmental authority and is not
273 purely advisory in nature.
- 274 16. A member of the board of governors for the Citizens
275 Property Insurance Corporation established under s. 627.351(6).
- 276 17. A member of the board of directors for the Florida
277 Housing Finance Corporation established under s. 420.504.
- 278 18. A member of the board of directors for the Florida
279 Healthy Kids Corporation established under s. 624.91, other than
280 the member appointed pursuant to s. 624.91(6)(a)9.
- 281 19. An administrator or a manager of a county, a
282 municipality, or a corporation established under s. 420.504, s.
283 s. 624.91, or s. 627.351(6) who exercises in his or her own
284 right any sovereign power or any prescribed independent
285 authority of a governmental nature.
- 286 20. The director of a county or municipal emergency
287 management agency who exercises in his or her own right any
288 sovereign power or any prescribed independent authority of a
289 governmental nature.
- 290 21. A state, county, or municipal law enforcement officer

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291 with the authority to arrest without a warrant.

292 22. Any position that meets all the criteria enumerated in
293 paragraph (a).

294 (2) The term "office" does not include either of the
295 following:

296 (a) A legislative designation of an officer to perform ex
297 officio the functions of another office; or

298 (b) The position of an individual whose relationship with a
299 state, county, or municipal government is considered employment.

300 For purposes of this paragraph, the term "employment" means a
301 relationship with a state, county, or municipal government in
302 which an individual does not exercise in his or her own right
303 any sovereign power or any prescribed independent authority of a
304 governmental nature.

305 Section 5. Present paragraphs (b), (c), and (d) of
306 subsection (1) and present subsection (8) of section 112.3261,
307 Florida Statutes, are redesignated as paragraphs (c), (d), and
308 (e) of subsection (1) and subsection (9), respectively, a new
309 paragraph (b) is added to subsection (1) and a new subsection
310 (8) is added to that section, and subsection (7) of that section
311 is amended, to read:

312 112.3261 Lobbying before water management districts;
313 registration and reporting.—

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

315 (b) "Expenditure" has the same meaning as in s. 112.3215.

316 (7) Upon receipt of a sworn complaint alleging that a
317 lobbyist or principal has failed to register with a district,
318 has made a prohibited expenditure, or has knowingly submitted
319 false information in a report or registration required under

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320 this section, the commission shall investigate a lobbyist or
321 principal pursuant to the procedures established under s.
322 112.324. The commission shall provide the Governor with a report
323 of its findings and recommendations in any investigation
324 conducted pursuant to this subsection. The Governor is
325 authorized to enforce the commission's findings and
326 recommendations.

327 (8) Notwithstanding s. 112.3148, s. 112.3149, or any other
328 law, a lobbyist or principal may not make, directly or
329 indirectly, and a district governing board member, executive
330 director, or any district employee who qualifies as a local
331 officer as defined in s. 112.3145(1) may not knowingly accept,
332 directly or indirectly, any expenditure.

333 Section 6. Subsection (1) of section 1001.71, Florida
334 Statutes, is amended to read:

335 1001.71 University boards of trustees; membership.—

336 (1) Pursuant to s. 7(c), Art. IX of the State Constitution,
337 each local constituent university shall be administered by a
338 university board of trustees comprised of 13 members as follows:
339 6 citizen members appointed by the Governor subject to
340 confirmation by the Senate; 5 citizen members appointed by the
341 Board of Governors subject to confirmation by the Senate; the
342 chair of the faculty senate or the equivalent; and the president
343 of the student body of the university. The appointed members
344 shall serve staggered 5-year terms. In order to achieve
345 staggered terms, beginning July 1, 2003, of the initial
346 appointments by the Governor, 2 members shall serve 2-year
347 terms, 3 members shall serve 3-year terms, and 1 member shall
348 serve a 5-year term and of the initial appointments by the Board

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349 of Governors, 2 members shall serve 2-year terms, 2 members
350 shall serve 3-year terms, and 1 member shall serve a 5-year
351 term. ~~There shall be no state residency requirement~~ For
352 university board members, ~~but~~ the Governor and the Board of
353 Governors shall consider diversity and regional representation.
354 Beginning July 2, 2020, for purposes of this subsection,
355 regional representation shall include the chair of a campus
356 board established pursuant to s. 1004.341.

357 Section 7. This act shall take effect July 1, 2026.

1 A bill to be entitled
2 An act relating to governmental agencies and
3 personnel; amending s. 45.062, F.S.; prohibiting a
4 state agency or officer from directing funds offered
5 to the state to a third party as a condition of
6 settlement; requiring such agency or officer to
7 provide written notification of the terms of the
8 settlement to the Legislature and the Attorney General
9 within a specified time; amending s. 104.31, F.S.;
10 prohibiting a state, county, or municipal officer or
11 employees from using his or her official authority or
12 influence to solicit another person to make certain
13 contributions; revising construction; amending s.
14 112.061, F.S.; prohibiting the authorization or
15 approval of reimbursements for travel expenses to and
16 from a person's residence and his or her official
17 headquarters for specified positions; prohibiting the
18 authorization or approval of reimbursements for per
19 diem and subsistence allowance for such person under a
20 specified circumstance; defining the term "residence";
21 requiring the official headquarters for specified
22 positions be the city or town in which the
23 department's official headquarters is located;
24 prohibiting persons serving in specified positions
25 from being reimbursed for certain travel expenses

26 | under a specified circumstance; removing expiration of
27 | specified provisions; creating s. 112.31251, F.S.;
28 | defining the term "office" for purposes of s. 5(a),
29 | Art. II of the State Constitution; defining the term
30 | "employment"; amending s. 112.3261, F.S.; defining the
31 | term "expenditure"; revising the circumstances under
32 | which the Commission on Ethics must investigate a
33 | lobbyist or principal; prohibiting a lobbyist or
34 | principal from making, and prohibiting a district
35 | governing board member, executive director, or any
36 | district employee who qualifies as a local officer
37 | from accepting, any expenditure; amending s. 1001.71,
38 | F.S.; removing a provision that prohibits state
39 | residency requirements for university board members;
40 | providing an effective date.

41 |
42 | Be It Enacted by the Legislature of the State of Florida:

43 |
44 | **Section 1. Subsection (5) of section 45.062, Florida**
45 | **Statutes, is amended to read:**

46 | 45.062 Settlements, conditions, or orders when an agency
47 | of the executive branch is a party.—

48 | (5) When a state agency or officer settles an action or
49 | legal claim in which the state asserted a right to recover
50 | money, all moneys paid to the state by a party in full or

51 partial exchange for a release of the state's claim shall be
52 placed into the General Revenue Fund or the appropriate trust
53 fund.

54 (a) A state agency or officer may not, under s. 777.011,
55 direct that any funds offered to the state be sent to a third
56 party as a condition of settlement.

57 (b) Within 10 days after the settlement, the state agency
58 or officer shall provide written notification, including the
59 terms of the settlement, to the President of the Senate, the
60 Speaker of the House of Representatives, the Senate and House of
61 Representatives minority leaders, the chairs of the
62 appropriations committees of the Legislature, and the Attorney
63 General.

64 **Section 2. Subsections (1) and (2) of section 104.31,**
65 **Florida Statutes, are amended to read:**

66 104.31 Political activities of state, county, and
67 municipal officers and employees.—

68 (1) No officer or employee of the state, or of any county
69 or municipality thereof, except as hereinafter exempted from
70 provisions hereof, shall:

71 (a) Use his or her official authority or influence for the
72 purpose of interfering with an election or a nomination of
73 office or coercing or influencing another person's vote or
74 affecting the result thereof.

75 (b) Use his or her official authority or influence to

76 | directly or indirectly coerce or attempt to coerce, command,
 77 | solicit, or advise any other person ~~officer or employee~~ to make
 78 | a contribution as defined in s. 106.011 or to pay, lend, or
 79 | ~~contribute any part of his or her salary, or any money,~~ or
 80 | anything else of value to any political party, candidate for
 81 | public office, political committee, organization, agency, or
 82 | person ~~for political purposes~~. Nothing in this paragraph or in
 83 | any county or municipal charter or ordinance shall prohibit an
 84 | officer or employee from suggesting to another person ~~employee~~
 85 | in a noncoercive manner that he or she may voluntarily make a
 86 | contribution as defined in s. 106.011 or pay, lend, or
 87 | contribute money or anything else of value to any political ~~to a~~
 88 | ~~fund which is administered by a party,~~ candidate for public
 89 | office, political committee, organization, agency, or person,
 90 | ~~labor union or other employee organization for political~~
 91 | ~~purposes~~.

92 | (c) Directly or indirectly coerce or attempt to coerce,
 93 | command, and advise any such officer or employee as to where he
 94 | or she might purchase commodities or to interfere in any other
 95 | way with the personal right of said officer or employee.

96 |
 97 | The provisions of this section may ~~shall~~ not be construed so as
 98 | to prevent any person from becoming a candidate for and actively
 99 | campaigning for any elective office in this state. All such
 100 | persons shall retain the right to vote as they may choose and to

101 express their opinions on all political subjects and candidates.
102 The provisions of paragraph (a) may ~~shall~~ not be construed so as
103 to limit the political activity in a general, special, primary,
104 bond, referendum, or other election of any kind or nature, of
105 elected officials or candidates for public office in the state
106 or of any county or municipality thereof; ~~and the provisions of~~
107 ~~paragraph (a) shall not be construed so as to limit the~~
108 ~~political activity in general or special elections of the~~
109 ~~officials appointed as the heads or directors of state~~
110 ~~administrative agencies, boards, commissions, or committees or~~
111 ~~of the members of state boards, commissions, or committees,~~
112 ~~whether they be salaried, nonsalaried, or reimbursed for~~
113 ~~expense. In the event of a dual capacity of any member of a~~
114 ~~state board, commission, or committee, any restrictive~~
115 ~~provisions applicable to either capacity shall apply. The~~
116 ~~provisions of paragraph (a) shall not be construed so as to~~
117 ~~limit the political activity in a general, special, primary,~~
118 ~~bond, referendum, or other election of any kind or nature of the~~
119 ~~Governor, the elected members of the Governor's Cabinet, or the~~
120 ~~members of the Legislature. The provisions of paragraphs (b) and~~
121 (c) ~~shall~~ apply to all officers and employees of the state or of
122 any county or municipality thereof, whether elected, appointed,
123 or otherwise employed, or whether the activity shall be in
124 connection with a primary, general, special, bond, referendum,
125 or other election of any kind or nature.

126 (2) An employee of the state or any political subdivision
 127 may not participate in any political campaign ~~for an elective~~
 128 ~~office~~ while on duty.

129 **Section 3. Subsection (4) of section 112.061, Florida**
 130 **Statutes, is amended, and paragraph (j) is added to subsection**
 131 **(3) of that section, to read:**

132 112.061 Per diem and travel expenses of public officers,
 133 employees, and authorized persons; statewide travel management
 134 system.—

135 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

136 (j) Reimbursement of transportation expenses as provided
 137 in subsection (7) for travel between the person's residence and
 138 his or her official headquarters may not be authorized or
 139 approved for a person serving as:

- 140 1. The secretary of a department;
- 141 2. The executive director of a department; or
- 142 3. The chief administrative officer of any unit of state
 143 government which is housed under a department for administrative
 144 purposes but is not subject to the control, supervision, or
 145 direction of such department.

146

147 Per diem and subsistence allowances provided in subsection (6)
 148 may not be authorized or approved for a person serving in a
 149 position described in subparagraphs 1., 2., or 3. when he or she
 150 remains overnight in his or her county of residence. For the

151 purposes of this section, the term "residence" means the
152 dwelling in which the person permanently resides.

153 (4) OFFICIAL HEADQUARTERS.—The official headquarters of a
154 person serving in a position described in subparagraph (3)(j)1.,
155 2., or 3. shall be the city or town in which the department's
156 official headquarters is located, and the official headquarters
157 of any other ~~an~~ officer or employee assigned to an office shall
158 be the city or town in which the office is located except that:

159 (a) The official headquarters of a person located in the
160 field shall be the city or town nearest to the area where the
161 majority of the person's work is performed, or such other city,
162 town, or area as may be designated by the agency head provided
163 that in all cases such designation must be in the best interests
164 of the agency and not for the convenience of the person.

165 (b) When any state employee is stationed in any city or
166 town for a period of more than ~~over~~ 30 continuous workdays, such
167 city or town shall be deemed to be the employee's official
168 headquarters, and he or she shall not be allowed per diem or
169 subsistence, as provided in this section, after such ~~the said~~
170 period of 30 continuous workdays has elapsed, unless this period
171 of time is extended by the express approval of the agency head
172 or his or her designee.

173 (c) A traveler may leave his or her assigned post to
174 return to his or her residence ~~home~~ overnight, over a weekend,
175 or during a holiday, but any time lost from regular duties shall

176 be taken as annual leave and authorized in the usual manner. The
177 traveler shall not be reimbursed for travel expenses in excess
178 of the established rate for per diem allowable had he or she
179 remained at his or her assigned post. A person serving in a
180 position described in subparagraph (j)1., 2., or 3. may not be
181 reimbursed for travel expenses for travel between the person's
182 assigned post and residence. However, when a traveler has been
183 temporarily assigned away from his or her official headquarters
184 for an approved period extending beyond 30 days, he or she is
185 ~~shall be~~ entitled to reimbursement for travel expenses at the
186 established rate of one round trip for each 30-day period
187 actually taken to his or her residence ~~home~~ in addition to pay
188 and allowances otherwise provided.

189 (d) A Lieutenant Governor who permanently resides outside
190 of Leon County, may, if he or she so requests, have an
191 appropriate facility in his or her county designated as his or
192 her official headquarters for purposes of this section. This
193 official headquarters may only serve as the Lieutenant
194 Governor's personal office. The Lieutenant Governor may not use
195 state funds to lease space in any facility for his or her
196 official headquarters.

197 1. A Lieutenant Governor for whom an official headquarters
198 is established in his or her county of residence pursuant to
199 this paragraph is eligible for subsistence at a rate to be
200 established by the Governor for each day or partial day that the

201 Lieutenant Governor is at the State Capitol to conduct official
 202 state business. In addition to the subsistence allowance, a
 203 Lieutenant Governor is eligible for reimbursement for
 204 transportation expenses as provided in subsection (7) for travel
 205 between the Lieutenant Governor's official headquarters and the
 206 State Capitol to conduct state business.

207 2. Payment of subsistence and reimbursement for
 208 transportation between a Lieutenant Governor's official
 209 headquarters and the State Capitol shall be made to the extent
 210 appropriated funds are available, as determined by the Governor.

211 3. This paragraph expires July 1, 2025.

212 **Section 4. Section 112.31251, Florida Statutes, is created**
 213 **to read:**

214 112.31251 Definition of the term "office."—

215 (1) (a) For purposes of s. 5(a), Art. II of the State
 216 Constitution, the term "office," when referring to an office in
 217 this state, means any position in state, county, or municipal
 218 government to which all of the following apply:

219 1. Delegates to the individual holding such position a
 220 portion of the sovereign power of the government.

221 2. Requires the exercise of independent governmental
 222 authority, which is performed in an official capacity and is not
 223 based solely on a contractual or employment relationship.

224 3. Has a prescribed tenure.

225 4. Exists independently of the individual holding such

226 position.

227 (b) The term includes, but is not limited to, each of the
 228 following positions:

229 1. The Governor.

230 2. The Lieutenant Governor.

231 3. A member of the Cabinet.

232 4. A member of the Senate.

233 5. A member of the House of Representatives.

234 6. A county commissioner.

235 7. A sheriff.

236 8. A tax collector.

237 9. A property appraiser.

238 10. A supervisor of elections.

239 11. A clerk of the circuit court.

240 12. A member of the Board of Governors of the State

241 University System.

242 13. A member of a state university board of trustees.

243 14. A member of a district school board.

244 15. A member of a state, county, or municipal board or
 245 commission that exercises governmental authority and is not
 246 purely advisory in nature.

247 16. A member of the board of governors of the Citizens
 248 Property Insurance Corporation established under s. 627.351(6).

249 17. A member of the board of directors for the Florida
 250 Housing Finance Corporation established under s. 420.504.

251 18. A member of the board of directors of the Florida
252 Healthy Kids Corporation established under s. 624.91, other than
253 the member appointed pursuant to s. 624.91(6)(a)9.

254 19. An administrator or a manager of a county, a
255 municipality, or a corporation established under s. 420.504, s.
256 624.91, or s. 627.351(6) who exercises in his or her own right
257 any sovereign power or any prescribed independent authority of a
258 governmental nature.

259 20. The director of a county or municipal emergency
260 management agency who exercises in his or her own right any
261 sovereign power or any prescribed independent authority of a
262 governmental nature.

263 21. A state, county, or municipal law enforcement officer
264 with the authority to arrest without a warrant.

265 22. Any position that meets all the criteria enumerated in
266 paragraph (a).

267 (2) The term "office" does not include either of the
268 following:

269 (a) A legislative designation of an officer to perform ex
270 officio the functions of another office; or

271 (b) The position of an individual whose relationship with
272 a state, county, or municipal government is considered
273 employment. For purposes of this paragraph, the term
274 "employment" means a relationship with a state, county, or
275 municipal government in which an individual does not exercise in

276 his or her own right any sovereign power or any prescribed
 277 independent authority of a governmental nature.

278 **Section 5. Paragraphs (b), (c), and (d) of subsection (1)**
 279 **of section 112.3261, Florida Statutes, are redesignated as**
 280 **paragraphs (c), (d), and (e), respectively, subsection (8) is**
 281 **renumbered as subsection (9), subsection (7) is amended, a new**
 282 **paragraph (b) is added to subsection (1), and a new subsection**
 283 **(8) is added to that section, to read:**

284 112.3261 Lobbying before water management districts;
 285 registration and reporting.—

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

287 (b) "Expenditure" has the same meaning as in s.
 288 112.3215(1).

289 (7) Upon receipt of a sworn complaint alleging that a
 290 lobbyist or principal has failed to register with a district,
 291 has made a prohibited expenditure, or has knowingly submitted
 292 false information in a report or registration required under
 293 this section, the commission shall investigate a lobbyist or
 294 principal pursuant to the procedures established under s.
 295 112.324. The commission shall provide the Governor with a report
 296 of its findings and recommendations in any investigation
 297 conducted pursuant to this subsection. The Governor is
 298 authorized to enforce the commission's findings and
 299 recommendations.

300 (8) Notwithstanding s. 112.3148, s. 112.3149, or any other

301 law, a lobbyist or principal may not make, directly or
302 indirectly, and a district governing board member, executive
303 director, or any district employee who is a local officer as
304 defined in s. 112.3145(1) may not knowingly accept, directly or
305 indirectly, any expenditure.

306 **Section 6. Subsection (1) of section 1001.71, Florida**
307 **Statutes, is amended to read:**

308 1001.71 University boards of trustees; membership.—

309 (1) Pursuant to s. 7(c), Art. IX of the State
310 Constitution, each local constituent university shall be
311 administered by a university board of trustees comprised of 13
312 members as follows: 6 citizen members appointed by the Governor
313 subject to confirmation by the Senate; 5 citizen members
314 appointed by the Board of Governors subject to confirmation by
315 the Senate; the chair of the faculty senate or the equivalent;
316 and the president of the student body of the university. The
317 appointed members shall serve staggered 5-year terms. In order
318 to achieve staggered terms, beginning July 1, 2003, of the
319 initial appointments by the Governor, 2 members shall serve 2-
320 year terms, 3 members shall serve 3-year terms, and 1 member
321 shall serve a 5-year term and of the initial appointments by the
322 Board of Governors, 2 members shall serve 2-year terms, 2
323 members shall serve 3-year terms, and 1 member shall serve a 5-
324 year term. ~~There shall be no state residency requirement~~ For
325 university board members, ~~but~~ the Governor and the Board of

326 | Governors shall consider diversity and regional representation.
327 | Beginning July 2, 2020, for purposes of this subsection,
328 | regional representation shall include the chair of a campus
329 | board established pursuant to s. 1004.341.

330 | **Section 7.** This act shall take effect July 1, 2026.

By Senator Leek

7-00344E-26

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1 A bill to be entitled
2 An act relating to public education; amending s.
3 112.3135, F.S.; revising the definition of the term
4 "agency" to include district school boards for
5 purposes of provisions restricting the employment of
6 relatives of public officials; creating s. 1001.366,
7 F.S.; providing legislative findings; providing
8 members of a district school board with specified
9 rights; prohibiting an attorney employed by the school
10 district from representing the district school board;
11 providing an exception; amending s. 1001.372, F.S.;
12 authorizing a district school board to have specified
13 discussions after being advised by an attorney;
14 amending s. 1001.42, F.S.; requiring that certain
15 documents from district school board meetings be kept
16 as public records; providing that a district school
17 board has the power to approve an additional attorney
18 to be employed by the school district; providing
19 requirements for such approval; requiring school
20 officers to receive specified training; prohibiting a
21 school board member from publicly disclosing proposed
22 terms of a collective bargaining agreement unless
23 advised by an attorney; amending s. 1011.035, F.S.;
24 requiring that full line-item budget items be posted
25 on a school district's website; amending s. 1012.22,
26 F.S.; defining the term "good cause"; amending s.
27 1015.03, F.S.; providing that a school district
28 employee may not be required or incentivized to sign a
29 nondisclosure agreement or confidentiality agreement;

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30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Paragraph (a) of subsection (1) of section
35 112.3135, Florida Statutes, is amended to read:

36 112.3135 Restriction on employment of relatives.—

37 (1) In this section, unless the context otherwise requires:

38 (a) "Agency" means:

39 1. A state agency, except an institution under the
40 jurisdiction of the Board of Governors of the State University
41 System;

42 2. An office, agency, or other establishment in the
43 legislative branch;

44 3. An office, agency, or other establishment in the
45 judicial branch;

46 4. A county;

47 5. A city; ~~and~~

48 6. A district school board; and

49 7. Any other political subdivision of the state, except a
50 ~~district school board or~~ community college district.

51 Section 2. Section 1001.366, Florida Statutes, is created
52 to read:

53 1001.366 District School Board Members' Bill of Rights.—

54 (1) The Legislature finds it necessary to adopt a "District
55 School Board Members' Bill of Rights" to clarify and expand the
56 rights of individual school board members in the exercise of
57 their statutory oversight and responsibility.

58 (2) A member of a district school board has the right to:

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59 (a)1. Upon request, be given free and timely access to all
60 school district documents. Access must include documents that
61 are not public records, including, but not limited to, notes,
62 invoices, correspondences, memoranda, and internal legal
63 opinions.

64 2. Request any document or information from the district
65 school superintendent or the superintendent's staff.

66 (b) Consult with the school district's chief financial
67 officer on general matters related to the budget, and sources
68 and uses of school district funds, and have access, upon
69 request, to any detail or line item in any proposed or approved
70 budget or in any financial transaction by the school district.

71 (c) Seek information from school district staff without the
72 permission of the superintendent or other members of the
73 administration.

74 (d) Confidentially use any school district electronic or
75 communications device, such as a cellular telephone or laptop
76 computer, without the school district monitoring its use. This
77 paragraph may not be construed to violate any public records
78 law.

79 (e) Keep confidential the content of all communications or
80 discussions relating to union contracts of school district
81 employees, unless otherwise advised by an attorney employed by
82 the school district.

83 (f) Comment publicly during or outside of district school
84 board meetings on any matter of district school board business,
85 except for student and employee disciplinary hearings that are
86 specifically addressed in ss. 1006.07 and 1012.34, respectively.

87 (3) (a) An attorney may not be employed by the school

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88 district and represent the district school board, except for an
89 attorney hired pursuant to s. 1001.42(5).

90 (b) In any legal action brought against an individual
91 school board member related to his or her official position and
92 conduct, the school board may authorize an attorney, in
93 accordance with paragraph (a), who is employed by the school
94 district, to provide legal representation.

95 Section 3. Subsection (5) is added to section 1001.372,
96 Florida Statutes, to read:

97 1001.372 District school board meetings.—

98 (5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the
99 district school board may have communications or discussions
100 relating to any item or action scheduled to be heard or likely
101 to be heard at a future school board meeting with the district
102 school superintendent, an attorney employed by the school
103 district, or district staff, if an attorney employed by the
104 school district pursuant to s. 1001.42(5)(c) has advised the
105 school board member that such communications or discussions
106 would not violate s. 24(b), Art. I of the State Constitution.

107 Section 4. Subsection (6) of section 1001.42, Florida
108 Statutes, is amended, paragraph (c) is added to subsection (1)
109 of that section, paragraph (c) is added to subsection (5) of
110 that section, and paragraph (c) is added to subsection (24) of
111 that section, to read:

112 1001.42 Powers and duties of district school board.—The
113 district school board, acting as a board, shall exercise all
114 powers and perform all duties listed below:

115 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the
116 district school superintendent, as secretary, to keep such

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117 minutes and records as are necessary to set forth clearly all
118 actions and proceedings of the school board.

119 (c) Other records.—Other documents, including attachments
120 for agenda items, such as vendor contracts or budget documents,
121 must be kept as a public record with the minutes of each
122 meeting.

123 (5) PERSONNEL.—

124 (c) During a regular school board meeting, approve the
125 employment of an additional attorney, to be employed by the
126 school district solely to represent the district school board,
127 who was recommended for employment by an attorney currently
128 employed by the school district. During the meeting, the
129 district school board must provide both of the following:

130 1. The purpose of hiring an additional attorney.

131 2. The costs of such representation. Any payment to the
132 additional attorney must be noticed and approved by the district
133 school board.

134 (6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies
135 establishing standards of ethical conduct for educational
136 support employees, instructional personnel, administrative
137 personnel, and school officers. The policies must require all
138 educational support employees, instructional personnel,
139 administrative personnel, and school officers, as defined in s.
140 1012.01, to complete training on the standards, including
141 training for school officers in compliance with s. 24(b), Art. I
142 of the State Constitution; establish the duty of educational
143 support employees, instructional personnel, administrative
144 personnel, and school officers to report, and procedures for
145 reporting, alleged misconduct by other educational support

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146 employees, instructional or administrative personnel, and school
147 officers which affects the health, safety, or welfare of a
148 student, including misconduct that involves engaging in or
149 soliciting sexual, romantic, or lewd conduct with a student;
150 require the district school superintendent to report to law
151 enforcement misconduct by educational support employees,
152 instructional personnel, or school administrators that would
153 result in disqualification from educator certification or
154 employment as provided in s. 1012.315; and include an
155 explanation of the liability protections provided under ss.
156 39.203 and 768.095. A district school board, or any of its
157 employees or personnel, may not enter into a confidentiality
158 agreement regarding terminated or dismissed educational support
159 employees, instructional or administrative personnel, or school
160 officers who resign in lieu of termination, based in whole or in
161 part on misconduct that affects the health, safety, or welfare
162 of a student, and may not provide educational support employees,
163 instructional personnel, administrative personnel, or school
164 officers with employment references or discuss the employees',
165 personnel's, or officers' performance with prospective employers
166 in another educational setting, without disclosing the
167 employees', personnel's, or officers' misconduct. Any part of an
168 agreement or contract that has the purpose or effect of
169 concealing misconduct by educational support employees,
170 instructional personnel, administrative personnel, or school
171 officers which affects the health, safety, or welfare of a
172 student is void, is contrary to public policy, and may not be
173 enforced.

174 (24) EMPLOYMENT CONTRACTS.—

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175 (c) A school board member may not publicly disclose
176 proposed terms of collective bargaining agreements unless
177 advised by an attorney employed pursuant to paragraph (5)(c).

178 Section 5. Paragraph (a) of subsection (2) of section
179 1011.035, Florida Statutes, is amended to read:

180 1011.035 School district fiscal transparency.—

181 (2) Each district school board shall post on its website a
182 plain language version of each proposed, tentative, and official
183 budget which describes each budget item in terms that are easily
184 understandable to the public and includes:

185 (a) Graphical representations, for each public school
186 within the district and for the school district, of the
187 following:

188 1. Summary financial efficiency data.

189 2. Fiscal trend information for the previous 3 years on:

190 a. The ratio of full-time equivalent students to full-time
191 equivalent instructional personnel.

192 b. The ratio of full-time equivalent students to full-time
193 equivalent administrative personnel.

194 c. The total operating expenditures per full-time
195 equivalent student.

196 d. The total instructional expenditures per full-time
197 equivalent student.

198 e. The general administrative expenditures as a percentage
199 of total budget.

200 f. The rate of change in the general fund's ending fund
201 balance not classified as restricted.

202 g. Full line-item budget items.

203

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204 This information must be prominently posted on the school
205 district's website in a manner that is readily accessible to the
206 public.

207 Section 6. Paragraph (a) of subsection (1) of section
208 1012.22, Florida Statutes, is amended to read:

209 1012.22 Public school personnel; powers and duties of the
210 district school board.—The district school board shall:

211 (1) Designate positions to be filled, prescribe
212 qualifications for those positions, and provide for the
213 appointment, compensation, promotion, suspension, and dismissal
214 of employees as follows, subject to the requirements of this
215 chapter:

216 (a) *Positions, qualifications, and appointments.*—

217 1. The district school board shall act upon written
218 recommendations submitted by the district school superintendent
219 for positions to be filled, for minimum qualifications for
220 personnel for the various positions, and for the persons
221 nominated to fill such positions.

222 2. The district school board may reject for good cause any
223 employee nominated.

224 3. If the third nomination by the district school
225 superintendent for any position is rejected for good cause, if
226 the district school superintendent fails to submit a nomination
227 for initial employment within a reasonable time as prescribed by
228 the district school board, or if the district school
229 superintendent fails to submit a nomination for reemployment
230 within the time prescribed by law, the district school board may
231 proceed on its own motion to fill such position.

232 4. The district school board's decision to reject a

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233 person's nomination does not give that person a right of action
234 to sue over the rejection and may not be used as a cause of
235 action by the nominated employee.

236 5. For the purposes of this paragraph, the term "good
237 cause" means the district school board has determined any of the
238 following:

239 a. That the nominated employee received his or her
240 nomination due to nepotism, as defined by the district school
241 board.

242 b. That the nominated employee fabricated or materially
243 exaggerated his or her credentials or background.

244 c. That the nominated employee does not meet the minimum
245 requirements for the position.

246 d. That the nominated employee's educator certificate has
247 been revoked by another state.

248 Section 7. Subsection (1) of section 1015.03, Florida
249 Statutes, is amended to read:

250 1015.03 Rights of employment.—

251 (1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the
252 State Constitution, the right of public employees, including
253 teachers, to work may not be denied or abridged on account of
254 membership or nonmembership in any labor union.

255 (b) A school district employee may not be required or
256 otherwise incentivized to sign a nondisclosure agreement or
257 confidentiality agreement.

258 Section 8. This act shall take effect July 1, 2026.

By Senator DiCeglie

18-00780D-26

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1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; creating s. 17.324, F.S.; defining terms;
4 establishing the Florida Agency for Fiscal Oversight
5 within the Department of Financial Services; providing
6 the purpose and duties of the agency; requiring local
7 governments to notify the agency after authorizing
8 specified referenda; requiring the agency to conduct
9 an audit; authorizing the agency to request certain
10 information; providing penalties for noncompliance
11 with such request; requiring certain funds to be
12 deposited in a specified trust fund; authorizing the
13 agency to waive fines in certain circumstances;
14 providing that certain actions may be challenged in a
15 specified manner; authorizing the agency to report
16 certain evidence to specified parties; authorizing the
17 Florida Commission on Ethics to make certain
18 recommendations; authorizing the department to create
19 a certain analysis using specified information;
20 requiring that such analysis be posted in a specified
21 manner to certain parties; authorizing the department
22 to adopt rules; amending s. 17.325, F.S.; deleting a
23 requirement that a specified hotline be operated for a
24 certain amount of time each day; deleting a
25 requirement that the hotline be advertised in a
26 specified manner; creating s. 112.31424, F.S.;
27 defining terms; requiring specified employees to take
28 a certain training annually; requiring the first
29 training to be completed by a specified deadline;

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30 requiring that certain employees who report
31 information to the Florida Agency for Fiscal Oversight
32 be afforded the same protection as whistle-blowers;
33 providing construction; prohibiting agencies from
34 executing certain documents containing specified
35 provisions; providing that such documents are void;
36 requiring local governments to submit a certain report
37 to the department by a specified date; requiring the
38 department to adopt rules; requiring the department to
39 submit information from the reports to certain
40 entities by a specified date; amending s. 215.985,
41 F.S.; requiring counties to use certain contract
42 tracking systems; providing information required to be
43 tracked; authorizing the use of an alternate contract
44 tracking system in certain circumstances; providing
45 that certain provisions may not be enforced until a
46 specified event; requiring the Chief Financial Officer
47 to make specified changes to the secure contract
48 tracking system by a specified date; providing an
49 effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Section 17.324, Florida Statutes, is created to
54 read:

55 17.324 Florida Agency for Fiscal Oversight.-

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

57 (a) "Agency" has the same meaning as in s. 283.30.

58 (b) "Local government" has the same meaning as in s.

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59 106.113(1).

60 (c) "Noncompliant" means, as determined by the Chief
61 Financial Officer, failing to respond to a request for
62 information, failing to include any requested information, or
63 providing incomplete or materially inaccurate information.

64 (d) "State funds" means funds provided to a local
65 government by the state, state shared revenue, state grants,
66 sales tax collected pursuant to chapter 212, and enterprise
67 funds as defined in s. 350.81(1); however, it does not include
68 local funds derived from local taxes or fees or funds related to
69 public safety.

70 (2) The Florida Agency for Fiscal Oversight is established
71 within the department. The purpose of the Florida Agency for
72 Fiscal Oversight is to identify and report unnecessary spending
73 within any agency or local governments and to provide fiscal
74 management and public spending education and training to such
75 governments. The Florida Agency for Fiscal Oversight shall:

76 (a) Develop the mandatory financial ethics training
77 required under s. 112.31424(2). The training must include
78 instruction on:

- 79 1. Recognizing misuse of public funds.
- 80 2. Reporting financial misconduct.
- 81 3. Whistle-blower rights and protections.

82 (b) Provide guidance and materials to agencies and local
83 governments for internal training sessions.

84 (c) Complete the audit of a local government required under
85 subsection (3).

86 (d) Determine the information required in the Local
87 Government Efficiency Report required by s. 112.31424(5).

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88 (3) (a) A local government must notify the Florida Agency
89 for Fiscal Oversight within 5 days after authorizing a
90 referendum to levy a tax, increase a current tax, or increase
91 its millage rate. The Florida Agency for Fiscal Oversight shall
92 conduct an audit of any such local government. The Florida
93 Agency for Fiscal Oversight may request any information it deems
94 necessary to conduct such audit. If a local government is
95 noncompliant, and at the discretion of the Chief Financial
96 Officer:

97 1. At least 15 days after the initial request:

98 a. The Florida Agency for Fiscal Oversight may impose
99 administrative fines on local governments of no more than \$1,000
100 each day; however, such fines may not be retroactive to the date
101 the request was first made.

102 b. The Florida Agency for Fiscal Oversight must provide the
103 local government with written notice that if such local
104 government remains noncompliant, the Florida Agency for Fiscal
105 Oversight may initiate the process of withholding certain funds
106 payable to a local government beginning 45 days after the
107 initial request.

108 2. At least 45 days after the initial request, the Florida
109 Agency for Fiscal Oversight may withhold state funds until the
110 local government is no longer noncompliant or the final order
111 requires the release of such funds.

112 (b) Fines collected under sub-subparagraph (a)1.a. must be
113 deposited into the Insurance Regulatory Trust Fund. The Florida
114 Agency for Fiscal Oversight may, for good cause or upon
115 demonstration of extenuating circumstances, waive any such fines
116 upon the request of the local government.

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117 (c) The decision to withhold funds under subparagraph (a)2.
118 constitutes an agency action under chapter 120 and is subject to
119 review as provided in that chapter.

120 (4) The Florida Agency for Fiscal Oversight may report any
121 evidence suggesting ethical violations, misconduct, or
122 malfeasance by a local government official to the Governor and
123 the Florida Commission on Ethics. The Florida Commission on
124 Ethics may recommend appropriate actions, including, but not
125 limited to, the removal of local government officials from
126 office.

127 (5) The department may create a Local Government Spending
128 Analysis to evaluate each local government based on the
129 information obtained under this section or from the report
130 required under s. 112.31424(5). If the department produces a
131 Local Government Spending Analysis, it must make such analysis
132 available on its website, and the local government that is the
133 subject of the analysis must include a link to the analysis in a
134 clear and conspicuous place on the local government website.

135 (6) The department may adopt rules to implement this
136 section, including procedures for training, reporting,
137 investigations, and establishing financial thresholds, risk
138 indicators, or other criteria that, when met, may trigger an
139 audit, operational review, or investigation of a local
140 government by the Florida Agency for Fiscal Oversight.

141 Section 2. Subsections (1), (2), and (3) of section 17.325,
142 Florida Statutes, are amended to read:

143 17.325 Governmental efficiency hotline; duties of Chief
144 Financial Officer.—

145 (1) The Chief Financial Officer shall establish and operate

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146 a statewide toll-free telephone hotline to receive information
147 or suggestions from the residents of this state on how to
148 improve the operation of state and local government, increase
149 state and local governmental efficiency, and eliminate waste in
150 state and local government.

151 ~~(2) The Chief Financial Officer shall operate the hotline~~
152 ~~24 hours a day.~~ The Chief Financial Officer may advertise the
153 availability of the hotline in newspapers of general circulation
154 in this state and shall provide for the posting of notices in
155 conspicuous places in state agency offices, city halls, county
156 courthouses, and places in which there is exposure to
157 significant numbers of the general public, including, but not
158 limited to, local convenience stores, shopping malls, shopping
159 centers, gasoline stations, or restaurants. ~~The Chief Financial~~
160 ~~Officer shall use the slogan "Tell us where we can 'Get Lean'"~~
161 ~~for the hotline and in advertisements for the hotline.~~

162 (3) Each telephone call on the hotline shall be received by
163 the office of the Chief Financial Officer, and the office of the
164 Chief Financial Officer shall conduct an evaluation to determine
165 if it is appropriate for the telephone call to be processed as a
166 government efficiency hotline ~~"Get Lean"~~ telephone call. If it
167 is determined that the telephone call should be processed as a
168 government efficiency hotline ~~"Get Lean"~~ telephone call, a
169 record of each suggestion or item of information received shall
170 be entered into a log kept by the Chief Financial Officer. A
171 caller on the hotline may remain anonymous, and, if the caller
172 provides his or her name, the name shall be confidential. If a
173 caller discloses that he or she is a state employee, the Chief
174 Financial Officer, in addition to maintaining a record as

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175 required by this section, may refer any information or
176 suggestion from the caller to an existing state awards program
177 administered by the affected agency. The affected agency shall
178 conduct a preliminary evaluation of the efficacy of any
179 suggestion or item of information received through the hotline
180 and shall provide the Chief Financial Officer with a preliminary
181 determination of the amount of revenues the state might save by
182 implementing the suggestion or making use of the information.

183 Section 3. Section 112.31424, Florida Statutes, is created
184 to read:

185 112.31424 Financial ethics of governments.-

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

187 (a) "Agency" has the same meaning as in s. 112.3187(3).

188 (b) "Employee" has the same meaning as in s. 112.3187(3).

189 (c) "Local government" has the same meaning as in s.

190 106.113(1).

191 (2) All agency employees, elected officials, and volunteers
192 must complete the training on financial ethics created pursuant
193 to s. 17.324(2)(a) annually. The first training must be
194 completed within 30 days after:

195 (a) For a person employed by an agency, the first day of
196 employment.

197 (b) For an elected official within an agency, the day the
198 elected official takes office.

199 (c) For a volunteer of an agency, the first day the
200 volunteer begins volunteering.

201 (3) Notwithstanding any other law, an employee who reports
202 information to the Florida Agency for Fiscal Oversight shall be
203 afforded the same protection as a whistle-blower under chapter

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204 112. Such employee is not required to report the information
205 directly to his or her supervisory officials, his or her chief
206 executive officer as defined in s. 447.203(9), or any other
207 appropriate local official.

208 (4) An agency may not execute any contract, agreement, or
209 other document that:

210 (a) Prohibits an agency or a vendor, as defined in s.
211 287.1351(1), from participating with the Florida Agency for
212 Fiscal Oversight.

213 (b) Requires an agency or a vendor, as defined in s.
214 287.1351(1), to execute a nondisclosure agreement as a condition
215 for performing any duties or functions with the Florida Agency
216 for Fiscal Oversight.

217
218 Any such contract, agreement, or document shall be void.

219 (5) Each local government shall submit an annual Local
220 Government Efficiency Report to the Department of Financial
221 Services by October 30 of each year. The Department of Financial
222 Services shall adopt rules prescribing the format of such
223 reports and the information that must be included. The
224 department shall submit recommendations and findings from the
225 report to the President of the Senate and the Speaker of the
226 House of Representatives and Office of Policy and Budget in the
227 Executive Office of the Governor by January 1 of each year.

228 Section 4. Subsection (14) of section 215.985, Florida
229 Statutes, is amended to read:

230 215.985 Transparency in government spending.—

231 (14) The Chief Financial Officer shall establish and
232 maintain a secure contract tracking system available for viewing

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233 and downloading by the public through a secure website. The
234 Chief Financial Officer shall use appropriate Internet security
235 measures to ensure that no person has the ability to alter or
236 modify records available on the website.

237 (a) Within 30 calendar days after executing a contract,
238 each state entity shall post the following information relating
239 to the contract on the contract tracking system:

- 240 1. The names of the contracting entities.
- 241 2. The procurement method.
- 242 3. The contract beginning and ending dates.
- 243 4. The nature or type of the commodities or services
244 purchased.
- 245 5. Applicable contract unit prices and deliverables.
- 246 6. Total compensation to be paid or received under the
247 contract.
- 248 7. All payments made to the contractor to date.
- 249 8. Applicable contract performance measures.
- 250 9. If a competitive solicitation was not used to procure
251 the goods or services, the justification of such action,
252 including citation to a statutory exemption or exception from
253 competitive solicitation, if any.
- 254 10. Electronic copies of the contract and procurement
255 documents that have been redacted to exclude confidential or
256 exempt information.

257 (b) Within 30 calendar days after executing a contract,
258 each county shall post the following information relating to the
259 contract on the contract tracking system or an alternate
260 contract tracking system authorized by the department:

- 261 1. The names of the contracting entities.

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- 262 2. The procurement method.
- 263 3. The contract beginning and ending dates.
- 264 4. The nature or type of the commodities or services
265 purchased.
- 266 5. Applicable contract unit prices and deliverables.
- 267 6. Total compensation to be paid or received under the
268 contract.
- 269 7. Applicable contract performance measures.
- 270 8. If a competitive solicitation was not used to procure
271 the goods or services, the justification of such action,
272 including citation to a statutory exemption or an exception from
273 competitive solicitation, if any.
- 274 9. Electronic copies of the contract and procurement
275 documents that have been redacted as required by paragraph (e).
- 276 ~~(c)-(b)~~ Within 30 calendar days after an amendment to an
277 existing contract, the state entity or county that is a party to
278 the contract must update the information described in paragraph
279 (a) or paragraph (b), respectively, in the contract tracking
280 system. An amendment to a contract includes, but is not limited
281 to, a renewal, termination, or extension of the contract or a
282 modification of the terms of the contract.
- 283 ~~(d)-(e)~~ For each contract for which a state entity makes a
284 payment pursuant to a contract executed, amended, or extended on
285 or after July 1, 2023, the state entity shall post any documents
286 submitted pursuant to s. 216.1366 which indicate the use of
287 state funds as remuneration under the contract or a specified
288 payment associated with the contract on the contract tracking
289 system.
- 290 ~~(e)-(d)~~1. Records made available on the contract tracking

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291 system may not reveal information made confidential or exempt by
292 law.

293 2. Each state entity or county that is a party to a
294 contract must redact confidential or exempt information from the
295 contract and procurement documents before posting an electronic
296 copy on the contract tracking system. If a state entity or
297 county that is a party to the contract becomes aware that an
298 electronic copy of a contract or a procurement document has been
299 posted but has not been properly redacted, the state entity or
300 county must immediately notify the Chief Financial Officer and
301 must immediately remove the contract or procurement document
302 from the contract tracking system. Within 7 business days, the
303 state entity must post a properly redacted copy of the contract
304 or procurement document on the contract tracking system.

305 3.a. If a party to a contract, or an authorized
306 representative of a party to a contract, discovers that an
307 electronic copy of a contract or procurement document has been
308 posted to the contract tracking system but has not been properly
309 redacted, the party or representative may request the state
310 entity or county that is a party to the contract to redact the
311 confidential or exempt information. Upon receipt of the request,
312 the state entity or county shall redact the confidential or
313 exempt information.

314 b. A request to redact confidential or exempt information
315 must be made in writing and delivered by mail, facsimile,
316 electronic transmission, or in person to the state entity or
317 county that is a party to the contract. The request must
318 identify the specific document, the page numbers that include
319 the confidential or exempt information, the information that is

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320 confidential or exempt, and the applicable statutory exemption.
321 A fee may not be charged for a redaction made pursuant to the
322 request.

323 c. A party to a contract may petition the circuit court for
324 an order directing compliance with this paragraph.

325 4. The contract tracking system shall display a notice of
326 the right of an affected party to request redaction of
327 confidential or exempt information contained on the system.

328 5.a. The Chief Financial Officer, the Department of
329 Financial Services, or an officer, employee, or contractor
330 thereof, is not responsible for redacting confidential or exempt
331 information from an electronic copy of a contract or procurement
332 document posted by another state entity or county on the system.

333 b. The Chief Financial Officer, the Department of Financial
334 Services, or an officer, employee, or contractor thereof, is not
335 liable for the failure of a state entity or county to redact the
336 confidential or exempt information.

337 (f)~~(e)~~1. The posting of information on the contract
338 tracking system or the provision of contract information on a
339 website for public viewing and downloading does not supersede
340 the duty of a state entity or county to respond to a public
341 records request or subpoena for the information.

342 2. A request for a copy of a contract or procurement
343 document or certified copy of a contract or procurement document
344 shall be made to the state entity or county that is party to the
345 contract. The request may not be made to the Chief Financial
346 Officer, the Department of Financial Services, or an officer,
347 employee, or contractor thereof, unless the Chief Financial
348 Officer or the department is a party to the contract.

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349 3. A subpoena for a copy of a contract or procurement
350 document or certified copy of a contract or procurement document
351 must be served on the state entity or county that is a party to
352 the contract and that maintains the original documents. The
353 Chief Financial Officer, the Department of Financial Services,
354 or an officer, employee, or contractor thereof, may not be
355 served a subpoena for those records unless the Chief Financial
356 Officer or the department is a party to the contract.

357 (g)~~(f)~~ The Chief Financial Officer may regulate and
358 prohibit the posting of records that could facilitate identity
359 theft or fraud, such as signatures; compromise or reveal an
360 agency investigation; reveal the identity of undercover
361 personnel; reveal proprietary business information or trade
362 secrets; reveal an individual's medical information; or reveal
363 another record or information that the Chief Financial Officer
364 believes may jeopardize the health, safety, or welfare of the
365 public. However, such action by the Chief Financial Officer does
366 not supersede the duty of a state entity or county to provide a
367 copy of a public record upon request.

368 (h)~~(g)~~ The Chief Financial Officer may adopt rules to
369 administer this subsection.

370 (i)~~(h)~~ For purposes of this subsection, the term:

371 1. "Procurement document" means any document or material
372 provided to the public or any vendor as part of a formal
373 competitive solicitation of goods or services undertaken by a
374 state entity or county, and a document or material submitted in
375 response to a formal competitive solicitation by any vendor who
376 is awarded the resulting contract.

377 2. "State entity" means an official, officer, commission,

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378 board, authority, council, committee, or department of the
379 executive branch of state government; a state attorney, public
380 defender, criminal conflict and civil regional counsel, capital
381 collateral regional counsel, and the Justice Administrative
382 Commission; the Public Service Commission; and any part of the
383 judicial branch of state government.

384 ~~(j)(i)~~ In lieu of posting in the contract tracking system
385 administered by the Chief Financial Officer, the Department of
386 Legal Affairs and the Department of Agriculture and Consumer
387 Services may post the information described in paragraphs (a)
388 through (d) ~~(e)~~ to its own agency-managed website. The data
389 posted on the agency-managed website must be downloadable in a
390 format that allows offline analysis.

391 ~~(k)(j)~~ The requirement under paragraphs (a) through (d) ~~(e)~~
392 that each agency or county post information and documentation
393 relating to contracts on the tracking system does not apply to
394 any record that could reveal attorney work product or strategy.

395 Section 5. The amendments made by this act to s.
396 215.985(14), Florida Statutes, may not be enforced until the
397 secure contract tracking system is able to accept reports. The
398 Chief Financial Officer shall make any changes necessary to the
399 secure contract tracking system to allow counties to make the
400 reports required by s. 215.985(14)(b), Florida Statutes, before
401 July 1, 2027.

402 Section 6. This act shall take effect July 1, 2026.

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; creating s. 17.324, F.S.; providing
4 definitions; establishing the Florida Agency for
5 Fiscal Oversight within the Department of Financial
6 Services; providing the purpose and duties of the
7 agency; requiring local governments to notify the
8 agency after authorizing specified referendums;
9 requiring the agency to conduct an audit; authorizing
10 the agency to request certain information; providing
11 penalties for noncompliance with such request;
12 requiring certain funds to be deposited in a specified
13 trust fund; authorizing the agency to waive fines in
14 certain circumstances; providing that certain actions
15 may be challenged in a specified manner; authorizing
16 the agency to report certain evidence to specified
17 parties; authorizing the Florida Commission on Ethics
18 to make certain recommendations; authorizing the
19 Department of Financial Services to create a certain
20 analysis using specified information; requiring that
21 such analysis be posted in a specified manner to
22 certain parties; authorizing the Department of
23 Financial Services to adopt rules; amending s. 17.325,
24 F.S.; removing a requirement that a specified hotline
25 be operated for a certain amount of time each day;

26 removing a requirement that the hotline be advertised
27 in a specified manner; creating s. 112.31424, F.S.;
28 providing definitions; requiring specified employees
29 to take a certain training annually; requiring the
30 first training to be completed by a specified
31 deadline; requiring certain employees who report
32 information to the Florida Agency for Fiscal Oversight
33 be afforded the same protection as whistle-blowers;
34 providing construction; prohibiting local governments
35 from executing certain documents with specified
36 provisions; providing that such contracts are void;
37 requiring local governments to submit a certain report
38 to the Department of Financial Services by a specified
39 date; requiring the department to adopt rules;
40 requiring the department to submit information from
41 the reports to certain entities by a specified date;
42 amending s. 215.985, F.S.; requiring counties to use
43 certain contract tracking systems; providing
44 information required to be tracked; authorizing the
45 use of an alternate contract tracking system in
46 certain circumstances; providing that certain
47 provisions may not be enforced until a specified
48 event; requiring the Chief Financial Officer to make
49 specified changes to the secure contract tracking
50 system by a specified date; providing an effective

51 date.

52

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

54

55 **Section 1. Section 17.324, Florida Statutes, is created to**
 56 **read:**

57 17.324 Florida Agency for Fiscal Oversight.—

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

59 (a) "Agency" has the same meaning as in s. 283.30.

60 (b) "Local government" has the same meaning as in s.
 61 106.113(1).

62 (c) "Noncompliant" means, as determined by the Chief
 63 Financial Officer, failing to respond to a request for
 64 information, failing to include any requested information, or
 65 providing incomplete or materially inaccurate information.

66 (d) "State funds" means funds provided to a local
 67 government by the state, state shared revenue, state grants,
 68 sales tax collected pursuant to chapter 212, and enterprise
 69 funds as defined in s. 350.81(1); however, it does not include
 70 local funds derived from local taxes or fees or funds related to
 71 public safety.

72 (2) The Florida Agency for Fiscal Oversight is established
 73 within the department. The purpose of Florida Agency for Fiscal
 74 Oversight is to identify and report unnecessary spending within
 75 any agency or local governments and to provide fiscal management

76 | and public spending education and training to such governments.

77 | The Florida Agency for Fiscal Oversight shall:

78 | (a) Develop the mandatory financial ethics training
 79 | required under s. 112.31424(2). The training must include
 80 | instruction on:

81 | 1. Recognizing misuse of public funds.

82 | 2. Reporting financial misconduct.

83 | 3. Whistle-blower rights and protections.

84 | (b) Provide guidance and materials to agencies and local
 85 | governments for internal training sessions.

86 | (c) Complete the audit of a local government required
 87 | under subsection (3).

88 | (d) Determine the information required in the Local
 89 | Government Efficiency Report required by s. 112.31424(5).

90 | (3) (a) A local government must notify the Florida Agency
 91 | for Fiscal Oversight within 5 days after authorizing a
 92 | referendum to levy a tax, increase a current tax, or increase
 93 | the millage rate. The Florida Agency for Fiscal Oversight shall
 94 | conduct an audit of any such local government. The Florida
 95 | Agency for Fiscal Oversight may request any information it deems
 96 | necessary to conduct such audit. If a local government is
 97 | noncompliant, and at the discretion of the Chief Financial
 98 | Officer:

99 | 1. At least 15 days after the initial request:

100 | a. The Florida Agency for Fiscal Oversight may impose

101 administrative fines on local governments of no more than \$1,000
102 each day; however, such fines may not be retroactive to the date
103 the request was first made.

104 b. The Florida Agency for Fiscal Oversight must provide
105 the local government with written notice that if such local
106 government remains noncompliant, the Florida Agency for Fiscal
107 Oversight may initiate the process of withholding certain funds
108 payable to a local government beginning 45 days after the
109 initial request.

110 2. At least 45 days after the initial request, the Florida
111 Agency for Fiscal Oversight may withhold state funds until the
112 local government is no longer noncompliant or the final order
113 requires the release of such funds.

114 (b) Fines collected under sub-subparagraph (a)1.a. must be
115 deposited into the Insurance Regulatory Trust Fund. The Florida
116 Agency for Fiscal Oversight may, for good cause or upon
117 demonstration of extenuating circumstances, waive any such fines
118 upon the request of the local government.

119 (c) The decision to withhold funds under subparagraph
120 (a)2. constitutes an agency action under chapter 120 and is
121 subject to review as provided in that chapter.

122 (4) The Florida Agency for Fiscal Oversight may report any
123 evidence suggesting ethical violations, misconduct, or
124 malfeasance by a local government official to the Governor and
125 the Florida Commission on Ethics. The Florida Commission on

126 Ethics may recommend appropriate actions, including, but not
127 limited to, the removal of local government officials from
128 office.

129 (5) The department may create a Local Government Spending
130 Analysis to evaluate each local government based on the
131 information obtained under this section or from the report
132 required under s. 112.31424(5). If the department produces a
133 Local Government Spending Analysis, it must make such analysis
134 available on its website, and the local government that is the
135 subject of the analysis must include a link to the analysis in a
136 clear and conspicuous place on the local government website.

137 (6) The department may adopt rules to implement this
138 section, including procedures for training, reporting,
139 investigations, and establishing financial thresholds, risk
140 indicators, or other criteria that, when met, may trigger an
141 audit, operational review, or investigation of a local
142 government by the Florida Agency for Fiscal Oversight.

143 **Section 2. Subsections (1), (2), and (3) of section**
144 **17.325, Florida Statutes, are amended to read:**

145 17.325 Governmental efficiency hotline; duties of Chief
146 Financial Officer.—

147 (1) The Chief Financial Officer shall establish and
148 operate a statewide toll-free telephone hotline to receive
149 information or suggestions from the residents of this state on
150 how to improve the operation of state and local government,

151 increase state and local governmental efficiency, and eliminate
152 waste in state and local government.

153 (2) ~~The Chief Financial Officer shall operate the hotline~~
154 ~~24 hours a day.~~ The Chief Financial Officer may advertise the
155 availability of the hotline in newspapers of general circulation
156 in this state and shall provide for the posting of notices in
157 conspicuous places in state agency offices, city halls, county
158 courthouses, and places in which there is exposure to
159 significant numbers of the general public, including, but not
160 limited to, local convenience stores, shopping malls, shopping
161 centers, gasoline stations, or restaurants. ~~The Chief Financial~~
162 ~~Officer shall use the slogan "Tell us where we can 'Get Lean'"~~
163 ~~for the hotline and in advertisements for the hotline.~~

164 (3) Each telephone call on the hotline shall be received
165 by the office of the Chief Financial Officer, and the office of
166 the Chief Financial Officer shall conduct an evaluation to
167 determine if it is appropriate for the telephone call to be
168 processed as a government efficiency hotline ~~"Get Lean"~~
169 telephone call. If it is determined that the telephone call
170 should be processed as a government efficiency hotline ~~"Get~~
171 ~~Lean"~~ telephone call, a record of each suggestion or item of
172 information received shall be entered into a log kept by the
173 Chief Financial Officer. A caller on the hotline may remain
174 anonymous, and, if the caller provides his or her name, the name
175 shall be confidential. If a caller discloses that he or she is a

176 state employee, the Chief Financial Officer, in addition to
177 maintaining a record as required by this section, may refer any
178 information or suggestion from the caller to an existing state
179 awards program administered by the affected agency. The affected
180 agency shall conduct a preliminary evaluation of the efficacy of
181 any suggestion or item of information received through the
182 hotline and shall provide the Chief Financial Officer with a
183 preliminary determination of the amount of revenues the state
184 might save by implementing the suggestion or making use of the
185 information.

186 **Section 3. Section 112.31424, Florida Statutes, is created**
187 **to read:**

188 112.31424 Financial ethics of governments.-

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

190 (a) "Agency" has the same meaning as in s. 112.3187(3).

191 (b) "Employee" has the same meaning as in s. 112.3187(3).

192 (c) "Local government" has the same meaning as in s.
193 106.113(1).

194 (2) All agency employees, elected officials, and
195 volunteers must complete the training on financial ethics
196 created pursuant to s. 17.324(2)(a) annually. The first training
197 must be completed within 30 days after:

198 (a) For a person employed by an agency, the first day of
199 employment.

200 (b) For an elected official within an agency, the day the

201 elected official takes office.

202 (c) For a volunteer of an agency, the first day the
203 volunteer begins volunteering.

204 (3) Notwithstanding any other law, an employee who reports
205 information to the Florida Agency for Fiscal Oversight shall be
206 afforded the same protection as a whistle-blower under chapter
207 112. Such employee is not required to report the information
208 directly to his or her supervisory officials, his or her Chief
209 Executive Officer as defined in s. 447.203(9), or any other
210 appropriate local official.

211 (4) An agency may not execute any contract, agreement, or
212 other document that:

213 (a) Prohibits an agency or a vendor, as defined in s.
214 287.1351(1), from participating with the Florida Agency for
215 Fiscal Oversight.

216 (b) Requires an agency or a vendor, as defined in s.
217 287.1351(1), to execute a nondisclosure agreement as a condition
218 for performing any duties or functions with the Florida Agency
219 for Fiscal Oversight.

220
221 Any such contract, agreement, or document shall be void.

222 (5) Each local government shall submit an annual Local
223 Government Efficiency Report to the Department of Financial
224 Services by October 30 of each year. The Department of Financial
225 Services shall adopt rules prescribing the format of such

226 reports and the information that must be included. The
 227 department shall submit recommendations and findings from the
 228 report to the Legislature and Office of Policy and Budget by
 229 January 1 of each year.

230 **Section 4. Subsection (14) of section 215.985, Florida**
 231 **Statutes, is amended to read:**

232 215.985 Transparency in government spending.—

233 (14) The Chief Financial Officer shall establish and
 234 maintain a secure contract tracking system available for viewing
 235 and downloading by the public through a secure website. The
 236 Chief Financial Officer shall use appropriate Internet security
 237 measures to ensure that no person has the ability to alter or
 238 modify records available on the website.

239 (a) Within 30 calendar days after executing a contract,
 240 each state entity shall post the following information relating
 241 to the contract on the contract tracking system:

- 242 1. The names of the contracting entities.
- 243 2. The procurement method.
- 244 3. The contract beginning and ending dates.
- 245 4. The nature or type of the commodities or services
 246 purchased.
- 247 5. Applicable contract unit prices and deliverables.
- 248 6. Total compensation to be paid or received under the
 249 contract.
- 250 7. All payments made to the contractor to date.

- 251 8. Applicable contract performance measures.
- 252 9. If a competitive solicitation was not used to procure
253 the goods or services, the justification of such action,
254 including citation to a statutory exemption or exception from
255 competitive solicitation, if any.
- 256 10. Electronic copies of the contract and procurement
257 documents that have been redacted to exclude confidential or
258 exempt information.
- 259 (b) Within 30 calendar days after executing a contract,
260 each county shall post the following information relating to the
261 contract on the contract tracking system or an alternate
262 contract tracking system authorized by the department:
- 263 1. The names of the contracting entities.
- 264 2. The procurement method.
- 265 3. The contract beginning and ending dates.
- 266 4. The nature or type of the commodities or services
267 purchased.
- 268 5. Applicable contract unit prices and deliverables.
- 269 6. Total compensation to be paid or received under the
270 contract.
- 271 7. Applicable contract performance measures.
- 272 8. If a competitive solicitation was not used to procure
273 the goods or services, the justification of such action,
274 including citation to a statutory exemption or an exception from
275 competitive solicitation, if any.

276 9. Electronic copies of the contract and procurement
277 documents that have been redacted as required by paragraph (e).

278 (c)-(b) Within 30 calendar days after an amendment to an
279 existing contract, the state entity or county that is a party to
280 the contract must update the information described in paragraph
281 (a) or paragraph (b), respectively, in the contract tracking
282 system. An amendment to a contract includes, but is not limited
283 to, a renewal, termination, or extension of the contract or a
284 modification of the terms of the contract.

285 (d)-(e) For each contract for which a state entity makes a
286 payment pursuant to a contract executed, amended, or extended on
287 or after July 1, 2023, the state entity shall post any documents
288 submitted pursuant to s. 216.1366 which indicate the use of
289 state funds as remuneration under the contract or a specified
290 payment associated with the contract on the contract tracking
291 system.

292 (e)-(d)1. Records made available on the contract tracking
293 system may not reveal information made confidential or exempt by
294 law.

295 2. Each state entity or county that is a party to a
296 contract must redact confidential or exempt information from the
297 contract and procurement documents before posting an electronic
298 copy on the contract tracking system. If a state entity or
299 county that is a party to the contract becomes aware that an
300 electronic copy of a contract or a procurement document has been

301 posted but has not been properly redacted, the state entity or
302 county must immediately notify the Chief Financial Officer and
303 must immediately remove the contract or procurement document
304 from the contract tracking system. Within 7 business days, the
305 state entity must post a properly redacted copy of the contract
306 or procurement document on the contract tracking system.

307 3.a. If a party to a contract, or an authorized
308 representative of a party to a contract, discovers that an
309 electronic copy of a contract or procurement document has been
310 posted to the contract tracking system but has not been properly
311 redacted, the party or representative may request the state
312 entity or county that is a party to the contract to redact the
313 confidential or exempt information. Upon receipt of the request,
314 the state entity or county shall redact the confidential or
315 exempt information.

316 b. A request to redact confidential or exempt information
317 must be made in writing and delivered by mail, facsimile,
318 electronic transmission, or in person to the state entity or
319 county that is a party to the contract. The request must
320 identify the specific document, the page numbers that include
321 the confidential or exempt information, the information that is
322 confidential or exempt, and the applicable statutory exemption.
323 A fee may not be charged for a redaction made pursuant to the
324 request.

325 c. A party to a contract may petition the circuit court

326 | for an order directing compliance with this paragraph.

327 | 4. The contract tracking system shall display a notice of
328 | the right of an affected party to request redaction of
329 | confidential or exempt information contained on the system.

330 | 5.a. The Chief Financial Officer, the Department of
331 | Financial Services, or an officer, employee, or contractor
332 | thereof, is not responsible for redacting confidential or exempt
333 | information from an electronic copy of a contract or procurement
334 | document posted by another state entity or county on the system.

335 | b. The Chief Financial Officer, the Department of
336 | Financial Services, or an officer, employee, or contractor
337 | thereof, is not liable for the failure of a state entity or
338 | county to redact the confidential or exempt information.

339 | (e)1. The posting of information on the contract tracking
340 | system or the provision of contract information on a website for
341 | public viewing and downloading does not supersede the duty of a
342 | state entity or county to respond to a public records request or
343 | subpoena for the information.

344 | 2. A request for a copy of a contract or procurement
345 | document or certified copy of a contract or procurement document
346 | shall be made to the state entity or county that is party to the
347 | contract. The request may not be made to the Chief Financial
348 | Officer, the Department of Financial Services, or an officer,
349 | employee, or contractor thereof, unless the Chief Financial
350 | Officer or the department is a party to the contract.

351 3. A subpoena for a copy of a contract or procurement
352 document or certified copy of a contract or procurement document
353 must be served on the state entity or county that is a party to
354 the contract and that maintains the original documents. The
355 Chief Financial Officer, the Department of Financial Services,
356 or an officer, employee, or contractor thereof, may not be
357 served a subpoena for those records unless the Chief Financial
358 Officer or the department is a party to the contract.

359 (g)~~(f)~~ The Chief Financial Officer may regulate and
360 prohibit the posting of records that could facilitate identity
361 theft or fraud, such as signatures; compromise or reveal an
362 agency investigation; reveal the identity of undercover
363 personnel; reveal proprietary business information or trade
364 secrets; reveal an individual's medical information; or reveal
365 another record or information that the Chief Financial Officer
366 believes may jeopardize the health, safety, or welfare of the
367 public. However, such action by the Chief Financial Officer does
368 not supersede the duty of a state entity or county to provide a
369 copy of a public record upon request.

370 (h)~~(g)~~ The Chief Financial Officer may adopt rules to
371 administer this subsection.

372 (i)~~(h)~~ For purposes of this subsection, the term:

373 1. "Procurement document" means any document or material
374 provided to the public or any vendor as part of a formal
375 competitive solicitation of goods or services undertaken by a

376 state entity or county, and a document or material submitted in
 377 response to a formal competitive solicitation by any vendor who
 378 is awarded the resulting contract.

379 2. "State entity" means an official, officer, commission,
 380 board, authority, council, committee, or department of the
 381 executive branch of state government; a state attorney, public
 382 defender, criminal conflict and civil regional counsel, capital
 383 collateral regional counsel, and the Justice Administrative
 384 Commission; the Public Service Commission; and any part of the
 385 judicial branch of state government.

386 (i) In lieu of posting in the contract tracking system
 387 administered by the Chief Financial Officer, the Department of
 388 Legal Affairs and the Department of Agriculture and Consumer
 389 Services may post the information described in paragraphs (a)
 390 through (d) ~~(e)~~ to its own agency-managed website. The data
 391 posted on the agency-managed website must be downloadable in a
 392 format that allows offline analysis.

393 (j) The requirement under paragraphs (a) through (d) ~~(e)~~
 394 that each agency or county post information and documentation
 395 relating to contracts on the tracking system does not apply to
 396 any record that could reveal attorney work product or strategy.

397 **Section 5.** The amendments made by this act to s.
 398 215.985(14), Florida Statutes, may not be enforced until the
 399 secure contract tracking system is able to accept reports. The
 400 Chief Financial Officer shall make any changes necessary to the

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401 | secure contract tracking system to allow counties to make the
402 | reports required by the amendments to s. 215.985(14)(b), Florida
403 | Statutes, before July 1, 2027.

404 | **Section 6.** This act shall take effect July 1, 2026.

1 A bill to be entitled
 2 An act relating to the expenditure of public funds by
 3 local governments; creating s. 11.063, F.S.; providing
 4 a short title; providing definitions; prohibiting
 5 local governments from expending public funds for
 6 specified purposes; prohibiting the acceptance of
 7 public funds from local governments for lobbying;
 8 providing applicability; authorizing the filing of
 9 complaints with the Commission on Ethics alleging
 10 violations; requiring the commission to investigate
 11 and provide a report of its findings to certain
 12 entities; requiring the commission to adopt rules;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 **Section 1. Section 11.063, Florida Statutes, is created to**
 18 **read:**

19 11.063 Use of public funds for lobbying and discretionary
 20 expenditure prohibited.-

21 (1) This section may be cited as the "Federalism
 22 Protection Act."

23 (2) For purposes of this section, the term:

24 (a) "Elected official" means:

25 1. A member of the governing body of a county,

26 municipality, or any other political subdivision of this state;
 27 or

28 2. An elected official chosen by the governing body of a
 29 county, municipality, or any other political subdivision of this
 30 state.

31 (b) "Local government" means:

32 1. A county, municipality, or any other political
 33 subdivision of this state.

34 2. Any department, agency, board, bureau, district,
 35 commission, authority, or similar body of a county, a
 36 municipality, or any other political subdivision of the state.

37 (c) "Public funds" has the same meaning as s. 106.113(1).

38 (3)(a) A local government may not expend public funds to
 39 retain a lobbyist for representation before the legislative or
 40 executive branch. In addition, a person may not accept public
 41 funds from a local government for lobbying.

42 (b) An elected official of a local government may not
 43 expend or enter into a contract requiring expenditure of public
 44 funds for any purpose not itemized in the budget of the local
 45 government.

46 (c) This subsection does not apply to the expenditure of
 47 public funds by a local government or an elected official for
 48 the purpose of hiring of in-house staff.

49 (4) A person may file a written complaint with the
 50 Commission on Ethics alleging a violation of this subsection.

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51 The commission shall investigate and report its finding to the
52 President of the Senate, the Speaker of the House of
53 Representatives, and the Governor and Cabinet. The commission
54 shall adopt rules necessary to conduct investigations under this
55 paragraph.

56 **Section 2.** This act shall take effect July 1, 2026.

By the Committee on Ethics and Elections; and Senators Grall and Avila

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1 A bill to be entitled
2 An act relating to foreign influence; providing a
3 short title; creating s. 106.031, F.S.; defining
4 terms; requiring agents of foreign countries of
5 concern and foreign-supported political organizations
6 to register with the Division of Elections; providing
7 registration requirements; requiring periodic updates
8 by such agents and organizations; requiring foreign-
9 supported political organizations to register with the
10 division on a specified form created by the division
11 within a specified timeframe; providing requirements
12 for such forms; providing penalties; amending s.
13 112.313, F.S.; defining the terms "designated foreign
14 terrorist organization" and "foreign country of
15 concern"; prohibiting specified persons from
16 soliciting or accepting anything of value from a
17 designated foreign terrorist organization or a foreign
18 country of concern; amending s. 112.3142, F.S.;
19 requiring the Commission on Ethics to adopt certain
20 rules by a specified date; amending s. 287.138, F.S.;
21 revising the definition of the term "foreign country
22 of concern"; defining the term "foreign source of
23 concern"; prohibiting a governmental entity from
24 entering into certain contracts with certain entities
25 owned or partially owned by foreign sources of concern
26 or affiliated with a foreign country of concern;
27 prohibiting governmental entities from extending and
28 renewing certain contracts beginning on a specified
29 date; prohibiting governmental entities from accepting

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30 a bid on, a proposal for, or a reply to, or entering
31 into, contracts involving information technology or
32 providing access to an individual's personal
33 identifying information unless a certain affidavit
34 signed by an officer or representative is provided to
35 the governmental entity; amending s. 288.816, F.S.;
36 prohibiting certain activities encouraging
37 affiliations with foreign countries of concern;
38 requiring the Department of Commerce to publish and
39 update certain information on its website; amending s.
40 288.8175, F.S.; deleting the Florida-China Institute
41 from the list of linkage institutes; deleting an
42 exemption for linkage institutes; prohibiting a
43 linkage institute from entering into an agreement or
44 participating in an activity with a foreign country of
45 concern; amending s. 288.860, F.S.; requiring that
46 certain agreements be terminated by a specified date;
47 amending s. 496.404, F.S.; revising the definition of
48 the term "foreign source of concern"; amending s.
49 692.201, F.S.; revising the definition of the term
50 "foreign country of concern"; creating s. 692.21,
51 F.S.; defining terms; prohibiting governmental
52 entities and business entities with access to critical
53 infrastructure facilities from entering into certain
54 contracts with foreign sources of concern; requiring
55 business entities to register with the department by a
56 specified date; requiring the department to adopt
57 registration forms; providing requirements for such
58 forms; providing civil and criminal penalties;

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59 requiring certain business entities to provide a
60 signed affidavit to the department attesting that the
61 buyer or transferee of a critical infrastructure
62 facility is not a foreign source of concern;
63 prohibiting information technology from a foreign
64 source of concern from being used in critical
65 infrastructure facilities; requiring the department to
66 adopt rules; creating s. 775.08255, F.S.; defining
67 terms; providing for the reclassification of criminal
68 penalties under certain circumstances; providing a
69 mandatory minimum term of imprisonment; creating s.
70 775.36, F.S.; defining terms; prohibiting enforcement
71 of certain laws of a foreign government; providing
72 criminal penalties; amending s. 316.0078, F.S.;
73 conforming provisions to changes made by the act;
74 providing an effective date.

75

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

77

78 Section 1. This act may be cited as the "Foreign
79 Interference Restriction and Enforcement Act."

80 Section 2. Section 106.031, Florida Statutes, is created to
81 read:

82 106.031 Registration of agents and organizations associated
83 with foreign nations.-

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

85 (a) "Address" includes any address, no matter the location,
86 inside or outside of the United States.

87 (b) "Agent of a foreign country of concern" means a person:

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88 1. Who acts as an agent, an employee, a representative, or
89 a servant, or who otherwise acts at the order, at the request,
90 or under the direction or control, of a foreign country of
91 concern;

92 2. Whose actions are financed, in whole or in part, by a
93 foreign country of concern; and

94 3. Who engages in political activity.

95 (c) "Foreign country of concern" means the People's
96 Republic of China, the Russian Federation, the Islamic Republic
97 of Iran, the Democratic People's Republic of Korea, the Republic
98 of Cuba, the Venezuelan regime of Nicolás Maduro, the State of
99 Qatar, or the Syrian Arab Republic, including any agency of or
100 any other entity under significant control of such foreign
101 country of concern.

102 (d) "Foreign-supported political organization" means a
103 political party or a domestic partnership, an association, a
104 corporation, an organization, or any other business entity that
105 engages in political activity within this state and that:

106 1. Has its principal place of business in a foreign country
107 of concern; or

108 2. Is at least 20 percent beneficially owned by a foreign
109 country of concern, a nonresident alien from a foreign country
110 of concern, or an entity organized under the laws of or having
111 its principal place of business in a foreign country of concern.

112 (e) "Payment" includes compensation and disbursement made
113 in any form, including, but not limited to, contributions,
114 income, money, tangible property, and intangible property.

115 (f) "Political activity" means an activity that is
116 performed to:

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- 117 1. Influence an agency, a public official, or a local
118 governmental entity;
- 119 2. Influence the public in creating, adopting, or changing
120 state laws or government policies;
- 121 3. Support or oppose a candidate for office;
- 122 4. Influence the outcome of an election; or
- 123 5. Support or oppose any issue.
- 124 (2) (a) A person who becomes an agent of a foreign country
125 of concern must, within 10 days after becoming such an agent,
126 register with the division. The registration must be signed
127 under oath.
- 128 (b) The division shall create a form for the registration
129 required under paragraph (a). Such form must require, at a
130 minimum, all of the following information:
- 131 1. The registrant's name.
- 132 2. The address of the registrant's primary residence and
133 all other addresses associated with the registrant.
- 134 3. The name and address of the registrant's principal place
135 of business.
- 136 4. A detailed statement describing the nature of the
137 registrant's business.
- 138 5. The name of each foreign country of concern for whom the
139 registrant is acting, is assuming or purporting to act, or has
140 agreed to act.
- 141 6. A detailed statement describing the nature of the work
142 and the character of the business or other activities of each
143 foreign country of concern identified in subparagraph 5.
- 144 7. A statement detailing each time the registrant received
145 a payment from a foreign country of concern identified in

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146 subparagraph 5. within the previous 90 days. The statement must
147 identify the amount of the payment and the nature of such
148 payment.

149 8. The total amount of such payments the registrant has
150 received within the previous 90 days from a foreign country of
151 concern identified in subparagraph 5.

152 9. A detailed statement of every activity the registrant,
153 or a person acting on behalf of the registrant, is performing,
154 has performed, or has agreed to perform on behalf of a foreign
155 country of concern identified in subparagraph 5.

156 10. If the registrant is also engaged in political activity
157 on behalf of a person who is not associated with a foreign
158 country of concern but who is an agent of a foreign country of
159 concern, include:

160 a. The name, employer, business and residence addresses,
161 and, if applicable, nationality of such person;

162 b. A detailed statement of every activity the registrant,
163 or a person acting on behalf of the registrant, is performing,
164 has performed, or has agreed to perform on behalf of such
165 person; and

166 c. A statement detailing each time the registrant received
167 a payment from such person within the previous 90 days. The
168 statement must identify the amount of the payment and the nature
169 of the payment.

170 11. A detailed statement of the payments made by the
171 registrant during the previous 90 days in connection with
172 actions taken by the registrant as an agent of, on behalf of, or
173 in furtherance of the goals of a foreign country of concern or a
174 person identified in subparagraph 10.

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175 12. A detailed statement of all payments relating to
176 political activity made by the registrant during the previous 90
177 days.

178 (c) A registrant must update the information required under
179 paragraph (b) at least every 90 days.

180 (d) A person must register as an agent of a foreign country
181 of concern for any period of time he or she was engaged in such
182 position.

183 (3) (a) On or before January 1, 2027, each foreign-supported
184 political organization must register with the division.

185 (b) The division shall create a form for the registration
186 required under paragraph (a). The form must require, at minimum,
187 all of the following information:

188 1. The organization's name and mailing address and the
189 address of any physical office.

190 2. The names, titles, and addresses of all officers or
191 directors of the organization.

192 3. A detailed statement of all payments made by the
193 organization that would constitute political activity during the
194 previous calendar year.

195 4. A detailed statement of all payments made to, or
196 received by, the organization from a foreign country of concern
197 or an agent of a foreign country of concern during the previous
198 calendar year.

199 (c) An organization must update the information required
200 under paragraph (b) at least every 90 days.

201 (4) Upon finding a violation of this section, in addition
202 to the remedies provided in ss. 106.265 and 106.27, the Florida
203 Elections Commission may assess the following penalties:

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204 (a) For any willful violation, a fine of up to \$500 per
205 violation.

206 (b) For any repeated willful violation, a fine of up to
207 \$2,000 per violation.

208 Section 3. Subsections (1) and (2) of section 112.313,
209 Florida Statutes, are amended to read:

210 112.313 Standards of conduct for public officers, employees
211 of agencies, and local government attorneys.—

212 (1) DEFINITIONS ~~DEFINITION.~~—As used in this section, unless
213 the context otherwise requires, the term:

214 (a) “Designated foreign terrorist organization” has the
215 same meaning as in s. 775.32.

216 (b) “Foreign country of concern” has the same meaning as in
217 s. 286.101(1).

218 (c) “Public officer” includes any person elected or
219 appointed to hold office in any agency, including any person
220 serving on an advisory body.

221 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

222 (a) A ~~Ne~~ public officer, an employee of an agency, a local
223 government attorney, or a candidate for nomination or election
224 may not ~~shall~~ solicit or accept anything of value to the
225 recipient, including a gift, loan, reward, promise of future
226 employment, favor, or service, based upon any understanding that
227 the vote, official action, or judgment of the public officer,
228 employee, local government attorney, or candidate would be
229 influenced thereby.

230 (b) A public officer, an employee of an agency, a local
231 government attorney, or a candidate for nomination or election
232 may not solicit or accept anything of value to the recipient,

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233 including a gift, loan, reward, promise of future employment,
234 favor, or service, for any purpose, including, but not limited
235 to, a gift from a designated foreign terrorist organization or
236 any person or entity representing or acting on behalf of a
237 foreign terrorist organization, or travel costs or any
238 reimbursement for costs of attending a conference or other
239 event, from a foreign country of concern or any of its
240 subdivisions, or from any person or entity representing or
241 acting on behalf of a foreign country of concern or any of its
242 subdivisions.

243 Section 4. Paragraph (e) of subsection (2) of section
244 112.3142, Florida Statutes, is amended to read:

245 112.3142 Ethics training for specified constitutional
246 officers, elected municipal officers, commissioners of community
247 redevelopment agencies, and elected local officers of
248 independent special districts.—

249 (2)

250 (e) The commission shall adopt rules establishing minimum
251 course content for the portion of an ethics training class which
252 addresses s. 8, Art. II of the State Constitution and the Code
253 of Ethics for Public Officers and Employees. By November 1,
254 2026, the commission shall adopt revised rules to supplement the
255 minimum course content, including all of the following:

256 1. Known efforts by foreign countries of concern to target
257 and influence subnational governments, including, but not
258 limited to, the Chinese Communist Party's United Front strategy.

259 2. How to identify, recognize, and report suspected foreign
260 influence campaigns.

261 3. Prohibitions on receiving gifts from foreign countries

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262 of concern as defined in s. 287.138 or designated foreign
263 terrorist organizations as defined in s. 775.32.

264 Section 5. Present paragraph (d) of subsection (1) of
265 section 287.138, Florida Statutes, is redesignated as paragraph
266 (e), a new paragraph (d) is added to that subsection, and
267 paragraph (c) of subsection (1) and subsections (2), (3), and
268 (4) of that section are amended, to read:

269 287.138 Contracting with entities of foreign sources and
270 countries of concern prohibited.—

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

272 (c) “Foreign country of concern” means the People’s
273 Republic of China, the Russian Federation, the Islamic Republic
274 of Iran, the Democratic People’s Republic of Korea, the Republic
275 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
276 Arab Republic, including any agency of or any other entity under
277 ~~of~~ significant control of such foreign country of concern.

278 (d) “Foreign source of concern” has the same meaning as in
279 s. 496.404.

280 (2) (a) A governmental entity may not knowingly enter into a
281 contract with an entity in which a foreign source of concern has
282 an ownership or controlling interest if the contract would give
283 access to an individual’s personal identifying information.

284 (b) A governmental entity may not enter into a contract for
285 information technology as defined in s. 282.0041, or for any
286 services related to information technology, with an entity in
287 which a foreign source of concern has an ownership or
288 controlling interest or through a third-party seller when the
289 information technology is designed, manufactured, or assembled
290 by any entity in which a foreign source of concern has an

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291 ownership or controlling interest if:

292 ~~(a) The entity is owned by the government of a foreign~~
293 ~~country of concern;~~

294 ~~(b) The government of a foreign country of concern has a~~
295 ~~controlling interest in the entity; or~~

296 ~~(c) The entity is organized under the laws of or has its~~
297 ~~principal place of business in a foreign country of concern.~~

298 (3) Beginning July 1, 2026 ~~2025~~, a governmental entity may
299 not extend or renew a contract with an entity listed in
300 subsection (2) ~~paragraphs (2)(a)-(c)~~ if the contract would give
301 such entity access to an individual's personal identifying
302 information.

303 (4) (a) Beginning January 1, 2026 ~~2024~~, a governmental
304 entity may not accept a bid on, a proposal for, or a reply to,
305 or enter into, a contract with an entity which would grant the
306 entity access to an individual's personal identifying
307 information or involve information technology unless the entity
308 provides the governmental entity with an affidavit signed by an
309 officer or representative of the entity under penalty of perjury
310 attesting that the entity does not meet any of the criteria in
311 subsection (2) ~~paragraphs (2)(a)-(c)~~.

312 (b) Beginning July 1, 2026 ~~2025~~, when an entity extends or
313 renews a contract with a governmental entity which would grant
314 the entity access to an individual's personal identifying
315 information, the entity must provide the governmental entity
316 with an affidavit signed by an officer or a representative of
317 the entity under penalty of perjury attesting that the entity
318 does not meet any of the criteria in subsection (2) ~~paragraphs~~
319 ~~(2)(a)-(c)~~.

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320 Section 6. Paragraph (a) of subsection (3) of section
321 288.816, Florida Statutes, is amended, and subsection (7) is
322 added to that section, to read:

323 288.816 Intergovernmental relations.—

324 (3) The state protocol officer may:

325 (a) Coordinate and carry out activities designed to
326 encourage the state and its subdivisions to participate in
327 sister city and sister state affiliations with foreign countries
328 and their subdivisions. Such activities may include a State of
329 Florida sister cities conference. Such activities may not
330 include encouragement of any affiliations with foreign countries
331 of concern as defined in s. 288.860 or their subdivisions.

332 (7) The department shall publish on its website, to be
333 updated quarterly, the following information:

334 (a) A current and accurate list of all foreign consulate
335 offices.

336 (b) A current and accurate list of all sister city and
337 sister state affiliations, including a copy of all such
338 agreements.

339 Section 7. Subsections (3), (4), and (5) of section
340 288.8175, Florida Statutes, are amended, and a new subsection
341 (7) is added to that section, to read:

342 288.8175 Linkage institutes between postsecondary
343 institutions in this state and foreign countries.—

344 (3) Each institute must be co-administered in this state by
345 a university-community college partnership, ~~as designated in~~
346 ~~subsection (5),~~ and must have a private sector and public sector
347 advisory committee. The advisory committee must be
348 representative of the international education and commercial

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349 interests of the state and may have members who are native to
350 the foreign country partner. Six members must be appointed by
351 the Department of Education. The Department of Education must
352 appoint at least one member who is an international educator.
353 The presidents, or their designees, of the participating
354 university and community college must also serve on the advisory
355 committee.

356 (4) The institutes are:

357 (a) Florida-Brazil Institute (University of Florida and
358 Miami Dade College).

359 (b) Florida-Costa Rica Institute (Florida State University
360 and Valencia College).

361 (c) Florida Caribbean Institute (Florida International
362 University and Daytona State College).

363 (d) Florida-Canada Institute (University of Central Florida
364 and Palm Beach State College).

365 ~~(e) Florida-China Institute (University of West Florida,
366 University of South Florida, and Eastern Florida State College).~~

367 (e)~~(f)~~ Florida-Japan Institute (University of South
368 Florida, University of West Florida, and St. Petersburg
369 College).

370 (f)~~(g)~~ Florida-France Institute (New College of the
371 University of South Florida, Miami Dade College, and Florida
372 State University).

373 (g)~~(h)~~ Florida-Israel Institute (Florida Atlantic
374 University and Broward College).

375 (h)~~(i)~~ Florida-West Africa Institute (Florida Agricultural
376 and Mechanical University, University of North Florida, and
377 Florida State College at Jacksonville).

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378 (i)~~(j)~~ Florida-Eastern Europe Institute (University of
379 Central Florida and Lake-Sumter State College).

380 (j)~~(k)~~ Florida-Mexico Institute (Florida International
381 University and Polk State College).

382 ~~(5) Each institute is allowed to exempt from s. 1009.21 up
383 to 25 full-time equivalent students per year from the respective
384 host countries to study in any of the state universities or
385 community colleges in this state as resident students for
386 tuition purposes. The institute directors shall develop
387 criteria, to be approved by the Department of Education, for the
388 selection of these students. Students must return home within 3
389 years after their tenure of graduate or undergraduate study for
390 a length of time equal to their exemption period.~~

391 (7) A linkage institute may not enter into any agreement or
392 participate in any activities with a foreign country of concern
393 as defined in s. 288.860 or any organization in a foreign
394 country of concern.

395 Section 8. Subsection (2) of section 288.860, Florida
396 Statutes, is amended to read:

397 288.860 International cultural agreements.—

398 (2)(a) A state agency, political subdivision, or public
399 school authorized to expend state-appropriated funds or levy ad
400 valorem taxes may not participate in any agreement with or
401 accept any grant from a foreign country of concern or its
402 subdivisions, or any entity controlled by a foreign country of
403 concern.

404 (b) All agreements under paragraph (a), including, but not
405 limited to, sister city agreements, are terminated as of July 1,
406 2026., which:

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407 ~~(a) Constrains the freedom of contract of such public~~
408 ~~entity;~~

409 ~~(b) Allows the curriculum or values of a program in the~~
410 ~~state to be directed or controlled by the foreign country of~~
411 ~~concern; or~~

412 ~~(c) Promotes an agenda detrimental to the safety or~~
413 ~~security of the United States or its residents. Before the~~
414 ~~execution of any cultural exchange agreement with a foreign~~
415 ~~country of concern, the substance of the agreement must be~~
416 ~~shared with federal agencies concerned with protecting national~~
417 ~~security or enforcing trade sanctions, embargoes, or other~~
418 ~~restrictions under federal law. If such federal agency provides~~
419 ~~information suggesting that such agreement promotes an agenda~~
420 ~~detrimental to the safety or security of the United States or~~
421 ~~its residents, the public entity may not enter into the~~
422 ~~agreement.~~

423 Section 9. Paragraphs (e) and (f) of subsection (14) of
424 section 496.404, Florida Statutes, are amended, and paragraph
425 (g) is added to that subsection, to read:

426 496.404 Definitions.—As used in ss. 496.401-496.424, the
427 term:

428 (14) "Foreign source of concern" means any of the
429 following:

430 (e) An agent, including a subsidiary or an affiliate of a
431 foreign legal entity, acting on behalf of a foreign source of
432 concern; ~~or~~

433 (f) An entity in which a person, entity, or collection of
434 persons or entities described in paragraphs (a)-(e) has a
435 controlling interest. As used in this paragraph, the term

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436 "controlling interest" means the possession of the power to
437 direct or cause the direction of the management or policies of
438 an entity, whether through ownership of securities, by contract,
439 or otherwise. A person or an entity that directly or indirectly
440 has the right to vote 25 percent or more of the voting interest
441 of the company or is entitled to 25 percent or more of its
442 profits is presumed to possess a controlling interest; or

443 (g) A designated foreign terrorist organization as defined
444 in s. 775.32 or an agent acting on behalf of a designated
445 foreign terrorist organization.

446 Section 10. Subsection (3) of section 692.201, Florida
447 Statutes, is amended to read:

448 692.201 Definitions.—As used in this part, the term:

449 (3) "Foreign country of concern" means the People's
450 Republic of China, the Russian Federation, the Islamic Republic
451 of Iran, the Democratic People's Republic of Korea, the Republic
452 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
453 Arab Republic, including any agency of or any other entity under
454 ~~of~~ significant control of such foreign country of concern.

455 Section 11. Section 692.21, Florida Statutes, is created to
456 read:

457 692.21 Protection of state critical infrastructure
458 facilities from a foreign source of concern.—

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

460 (a) "Business entity" has the same meaning as in s.
461 112.312.

462 (b) "Foreign source of concern" has the same meaning as in
463 s. 496.404.

464 (c) "Governmental entity" has the same meaning as in s.

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465 287.138.

466 (2) (a) A governmental entity or a business entity
467 constructing, repairing, operating, or otherwise having
468 significant access to a critical infrastructure facility may not
469 enter into a contract or other agreement relating to a critical
470 infrastructure facility in this state with a foreign source of
471 concern if the contract or agreement authorizes the foreign
472 source of concern to directly or remotely access or otherwise
473 control such critical infrastructure facility.

474 (b) A foreign source of concern may not enter into a
475 contract or other agreement relating to critical infrastructure
476 facilities in this state with a business entity constructing,
477 repairing, operating, or otherwise having significant access to
478 critical infrastructure facilities, or a governmental entity, if
479 the contract or agreement authorizes the foreign source of
480 concern to directly or remotely access or otherwise control such
481 critical infrastructure facility.

482 (3) (a) Beginning January 1, 2027, a business entity
483 constructing, repairing, operating, or otherwise having
484 significant access to a critical infrastructure facility in this
485 state which entered into a contract or other agreement before
486 July 1, 2026, with a foreign source of concern relating to such
487 critical infrastructure facility must register with the
488 Department of Commerce by January 1 of each year for the
489 remainder of the term of the contract or agreement with the
490 foreign source of concern relating to such critical
491 infrastructure facility. The Department of Commerce shall adopt
492 a registration form that includes all of the following:

493 1. The name of the business entity constructing, repairing,

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494 operating, or otherwise having significant access to critical
495 infrastructure facilities in this state.

496 2. The address of the critical infrastructure facility the
497 business entity is constructing, repairing, or operating or to
498 which the business entity otherwise has significant access.

499 3. A description of the specific terms of the contract or
500 agreement which authorizes a foreign source of concern to engage
501 in constructing, repairing, or operating or to otherwise have
502 significant access to such critical infrastructure facility.

503 (b) A business entity that violates paragraph (a):

504 1. Is subject to a civil penalty of \$1,000 for each day the
505 violation continues.

506 2. Commits a misdemeanor of the second degree, punishable
507 as provided in s. 775.082 or s. 775.083.

508 (4) Before commencing any sale or other transfer of control
509 of a critical infrastructure facility in this state, the
510 business entity selling or otherwise transferring control of
511 such critical infrastructure facility must provide an affidavit,
512 signed under penalty of perjury, to the Department of Commerce
513 attesting that the buyer or transferee is not a foreign source
514 of concern.

515 (5) Information technology as defined in s. 282.0041
516 produced or manufactured by a foreign source of concern or a
517 company under the direction or control of a foreign source of
518 concern may not be used in a critical infrastructure facility
519 located in or serving this state.

520 (6) The Department of Commerce shall adopt rules to
521 implement this section.

522 Section 12. Section 775.08255, Florida Statutes, is created

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523 to read:

524 775.08255 Offenses by foreign agents; reclassification.-

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

526 (a) "Agent of a foreign government or designated foreign
527 terrorist organization" means a person acting on behalf of or
528 otherwise employed or controlled by a foreign government or a
529 designated foreign terrorist organization.

530 (b) "Designated foreign terrorist organization" has the
531 same meaning as provided in s. 775.32.

532 (c) "Foreign government" has the same meaning as provided
533 in s. 286.101.

534 (2) The penalty for any misdemeanor or felony may be
535 reclassified if the commission of such misdemeanor or felony was
536 for the purpose of benefiting, promoting, or furthering the
537 interests of a foreign government, a designated foreign
538 terrorist organization, or an agent of a foreign government or
539 designated foreign terrorist organization. The reclassification
540 is as follows:

541 (a) A misdemeanor of the second degree is reclassified to a
542 misdemeanor of the first degree.

543 (b) A misdemeanor of the first degree is reclassified to a
544 felony of the third degree.

545 (c) A felony of the third degree is reclassified to a
546 felony of the second degree.

547 (d) A felony of the second degree is reclassified to a
548 felony of the first degree.

549 (e) A felony of the first degree is reclassified to a life
550 felony.

551 (3) In addition to any other penalties prescribed by law, a

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552 person convicted of a felony of the first degree or a life
553 felony under this section shall be sentenced to a minimum term
554 of imprisonment of 15 years.

555 Section 13. Section 775.36, Florida Statutes, is created to
556 read:

557 775.36 Unauthorized enforcement of foreign law.—

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

559 (a) "Agent of a foreign government or designated foreign
560 terrorist organization" means a person acting on behalf of or
561 otherwise employed or controlled by a foreign government or a
562 designated foreign terrorist organization.

563 (b) "Designated foreign terrorist organization" has the
564 same meaning as provided in s. 775.32.

565 (c) "Foreign government" has the same meaning as in s.
566 286.101.

567 (2) Without the approval of this state or the United
568 States, a person may not:

569 (a) Prevent another person in this state from violating the
570 laws of a foreign government which are not also the laws of this
571 state or the United States; or

572 (b) Investigate, monitor, or surveil another person in this
573 state for the purpose of preventing the other person from
574 violating the laws of a foreign government that are not also the
575 laws of this state or the United States.

576 (3) A person who violates this section commits a felony of
577 the third degree, punishable as provided in s. 775.082, s.
578 775.083, or s. 775.084. However, a person who violates this
579 section for the purpose of benefiting, promoting, or furthering
580 the interests of a foreign government, a designated foreign

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581 terrorist organization, or an agent of a foreign government or
582 designated foreign terrorist organization commits a felony of
583 the second degree, punishable as provided in s. 775.082, s.
584 775.083, or s. 775.084.

585 Section 14. Subsection (1) of section 316.0078, Florida
586 Statutes, is amended to read:

587 316.0078 Prohibition on contracting for camera systems of
588 vendors of foreign countries of concern.—

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

590 (a) "Controlling interest" has the same meaning as in s.
591 287.138. and

592 (b) "Foreign country of concern" means the People's
593 Republic of China, the Russian Federation, the Islamic Republic
594 of Iran, the Democratic People's Republic of Korea, the Republic
595 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
596 Arab Republic, including any agency of or any other entity under
597 significant control of such foreign country of concern ~~have the~~
598 ~~same meanings as in s. 287.138(1).~~

599 Section 15. This act shall take effect July 1, 2026.

1 A bill to be entitled
2 An act relating to foreign influence; providing a
3 short title; creating s. 106.031, F.S.; providing
4 definitions; requiring agents of foreign countries of
5 concern and foreign-supported political organizations
6 to register with the Division of Elections; providing
7 registration requirements; requiring periodic updates
8 by such agents and organizations; requiring foreign
9 supported political organizations to register with the
10 division on a specified form created by the division
11 within a specified timeframe; providing requirements
12 for such forms; providing penalties; amending s.
13 112.313, F.S.; defining the terms "designated foreign
14 terrorist organization" and "foreign country of
15 concern"; prohibiting specified persons from
16 soliciting or accepting anything of value from a
17 designated foreign terrorist organization, a foreign
18 country of concern, or persons or entities
19 representing such organizations or countries; amending
20 s. 112.3142, F.S.; requiring the Commission on Ethics
21 to adopt certain rules by a specified date; amending
22 s. 205.0532, F.S.; authorizing any appropriate tax
23 collector to revoke or refuse to renew business tax
24 receipts of specified individuals, businesses, or
25 entities; authorizing such tax collector or a local

26 governing authority to request a specified sworn
27 affidavit or declaration from such individual,
28 business, or entity; providing criminal penalties;
29 amending s. 287.138, F.S.; providing and revising
30 definitions; prohibiting a governmental entity from
31 entering into certain contracts with foreign sources
32 of concern; prohibiting governmental entities from
33 extending and renewing certain contracts beginning on
34 a specified date; prohibiting governmental entities
35 from accepting a bid on, a proposal for, or a reply
36 to, or entering into, contracts involving information
37 technology or providing access to an individual's
38 personal identifying information unless a certain
39 affidavit signed by an officer or representative is
40 provided to the governmental entity; amending s.
41 288.816, F.S.; prohibiting certain activities
42 encouraging affiliations with foreign countries of
43 concern; requiring the Department of Commerce to
44 publish and update certain information on its website;
45 amending s. 288.8175, F.S.; removing the Florida-China
46 Institute from the list of linkage institutes;
47 removing an exemption for linkage institutes;
48 prohibiting a linkage institute from entering into an
49 agreement or participating in an activity with a
50 foreign country of concern; amending s. 288.860, F.S.;

51 requiring certain agreements to be terminated by a
52 specified date; amending 316.0078, F.S.; revising the
53 definitions of the terms "controlling interest" and
54 "foreign country of concern"; amending s. 496.404,
55 F.S.; revising the definition of the term "foreign
56 source of concern"; amending s. 692.201, F.S.;
57 revising the definition of the term "foreign country
58 of concern"; creating s. 692.21, F.S.; providing
59 definitions; prohibiting certain entities with access
60 to critical infrastructure facilities from entering
61 into certain contracts with foreign sources of
62 concern; requiring certain entities to register with
63 the Department of Commerce by a specified date;
64 requiring the department to adopt registration forms;
65 providing requirements for such forms; providing civil
66 and criminal penalties; requiring certain entities to
67 provide a signed affidavit to the department attesting
68 that the buyer or transferee of a critical
69 infrastructure facility is not a foreign source of
70 concern; prohibiting information technology from a
71 foreign source of concern from being used in critical
72 infrastructure facilities; requiring the department to
73 adopt rules; creating s. 775.08255, F.S.; providing
74 definitions; providing for the reclassification of
75 criminal penalties under certain circumstances;

76 providing a minimum mandatory term of imprisonment;
 77 creating s. 775.36, F.S.; providing definitions;
 78 prohibiting enforcement of certain laws of a foreign
 79 government; providing criminal penalties; amending s.
 80 282.802, F.S.; conforming a cross-reference; providing
 81 an effective date.

82

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

84

85 **Section 1.** This act may be cited as the "Foreign
 86 Interference Restriction and Enforcement Act."

87 **Section 2. Section 106.031, Florida Statutes, is created**
 88 **to read:**

89 106.031 Registration of agents and organizations
 90 associated with foreign nations.-

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

92 (a) "Address" includes any address, no matter the
 93 location, inside or outside of the United States.

94 (b) "Agent of a foreign country of concern" means a
 95 person:

96 1. Who acts as an agent, an employee, a representative, or
 97 a servant, or who otherwise acts at the order, at the request,
 98 or under the direction or control, of a foreign country of
 99 concern;

100 2. Whose actions are financed, in whole or in part, by a

101 foreign country of concern; and

102 3. Who engages in political activity.

103 (c) "Foreign country of concern" means the People's
104 Republic of China, the Russian Federation, the Islamic Republic
105 of Iran, the Democratic People's Republic of Korea, the Republic
106 of Cuba, the Venezuelan regime of Nicolás Maduro, the State of
107 Qatar, or the Syrian Arab Republic, including any agency of or
108 any other entity under significant control of such foreign
109 country of concern.

110 (d) "Foreign-supported political organization" means a
111 political party or a domestic partnership, an association, a
112 corporation, an organization, or any other business entity that
113 engages in political activity within the state and that:

114 1. Has its principal place of business in a foreign
115 country of concern; or

116 2. Is at least 20 percent beneficially owned by a foreign
117 country of concern, a nonresident alien from a foreign country
118 of concern, or an entity organized under the law of or having
119 its principal place of business in a foreign country of concern.

120 (e) "Payment" includes compensation and disbursement made
121 in any form, including, but not limited to, contributions,
122 income, money, tangible property, and intangible property.

123 (f) "Political activity" means an activity that is
124 performed to:

125 1. Influence an agency, a public official, or a local

126 governmental entity;
 127 2. Influence the public in creating, adopting, or changing
 128 state laws or government policies;
 129 3. Support or oppose a candidate for office;
 130 4. Influence the outcome of an election; or
 131 5. Support or oppose any issue.
 132 (2) (a) A person who becomes an agent of a foreign country
 133 of concern must, within 10 days after becoming such an agent,
 134 register with the division. The registration must be signed
 135 under oath.
 136 (b) The division shall create a form for the registration
 137 required under paragraph (a). Such form must require, at a
 138 minimum, all of the following information:
 139 1. The registrant's name.
 140 2. The address of the registrant's primary residence and
 141 all other addresses associated with the registrant.
 142 3. The name and address of the registrant's principal
 143 place of business.
 144 4. A detailed statement describing the nature of the
 145 registrant's business.
 146 5. The name of each foreign country of concern for whom
 147 the registrant is acting, is assuming or purporting to act, or
 148 has agreed to act.
 149 6. A detailed statement describing the nature of the work
 150 and the character of the business or other activities of each

151 foreign country of concern identified in subparagraph 5.

152 7. A statement detailing each time the registrant received
153 a payment from a foreign country of concern identified in
154 subparagraph 5. within the previous 90 days. The statement must
155 identify the amount of the payment and the nature of such
156 payment.

157 8. The total amount of such payments the registrant has
158 received within the previous 90 days from a foreign country of
159 concern identified in subparagraph 5.

160 9. A detailed statement of every activity the registrant,
161 or a person acting on behalf of the registrant, is performing,
162 has performed, or has agreed to perform on behalf of a foreign
163 country of concern identified in subparagraph 5.

164 10. If the registrant is also engaged in political
165 activity on behalf of a person who is not associated with a
166 foreign country of concern but who is an agent of a foreign
167 country of concern, the registrant must include all of the
168 following information:

169 a. The name, employer, business and residence addresses,
170 and, if applicable, nationality of such person.

171 b. A detailed statement of every activity the registrant,
172 or a person acting on behalf of the registrant, is performing,
173 has performed, or has agreed to perform on behalf of such
174 person.

175 c. A statement detailing each time the registrant received

176 a payment from such person within the previous 90 days. The
177 statement must identify the amount of the payment and the nature
178 of such payment.

179 11. A detailed statement of the payments made by the
180 registrant during the previous 90 days in connection with
181 actions taken by the registrant as an agent of, on behalf of, or
182 in furtherance of the goals of a foreign country of concern or a
183 person identified in subparagraph 10.

184 12. A detailed statement of any payments relating to
185 political activity made by the registrant during the previous 90
186 days.

187 (c) A registrant must update the information required
188 under paragraph (b) at least every 90 days.

189 (d) A person must register as an agent of a foreign
190 country of concern for any period of time he or she was engaged
191 in such position.

192 (3) (a) On or before January 1, 2027, each foreign-
193 supported political organization must register with the
194 division.

195 (b) The division shall create a form for the registration
196 required under paragraph (a). The form must require, at minimum,
197 all of the following information:

198 1. The organization's name and mailing address and the
199 address of any physical office.

200 2. The names, titles, and addresses of any officers or

201 directors of the organization.

202 3. A detailed statement of any payments made by the
 203 organization that would constitute political activity during the
 204 previous calendar year.

205 4. A detailed statement of any payments made to, or
 206 received by, the organization from a foreign country of concern
 207 or an agent of a foreign country of concern during the previous
 208 calendar year.

209 (c) An organization must update the information required
 210 under paragraph (b) at least every 90 days.

211 (4) Upon finding a violation of this section, in addition
 212 to the remedies provided in ss. 106.265 and 106.27, the Florida
 213 Elections Commission may assess the following penalties:

214 (a) For any willful violation, a fine of up to \$500 per
 215 violation.

216 (b) For any repeated willful violation, a fine of up to
 217 \$2,000 per violation.

218 **Section 3. Subsections (1) and (2) of section 112.313,**
 219 **Florida Statutes, are amended to read:**

220 112.313 Standards of conduct for public officers,
 221 employees of agencies, and local government attorneys.—

222 (1) DEFINITIONS ~~DEFINITION~~.—As used in this section,
 223 unless the context otherwise requires, the term:

224 (a) "Designated foreign terrorist organization" has the
 225 same meaning as in s. 775.32.

226 (b) "Foreign country of concern" has the same meaning as
227 in s. 286.101(1).

228 (c) "Public officer" includes any person elected or
229 appointed to hold office in any agency, including any person
230 serving on an advisory body.

231 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

232 (a) A ~~Ne~~ public officer, an employee of an agency, a local
233 government attorney, or a candidate for nomination or election
234 may not ~~shall~~ solicit or accept anything of value to the
235 recipient, including a gift, loan, reward, promise of future
236 employment, favor, or service, based upon any understanding that
237 the vote, official action, or judgment of the public officer,
238 employee, local government attorney, or candidate would be
239 influenced thereby.

240 (b) A public officer, an employee of an agency, a local
241 government attorney, or a candidate for nomination or election
242 may not solicit or accept anything of value to the recipient,
243 including a gift, loan, reward, promise of future employment,
244 favor, or service, for any purpose, from a designated foreign
245 terrorist organization, a foreign country of concern or any of
246 its subdivisions, or any person or entity representing or acting
247 on behalf of a designated foreign terrorist organization or
248 foreign country of concern or any of its subdivisions.

249 **Section 4. Paragraph (e) of subsection (2) of section**
250 **112.3142, Florida Statutes, is amended to read:**

251 112.3142 Ethics training for specified constitutional
252 officers, elected municipal officers, commissioners of community
253 redevelopment agencies, and elected local officers of
254 independent special districts.—

255 (2)

256 (e) The commission shall adopt rules establishing minimum
257 course content for the portion of an ethics training class which
258 addresses s. 8, Art. II of the State Constitution and the Code
259 of Ethics for Public Officers and Employees. By November 1,
260 2026, the commission shall adopt revised rules to supplement the
261 minimum course content, including all of the following:

262 1. Known efforts by foreign countries of concern to target
263 and influence subnational governments, including, but not
264 limited to, the Chinese Communist Party's United Front strategy.

265 2. How to identify, recognize, and report suspected
266 foreign influence campaigns.

267 3. Prohibitions on receiving gifts from foreign countries
268 of concern as defined in s. 286.101(1) or designated foreign
269 terrorist organizations as defined in s. 775.32(1).

270 **Section 5. Section 205.0532, Florida Statutes, is amended**
271 **to read:**

272 205.0532 Revocation or refusal to renew; doing business
273 with Cuba.—

274 (1) Any appropriate tax collector or local governing
275 authority issuing a business tax receipt to any individual,

276 business, or entity under this chapter may revoke or refuse to
 277 renew such receipt if the individual, business, or entity, ~~or~~
 278 ~~parent company of such individual, business, or entity,~~ is doing
 279 business with Cuba in violation of federal law.

280 (2) Any appropriate tax collector or local governing
 281 authority may request a sworn affidavit or declaration from any
 282 individual, business, or entity attesting to whether the
 283 individual, business, or entity is doing business with Cuba in
 284 violation of federal law.

285 (3) A person who knowingly makes a false declaration under
 286 subsection (2) is guilty of the crime of perjury by false
 287 written declaration, a felony of the third degree, punishable as
 288 provided in s. 775.082, s. 775.083, or s. 775.084.

289 **Section 6. Paragraphs (b), (c), and (d) of subsection (1)**
 290 **of section 287.138, Florida Statutes, are redesignated as**
 291 **paragraphs (a), (b), and (c), respectively, and present**
 292 **paragraphs (a) and (c) of subsection (1) and subsections (2),**
 293 **(3), and (4) of that section are amended, to read:**

294 287.138 Contracting with entities of foreign sources
 295 ~~eountries~~ of concern prohibited.—

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

297 ~~(a) "Controlling interest" means possession of the power~~
 298 ~~to direct or cause the direction of the management or policies~~
 299 ~~of a company, whether through ownership of securities, by~~
 300 ~~contract, or otherwise. A person or entity that directly or~~

301 ~~indirectly has the right to vote 25 percent or more of the~~
302 ~~voting interests of the company or is entitled to 25 percent or~~
303 ~~more of its profits is presumed to possess a controlling~~
304 ~~interest.~~

305 (b)(e) "Foreign source country of concern" has the same
306 meaning as in s. 496.404 ~~means the People's Republic of China,~~
307 ~~the Russian Federation, the Islamic Republic of Iran, the~~
308 ~~Democratic People's Republic of Korea, the Republic of Cuba, the~~
309 ~~Venezuelan regime of Nicolás Maduro, or the Syrian Arab~~
310 ~~Republic, including any agency of or any other entity of~~
311 ~~significant control of such foreign country of concern.~~

312 (2)(a) A governmental entity may not knowingly enter into
313 a contract with a foreign source of concern if the contract an
314 ~~entity which~~ would give access to an individual's personal
315 identifying information.

316 (b) A governmental entity may not knowingly enter into a
317 contract for information technology as defined in s. 282.0041
318 with a foreign source of concern, or through a third-party
319 seller when the information technology is designed,
320 manufactured, or assembled by a foreign source of concern, or
321 for any services relating to information technology with a
322 foreign source of concern if:

323 ~~(a) The entity is owned by the government of a foreign~~
324 ~~country of concern;~~

325 ~~(b) The government of a foreign country of concern has a~~

326 ~~controlling interest in the entity; or~~

327 ~~(c) The entity is organized under the laws of or has its~~
328 ~~principal place of business in a foreign country of concern.~~

329 (3) Beginning July 1, 2026 ~~2025~~, a governmental entity may
330 not extend or renew a contract with a foreign source of concern
331 ~~an entity listed in paragraphs (2) (a) - (c)~~ if the contract would
332 give such foreign source of concern ~~entity~~ access to an
333 individual's personal identifying information or if the contract
334 involves information technology.

335 (4) (a) Beginning July 1, 2026 ~~January 1, 2024~~, a
336 governmental entity may not accept a bid on, a proposal for, or
337 a reply to, or enter into, a contract with an entity which would
338 grant the entity access to an individual's personal identifying
339 information or involve information technology unless the entity
340 provides the governmental entity with an affidavit signed by an
341 officer or representative of the entity under penalty of perjury
342 attesting that the entity is not a foreign source of concern
343 ~~does not meet any of the criteria in paragraphs (2) (a) - (c)~~.

344 (b) Beginning July 1, 2026 ~~2025~~, when an entity extends or
345 renews a contract with a governmental entity which would grant
346 the entity access to an individual's personal identifying
347 information or which involves information technology, the entity
348 must provide the governmental entity with an affidavit signed by
349 an officer or representative of the entity under penalty of
350 perjury attesting that the entity is not a foreign source of

351 ~~concern does not meet any of the criteria in paragraphs (2) (a)~~
352 ~~(e).~~

353 **Section 7. Paragraph (a) of subsection (3) of section**
354 **288.816, Florida Statutes, is amended, and subsection (7) is**
355 **added to that section, to read:**

356 288.816 Intergovernmental relations.—

357 (3) The state protocol officer may:

358 (a) Coordinate and carry out activities designed to
359 encourage the state and its subdivisions to participate in
360 sister city and sister state affiliations with foreign countries
361 and their subdivisions. Such activities may include a State of
362 Florida sister cities conference. Such activities may not
363 include encouragement of any affiliations with foreign countries
364 of concern as defined in s. 288.860(1) or their subdivisions.

365 (7) The department shall publish on its website, to be
366 updated quarterly, the following information:

367 (a) A current and accurate list of all foreign consulate
368 offices.

369 (b) A current and accurate list of all sister city and
370 sister state affiliations, including a copy of all such
371 agreements.

372 **Section 8. Subsections (6) and (7) of section 288.8175,**
373 **Florida Statutes, are renumbered as subsections (5) and (6),**
374 **respectively, subsections (3), (4), and (5) are amended, and a**
375 **new subsection (7) is added to that section, to read:**

376 288.8175 Linkage institutes between postsecondary
 377 institutions in this state and foreign countries.—

378 (3) Each institute must be co-administered in this state
 379 by a university-community college partnership, ~~as designated in~~
 380 ~~subsection (5),~~ and must have a private sector and public sector
 381 advisory committee. The advisory committee must be
 382 representative of the international education and commercial
 383 interests of the state and may have members who are native to
 384 the foreign country partner. Six members must be appointed by
 385 the Department of Education. The Department of Education must
 386 appoint at least one member who is an international educator.
 387 The presidents, or their designees, of the participating
 388 university and community college must also serve on the advisory
 389 committee.

390 (4) The institutes are:

391 (a) Florida-Brazil Institute (University of Florida and
 392 Miami Dade College).

393 (b) Florida-Costa Rica Institute (Florida State University
 394 and Valencia College).

395 (c) Florida Caribbean Institute (Florida International
 396 University and Daytona State College).

397 (d) Florida-Canada Institute (University of Central
 398 Florida and Palm Beach State College).

399 ~~(e) Florida-China Institute (University of West Florida,~~
 400 ~~University of South Florida, and Eastern Florida State College).~~

401 (e)~~(f)~~ Florida-Japan Institute (University of South
402 Florida, University of West Florida, and St. Petersburg
403 College).

404 (f)~~(g)~~ Florida-France Institute (New College of the
405 University of South Florida, Miami Dade College, and Florida
406 State University).

407 (g)~~(h)~~ Florida-Israel Institute (Florida Atlantic
408 University and Broward College).

409 (h)~~(i)~~ Florida-West Africa Institute (Florida Agricultural
410 and Mechanical University, University of North Florida, and
411 Florida State College at Jacksonville).

412 (i)~~(j)~~ Florida-Eastern Europe Institute (University of
413 Central Florida and Lake-Sumter State College).

414 (j)~~(k)~~ Florida-Mexico Institute (Florida International
415 University and Polk State College).

416 ~~(5) Each institute is allowed to exempt from s. 1009.21 up
417 to 25 full-time equivalent students per year from the respective
418 host countries to study in any of the state universities or
419 community colleges in this state as resident students for
420 tuition purposes. The institute directors shall develop
421 criteria, to be approved by the Department of Education, for the
422 selection of these students. Students must return home within 3
423 years after their tenure of graduate or undergraduate study for
424 a length of time equal to their exemption period.~~

425 (7) A linkage institute may not enter into any agreement

426 or participate in any activities with a foreign country of
 427 concern as defined in s. 288.860(1) or any organization in a
 428 foreign country of concern.

429 **Section 9. Subsection (2) of section 288.860, Florida**
 430 **Statutes, is amended to read:**

431 288.860 International cultural agreements.—

432 (2) (a) A state agency, political subdivision, or public
 433 school authorized to expend state-appropriated funds or levy ad
 434 valorem taxes may not participate in any agreement with or
 435 accept any grant from a foreign country of concern or its
 436 subdivisions, or any entity controlled by a foreign country of
 437 concern.

438 (b) All agreements under paragraph (a), including, but not
 439 limited to, sister city agreements, are terminated as of July 1,
 440 2026., which:

441 ~~(a) Constrains the freedom of contract of such public~~
 442 ~~entity;~~

443 ~~(b) Allows the curriculum or values of a program in the~~
 444 ~~state to be directed or controlled by the foreign country of~~
 445 ~~concern; or~~

446 ~~(c) Promotes an agenda detrimental to the safety or~~
 447 ~~security of the United States or its residents. Before the~~
 448 ~~execution of any cultural exchange agreement with a foreign~~
 449 ~~country of concern, the substance of the agreement must be~~
 450 ~~shared with federal agencies concerned with protecting national~~

451 ~~security or enforcing trade sanctions, embargoes, or other~~
452 ~~restrictions under federal law. If such federal agency provides~~
453 ~~information suggesting that such agreement promotes an agenda~~
454 ~~detrimental to the safety or security of the United States or~~
455 ~~its residents, the public entity may not enter into the~~
456 ~~agreement.~~

457 **Section 10. Subsection (1) of section 316.0078, Florida**
458 **Statutes, is amended to read:**

459 316.0078 Prohibition on contracting for camera systems of
460 vendors of foreign countries of concern.—

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

462 (a) "Controlling interest" means possession of the power
463 to direct or cause the direction of the management or policies
464 of a company, whether through ownership of securities, by
465 contract, or otherwise. A person or an entity that directly or
466 indirectly has 25 percent or more of the voting interests of a
467 company or is entitled to 25 percent or more of its profits is
468 presumed to possess a controlling interest. ~~and~~

469 (b) "Foreign country of concern" means the People's
470 Republic of China, the Russian Federation, the Islamic Republic
471 of Iran, the Democratic People's Republic of Korea, the Republic
472 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
473 Arab Republic, including any agency of or any other entity of
474 significant control of such foreign country of concern ~~have the~~
475 ~~same meanings as in s. 287.138(1).~~

476 **Section 11. Paragraphs (e) and (f) of subsection (14) of**
 477 **section 496.404, Florida Statutes, are amended, and paragraph**
 478 **(g) is added to that subsection, to read:**

479 496.404 Definitions.—As used in ss. 496.401-496.424, the
 480 term:

481 (14) "Foreign source of concern" means any of the
 482 following:

483 (e) An agent, including a subsidiary or an affiliate of a
 484 foreign legal entity, acting on behalf of a foreign source of
 485 concern; ~~or~~

486 (f) An entity in which a person, entity, or collection of
 487 persons or entities described in paragraphs (a)-(e) has a
 488 controlling interest. As used in this paragraph, the term
 489 "controlling interest" means the possession of the power to
 490 direct or cause the direction of the management or policies of
 491 an entity, whether through ownership of securities, by contract,
 492 or otherwise. A person or an entity that directly or indirectly
 493 has the right to vote 25 percent or more of the voting interest
 494 of the company or is entitled to 25 percent or more of its
 495 profits is presumed to possess a controlling interest; or

496 (g) A designated foreign terrorist organization as defined
 497 in s. 775.32(1) or an agent acting on behalf of a designated
 498 foreign terrorist organization.

499 **Section 12. Subsection (3) of section 692.201, Florida**
 500 **Statutes, is amended to read:**

501 692.201 Definitions.—As used in this part, the term:

502 (3) "Foreign country of concern" means the People's
503 Republic of China, the Russian Federation, the Islamic Republic
504 of Iran, the Democratic People's Republic of Korea, the Republic
505 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
506 Arab Republic, including any agency of or any other entity under
507 ~~of~~ significant control of such foreign country of concern.

508 **Section 13. Section 692.21, Florida Statutes, is created**
509 **to read:**

510 692.21 Protection of state critical infrastructure
511 facilities from foreign source of concern.—

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

513 (a) "Business entity" has the same meaning as in s.
514 112.312.

515 (b) "Foreign source of concern" has the same meaning as in
516 s. 496.404.

517 (c) "Governmental entity" has the same meaning as in s.
518 287.138(1).

519 (2) (a) A governmental entity or a business entity
520 constructing, repairing, operating, or otherwise having
521 significant access to a critical infrastructure facility may not
522 enter into a contract or other agreement relating to a critical
523 infrastructure facility in this state with a foreign source of
524 concern if the contract or agreement authorizes the foreign
525 source of concern to directly or remotely access or otherwise

526 control such critical infrastructure facility.

527 (b) A foreign source of concern may not enter into a
528 contract or other agreement relating to critical infrastructure
529 facilities in this state with a business entity constructing,
530 repairing, operating, or otherwise having significant access to
531 critical infrastructure facilities, or a governmental entity, if
532 the contract or agreement authorizes the foreign source of
533 concern to directly or remotely access or otherwise control such
534 critical infrastructure facility.

535 (3)(a) Beginning January 1, 2027, a business entity
536 constructing, repairing, operating, or otherwise having
537 significant access to a critical infrastructure facility in this
538 state which entered into a contract or other agreement before
539 July 1, 2026, with a foreign source of concern relating to such
540 critical infrastructure facility must register with the
541 Department of Commerce by January 1 of each year for the
542 remainder of the term of the contract or agreement with the
543 foreign source of concern relating to such critical
544 infrastructure facility. The Department of Commerce shall adopt
545 a registration form that includes all of the following:

546 1. The name of the business entity constructing,
547 repairing, operating, or otherwise having significant access to
548 critical infrastructure facilities in this state.

549 2. The address of the critical infrastructure facility the
550 business entity is constructing, repairing, or operating or to

551 which the business entity otherwise has significant access.

552 3. A description of the specific terms of the contract or
553 agreement which authorizes a foreign source of concern to engage
554 in constructing, repairing, or operating or to otherwise have
555 significant access to such critical infrastructure facility.

556 (b) A business entity that violates paragraph (a):

557 1. Is subject to a civil penalty of \$1,000 for each day
558 the violation continues.

559 2. Commits a misdemeanor of the second degree, punishable
560 as provided in s. 775.082 or s. 775.083.

561 (4) Before commencing any sale or other transfer of
562 control of a critical infrastructure facility in this state, the
563 business entity selling or otherwise transferring control of
564 such critical infrastructure facility must provide an affidavit,
565 signed under penalty of perjury, to the Department of Commerce
566 attesting that the buyer or transferee is not a foreign source
567 of concern.

568 (5) Information technology as defined in s. 282.0041
569 produced or manufactured by a foreign source of concern or a
570 company under the direction or control of a foreign source of
571 concern may not be used in a critical infrastructure facility
572 located in or serving this state.

573 (6) The Department of Commerce shall adopt rules to
574 implement this section.

575 **Section 14. Section 775.08255, Florida Statutes, is**

576 **created to read:**

577 775.08255 Offenses by foreign agents; reclassification.—

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

579 (a) "Agent of a foreign government or designated foreign
580 terrorist organization" means a person acting on behalf of or
581 otherwise employed or controlled by a foreign government or a
582 designated foreign terrorist organization.

583 (b) "Designated foreign terrorist organization" has the
584 same meaning as provided in s. 775.32(1).

585 (c) "Foreign government" has the same meaning as provided
586 in s. 286.101(1).

587 (2) The penalty for any misdemeanor or felony may be
588 reclassified if the commission of such misdemeanor or felony was
589 for the purpose of benefiting, promoting, or furthering the
590 interests of a foreign government, a designated foreign
591 terrorist organization, or an agent of a foreign government or
592 designated foreign terrorist organization. The reclassification
593 is as follows:

594 (a) A misdemeanor of the second degree is reclassified to
595 a misdemeanor of the first degree.

596 (b) A misdemeanor of the first degree is reclassified to a
597 felony of the third degree.

598 (c) A felony of the third degree is reclassified to a
599 felony of the second degree.

600 (d) A felony of the second degree is reclassified to a

601 felony of the first degree.

602 (e) A felony of the first degree is reclassified to a life
603 felony.

604 (3) In addition to any other penalties prescribed by law,
605 a person convicted of a felony of the first degree or a life
606 felony under this section shall be sentenced to a minimum term
607 of imprisonment of 15 years.

608 **Section 15. Section 775.36, Florida Statutes, is created**
609 **to read:**

610 775.36 Unauthorized enforcement of foreign law.—

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

612 (a) "Agent of a foreign government or designated foreign
613 terrorist organization" means a person acting on behalf of or
614 otherwise employed or controlled by a foreign government or a
615 designated foreign terrorist organization.

616 (b) "Designated foreign terrorist organization" has the
617 same meaning as provided in s. 775.32(1).

618 (c) "Foreign government" has the same meaning as in s.
619 286.101(1).

620 (2) Without the approval of this state or the United
621 States, a person may not:

622 (a) Prevent another person in this state from violating
623 the laws of a foreign government which are not also the laws of
624 this state or the United States; or

625 (b) Investigate, monitor, or surveil another person in

626 this state for the purpose of preventing the other person from
627 violating the laws of a foreign government which are not also
628 the laws of this state or the United States.

629 (3) A person who violates this section commits a felony of
630 the third degree, punishable as provided in s. 775.082, s.
631 775.083, or s. 775.084. However, a person who violates this
632 section for the purpose of benefiting, promoting, or furthering
633 the interests of a foreign government, a designated foreign
634 terrorist organization, or an agent of a foreign government or
635 designated foreign terrorist organization commits a felony of
636 the second degree, punishable as provided in s. 775.082, s.
637 775.083, or s. 775.084.

638 **Section 15. Paragraph (a) of subsection (7) of section**
639 **282.802, Florida Statutes, is amended to read:**

640 282.802 Government Technology Modernization Council.—

641 (7) (a) The council shall meet at least quarterly to:

642 1. Recommend legislative and administrative actions that
643 the Legislature and state agencies as defined in s. 282.318(2)
644 may take to promote the development of data modernization in
645 this state.

646 2. Assess and provide guidance on necessary legislative
647 reforms and the creation of a state code of ethics for
648 artificial intelligence systems in state government.

649 3. Assess the effect of automated decision systems or
650 identity management on constitutional and other legal rights,

651 duties, and privileges of residents of this state.

652 4. Evaluate common standards for artificial intelligence
653 safety and security measures, including the benefits of
654 requiring disclosure of the digital provenance for all images
655 and audio created using generative artificial intelligence as a
656 means of revealing the origin and edit of the image or audio, as
657 well as the best methods for such disclosure.

658 5. Assess the manner in which governmental entities and
659 the private sector are using artificial intelligence with a
660 focus on opportunity areas for deployments in systems across
661 this state.

662 6. Determine the manner in which artificial intelligence
663 is being exploited by bad actors, including foreign countries of
664 concern as defined in s. 286.101(1) ~~s. 287.138(1)~~.

665 7. Evaluate the need for curriculum to prepare school-age
666 audiences with the digital media and visual literacy skills
667 needed to navigate the digital information landscape.

668 **Section 17.** This act shall take effect July 1, 2026.

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 112.3135, F.S.; authorizing a
4 public official to take specified actions in relation
5 to the employment of a relative as a firefighter;
6 amending s. 215.422, F.S.; revising the Chief
7 Financial Officer's rulemaking authority; amending s.
8 215.5586, F.S.; defining terms; revising eligibility
9 requirements for a hurricane mitigation inspection
10 under the My Safe Florida Home Program; revising the
11 circumstances under which applicants may submit a
12 subsequent hurricane mitigation inspection; deleting
13 the requirement that licensed inspectors must
14 determine mitigation measures during initial
15 inspections of eligible homes; deleting inspectors'
16 authorization to inspect townhouses; revising the
17 criteria for eligibility for a hurricane mitigation
18 grant; revising the grant's applicant requirements;
19 revising the improvements that grants may be used for;
20 requiring that improvements be identified in the final
21 hurricane mitigation inspection to receive grant
22 funds; deleting a provision related to grants for
23 townhouses; authorizing the program to accept a
24 specified certification directly from applicants;
25 requiring applicants who receive grants to finalize

26 construction and request a final inspection within a
27 specified timeframe; specifying that an application is
28 deemed abandoned, rather than withdrawn, under certain
29 circumstances; requiring the department to notify an
30 applicant within a specified time period before an
31 application is be deemed abandoned; authorizing the
32 applicant to submit a subsequent application in
33 certain circumstances; authorizing the department to
34 determine that an application is not abandoned in
35 certain circumstances; amending s. 215.96, F.S.;
36 revising the composition of the coordinating council;
37 deleting a requirement for the design and coordination
38 staff; requiring minutes of meetings to be available
39 to interested persons; revising the composition of ex
40 officio members of the council; revising the duties,
41 powers, and responsibilities of the council; amending
42 s. 284.08, F.S.; authorizing the department to
43 determine what property insurance coverage is
44 necessary; authorizing the department to purchase
45 certain insurance coverages; authorizing the
46 department to contract with insurance or reinsurance
47 brokers for certain purposes; amending s. 284.33,
48 F.S.; authorizing the department to purchase certain
49 insurance coverages; authorizing the department to
50 contract with insurance or reinsurance brokers for

51 certain purposes; amending s. 440.13, F.S.; revising
52 the timeframe in which health care providers must
53 petition the department to resolve utilization and
54 reimbursement disputes; revising petition service
55 requirements; revising the timeframe in which the
56 panel determining the statewide schedule of maximum
57 reimbursement allowances must submit certain
58 recommendations to the Legislature; creating s.
59 497.1411, F.S.; defining the term "applicant";
60 specifying that certain applicants are permanently
61 barred from licensure; specifying that certain
62 applicants are subject to disqualifying periods;
63 requiring the Board of Funeral, Cemetery, and Consumer
64 Services to adopt rules; specifying requirements,
65 authorizations, and prohibitions for such rules;
66 specifying when a disqualifying period begins;
67 specifying that the applicant has certain burdens to
68 demonstrate that he or she is qualified for licensure;
69 specifying that certain applicants who have been
70 granted a pardon or restoration of civil rights are
71 not barred or disqualified from licensure; specifying
72 that such pardon or restoration does not require the
73 board to award a license; authorizing the board to
74 grant an exemption from disqualification under certain
75 circumstances; specifying requirements for the

76 applicant in order for the board to grant an
77 exemption; specifying that the board has discretion to
78 grant or deny an exemption; specifying that certain
79 decisions are subject to ch. 120, F.S.; providing
80 applicability and construction; amending s. 497.142,
81 F.S.; prohibiting an application from being deemed
82 complete under certain circumstances; revising the
83 list of crimes to be disclosed on a license
84 application; amending s. 626.171, F.S.; deleting
85 reinsurance intermediaries from certain application
86 requirements; revising the list of persons from whom
87 the department is required to accept uniform
88 applications; making clarifying changes regarding the
89 voluntary submission of cellular telephone numbers;
90 revising the exemption from the application filing fee
91 for members of the United States Armed Forces;
92 amending s. 626.292, F.S.; revising applicant
93 requirements for a license transfer; amending s.
94 626.611, F.S.; requiring the department to require
95 license reexamination of certain persons, and suspend
96 or revoke the eligibility to hold a license or
97 appointment of such persons under certain
98 circumstances; amending the grounds for suspension or
99 revocation; amending 626.621, F.S.; authorizing the
100 department to require an reexamination of certain

101 persons; amending s. 626.731, F.S.; revising the
102 qualifications for a general lines agent's license;
103 amending s. 626.785, F.S.; revising the qualifications
104 for a life agent's license; amending s. 626.831, F.S.;
105 revising the qualifications for a health agent's
106 license; amending s. 626.854, F.S.; requiring a public
107 adjuster, public adjuster apprentice, or public
108 adjusting firm to respond with specific information
109 within a specified timeframe and document in the file
110 the response or information provided; amending s.
111 648.34, F.S.; revising requirements for bail bond
112 agent applicants; amending s. 648.382, F.S.; requiring
113 officers or officials of the appointing insurer to
114 obtain, rather than submit, certain information;
115 amending s. 717.001, F.S.; revising the short title;
116 amending s. 717.101, F.S.; revising and adding
117 definitions; amending s. 717.102, F.S.; providing that
118 certain intangible property is presumed abandoned;
119 deleting a provision relating to the presumption that
120 certain intangible property is presumed unclaimed;
121 specifying the dormancy period for property presumed
122 abandoned; requiring that property be considered
123 payable or distributable under certain circumstances;
124 deleting a provision relating to when property is
125 payable or distributable; revising a presumption;

126 providing that property shall be presumed abandoned
127 under certain circumstances; providing an exception;
128 amending s. 717.103, F.S.; requiring that intangible
129 property be subject to the custody of the department
130 under certain circumstances; amending criteria for
131 when intangible property is subject to the custody of
132 the department; repealing s. 717.1035, F.S., relating
133 to property originated or issued by this state, any
134 political subdivision of this state, or any entity
135 incorporated, organized, created, or otherwise located
136 in the state; amending ss. 717.104, 717.1045, 717.105,
137 717.106, 717.107, 717.1071, 717.108, and 717.109,
138 F.S.; conforming provisions to changes made by the
139 act; amending s. 717.1101, F.S.; revising the
140 timelines and conditions under which stock, other
141 equity interests, or debt of a business association is
142 considered abandoned; requiring the holder to attempt
143 to confirm the apparent owner's interest in the equity
144 interest by sending an e-mail communication under
145 certain circumstances; requiring the holder to attempt
146 to contract the apparent owner by first-class United
147 States mail under certain circumstances; specifying
148 that equity interest is presumed abandoned under
149 certain circumstances; revising when unmatured,
150 unredeemed, matured, or redeemed debt is presumed

151 abandoned; specifying that the applicable dormancy
152 period ceases under certain circumstances; revising
153 the timeframe that a sum held or owing by a business
154 association is presumed abandoned; amending ss.
155 717.111, 717.112, 717.1125, 717.113, 717.115, and
156 717.116, F.S.; conforming provisions to changes made
157 by the act; amending s. 717.117, F.S.; specifying that
158 property is presumed abandoned upon the expiration of
159 the applicable dormancy periods; specifying that
160 property is not deemed abandoned for certain purposes
161 until the holder meets certain requirements; requiring
162 holders of property presumed abandoned that has a
163 specified value to use due diligence to locate and
164 notify the apparent owner; requiring, before a
165 specified timeframe, a holder in possession of
166 presumed abandoned property to send a specified
167 written notice to the apparent owner; specifying the
168 method of delivery of such notice; requiring, before a
169 specified timeframe, the holder to send a second
170 written notice under certain circumstances;
171 authorizing the reasonable cost for the notice to be
172 deducted from the property; specifying that a signed
173 return receipt constitutes an affirmative
174 demonstration of continued interest; specifying
175 requirements of the written notice; requiring holders

176 of abandoned property to submit a specified report to
177 the department; prohibiting certain balances,
178 overpayments, deposits, and refunds from being
179 reported as abandoned property; prohibiting certain
180 securities from being included in the report;
181 requiring the holder to report and deliver such
182 securities under certain circumstances; requiring the
183 report to be signed and verified and contain a
184 specified statement; deleting certain provisions
185 relating to the due diligence and notices to apparent
186 owners; amending s. 717.118, F.S.; revising the
187 state's obligation to notify apparent owners that
188 their abandoned property has been reported and
189 remitted to the department; requiring the department
190 to use a cost-effective means to make an attempt to
191 notify certain apparent owners; specifying
192 requirements for the notice; requiring the department
193 to maintain a specified website; revising
194 applicability; amending s. 717.119, F.S.; conforming
195 provisions to changes made by the act; revising
196 requirements for firearm or ammunition found in an
197 abandoned safe-deposit box or safekeeping repository;
198 revising requirements if a will or trust instrument is
199 included among the contents of an abandoned safe-
200 deposit box or safekeeping repository; amending ss.

201 717.1201 and 717.122, F.S.; conforming provisions to
 202 changes made by the act; amending s. 717.123, F.S.;
 203 conforming provisions to changes made by the act;
 204 revising the name of a certain trust fund; revising
 205 the amount the department must retain from certain
 206 funds received; revising a required transfer of funds
 207 to the State School Fund; amending s. 717.1235, F.S.;
 208 conforming provisions to changes made by the act;
 209 amending s. 717.124, F.S.; conforming provisions to
 210 changes made by the act; deleting provisions related
 211 to requirements of claimant's representatives;
 212 specifying that the department is authorized to make a
 213 distribution of property or money in accordance with a
 214 specified agreement under certain circumstances;
 215 requiring shares of securities to be delivered
 216 directly to the claimant under certain circumstances;
 217 deleting a provision authorizing the department to
 218 develop a process by which a buyer of unclaimed
 219 property may electronically submit certain images and
 220 documents; deleting provisions relating to a buyer of
 221 unclaimed property's filing of a claim; amending s.
 222 717.12403, F.S.; conforming provisions to changes made
 223 by the act; amending s. 717.12404, F.S.; requiring
 224 claims on behalf of an active corporation to include a
 225 specified driver license; conforming provisions to

226 changes made by the act; amending ss. 717.12405 and
227 717.12406, F.S.; conforming provisions to changes made
228 by the act; amending s. 717.1241, F.S.; defining the
229 term "conflicting claim"; conforming provisions to
230 changes made by the act; revising requirements for
231 remitting property when conflicting claims have been
232 received by the department; amending ss. 717.1242,
233 717.1243, 717.1244, 717.1245, 717.125, 717.126,
234 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and
235 717.132, F.S.; conforming provisions to changes made
236 by the act; amending s. 717.1322, F.S.; revising the
237 acts that constitute grounds for administrative
238 enforcement action by the department; conforming
239 provisions to changes made by the act; amending ss.
240 717.133, 717.1333, and 717.1341, F.S.; conforming
241 provisions to changes made by the act; amending s.
242 717.135, F.S.; conforming provisions to changes made
243 by the act; deleting applicability; creating s.
244 717.1356, F.S.; specifying that agreements for the
245 purchase of abandoned property reported to the
246 department are valid only under certain circumstances;
247 authorizing the seller to cancel a purchase agreement
248 without penalty or obligation within a specified
249 timeframe; specifying that the agreement must contain
250 certain language; requiring a copy of an executed

251 Florida Abandoned Property Purchase Agreement be filed
252 with the purchaser's claim; prohibiting the department
253 from approving the claim under certain circumstances;
254 specifying that certain purchase agreements are
255 enforceable only by the seller; amending s. 717.138,
256 F.S.; conforming provisions to changes made by the
257 act; amending s. 717.1382, F.S.; conforming provisions
258 to changes made by the act; conforming a cross-
259 reference; amending s. 717.139, F.S.; providing
260 legislative findings; revising a statement of public
261 policy; deleting a legislative declaration; providing
262 legislative intent; prohibiting title to abandoned
263 property from transferring to the state except under
264 certain circumstances; amending s. 717.1400, F.S.;
265 requiring an individual to meet certain requirements
266 in order to file claims as a claimant representative;
267 revising application requirements for registering as a
268 claimant representative; requiring claimant
269 representatives to file and obtain payment on a
270 specified number of claims within a specified
271 timeframe to maintain active registration; requiring
272 the department to notify the claimant representative
273 in writing and provide a certain timeframe to
274 demonstrate compliance or good cause for noncompliance
275 under certain circumstances; requiring the department

276 to revoke a registration under certain circumstances;
 277 prohibiting a claimant representative from reapplying
 278 under certain circumstances; amending ss. 197.582 and
 279 626.9541, F.S.; conforming cross-references;
 280 reenacting s. 772.13(6) (a), F.S., relating to
 281 postjudgment execution proceedings to enforce a
 282 judgment entered against a terrorist party, to
 283 incorporate the amendment made to s. 717.101, F.S., in
 284 a reference thereto; providing an effective date.
 285

286 Be It Enacted by the Legislature of the State of Florida:
 287

288 **Section 1. Paragraph (c) is added to subsection (2) of**
 289 **section 112.3135, Florida Statutes, to read:**

290 112.3135 Restriction on employment of relatives.—

291 (2)

292 (c) To aid the recruitment of firefighters within this
 293 state, notwithstanding paragraph (a), a public official may
 294 appoint, employ, promote, or advance, or advocate for the
 295 appointment, employment, promotion, or advancement of a relative
 296 as a firefighter as defined in s. 633.102 if such appointment,
 297 employment, promotion, or advancement is part of a competitive
 298 process provided for in a collective bargaining agreement.

299 **Section 2. Subsection (15) of section 215.422, Florida**
 300 **Statutes, is amended to read:**

301 215.422 Payments, warrants, and invoices; processing time
302 limits; dispute resolution; agency or judicial branch
303 compliance.—

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

312 **Section 3. Subsections (4) through (10) of section**
313 **215.5586, Florida Statutes, are renumbered as subsections (5)**
314 **through (11), respectively, paragraphs (a) through (e) of**
315 **subsection (1), subsections (2) and (3), paragraph (a) of**
316 **present subsection (8), and present subsection (10) are amended,**
317 **and a new subsection (4) is added to that section, to read:**

318 215.5586 My Safe Florida Home Program.—There is
319 established within the Department of Financial Services the My
320 Safe Florida Home Program. The department shall provide fiscal
321 accountability, contract management, and strategic leadership
322 for the program, consistent with this section. This section does
323 not create an entitlement for property owners or obligate the
324 state in any way to fund the inspection or retrofitting of
325 residential property in this state. Implementation of this

326 program is subject to annual legislative appropriations. It is
327 the intent of the Legislature that, subject to the availability
328 of funds, the My Safe Florida Home Program provide licensed
329 inspectors to perform hurricane mitigation inspections of
330 eligible homes and grants to fund hurricane mitigation projects
331 on those homes. The department shall implement the program in
332 such a manner that the total amount of funding requested by
333 accepted applications, whether for inspections, grants, or other
334 services or assistance, does not exceed the total amount of
335 available funds. If, after applications are processed and
336 approved, funds remain available, the department may accept
337 applications up to the available amount. The program shall
338 develop and implement a comprehensive and coordinated approach
339 for hurricane damage mitigation pursuant to the requirements
340 provided in this section.

341 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

345 b. "Detached" means a dwelling that does not share a wall
346 with another dwelling unit or building and has greater than zero
347 clearance between it and any other building. This term includes
348 a garage that is located under a contiguous roof with a
349 residence.

350 c. "Single-family" means a residence designed for and

351 containing only one dwelling unit.

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

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

358 (I) A detached residential property; or

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

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

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

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

372 2. An applicant may submit a subsequent hurricane
373 mitigation inspection application for the same home only if:

374 a. The original hurricane mitigation inspection
375 application has been denied or withdrawn because of material

376 errors or omissions in the application;

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

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

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

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

395 (d) Licensed inspectors are to provide initial ~~home~~
396 inspections of eligible homes to determine ~~what mitigation~~
397 ~~measures are needed,~~ what insurance premium discounts may be
398 available, and what improvements to existing residential
399 properties are needed to reduce the property's vulnerability to
400 hurricane damage. ~~An inspector may inspect a townhouse as~~

401 ~~defined in s. 481.203 to determine if opening protection~~
402 ~~mitigation as listed in subparagraph (2)(c)1. would provide~~
403 ~~improvements to mitigate hurricane damage.~~

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

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

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

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

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

422 (a) An applicant ~~A homeowner~~ is eligible for a hurricane
423 mitigation grant if all of the following criteria are met:

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

426 2. The home must be a dwelling with an insured value of
427 \$700,000 or less. Applicants ~~Homeowners~~ who are low-income
428 persons, as defined in s. 420.0004(11), are exempt from this
429 requirement.

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

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

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

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

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

447 b. The hurricane mitigation inspection must have occurred
448 within the previous 24 months from the date of application.

449 c. Notwithstanding subparagraph 2., applicants ~~homeowners~~
450 who are low-income persons, as defined in s. 420.0004(11), are

451 not exempt from the requirement that the home must be a dwelling
452 with an insured value of \$700,000 or less.

453 d. This subparagraph expires July 1, 2026.

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

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

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

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

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

473 3. A grant application must include a statement from the
474 applicant ~~homeowner~~ which contains the name and state license
475 number of the contractor that the applicant ~~homeowner~~

476 acknowledges as the intended contractor for the mitigation work.
 477 The program must ~~electronically~~ verify that the contractor's
 478 state license number is valid ~~accurate and up to date before~~
 479 ~~grant approval~~.

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

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

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

- 491 1. Opening protection improvements, including:
 - 492 a. Exterior doors.~~7~~
 - 493 b. Garage doors.~~7~~
 - 494 c. Windows.~~7~~ ~~and~~
 - 495 d. Skylights.
- 496 2. Roof improvements, including:
 - 497 a. Reinforcing roof-to-wall connections.
 - 498 b.~~3.~~ Improving the strength of roof-deck attachments.
 - 499 c.~~4.~~ Installing secondary water resistance for roof and
 500 replacing the roof covering.

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

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

511 (h) Low-income applicants ~~homeowners~~, as defined in s.
512 420.0004(11), who otherwise meet the applicable requirements of
513 this subsection are eligible for a grant of up to \$10,000 and
514 are not required to provide a matching amount to receive the
515 grant.

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

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

- 526 a. First, applications from low-income persons, as defined
527 in s. 420.0004, who are at least 60 years old;
- 528 b. Second, applications from all other low-income persons,
529 as defined in s. 420.0004;
- 530 c. Third, applications from moderate-income persons, as
531 defined in s. 420.0004, who are at least 60 years old;
- 532 d. Fourth, applications from all other moderate-income
533 persons, as defined in s. 420.0004; and
- 534 e. Last, all other applications.
- 535 3. The department shall start accepting inspection
536 applications and grant applications no earlier than the
537 effective date of a legislative appropriation funding
538 inspections and grants, as follows:
- 539 a. Initially, from applicants prioritized under sub-
540 subparagraph 2.a.;
- 541 b. From applicants prioritized under sub-subparagraph
542 2.b., beginning 15 days after the program initially starts
543 accepting applications;
- 544 c. From applicants prioritized under sub-subparagraph
545 2.c., beginning 30 days after the program initially starts
546 accepting applications;
- 547 d. From applicants described in sub-subparagraph 2.d.,
548 beginning 45 days after the program initially starts accepting
549 applications; and
- 550 e. From all other applicants, beginning 60 days after the

551 program initially starts accepting applications.

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

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

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

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

574 (4) ABANDONED APPLICATIONS.—The department must notify an
575 applicant at least 5 business days before an application is

576 deemed abandoned. If the applicant responds to such notification
577 within 5 business days after receiving the notice and
578 demonstrates good cause for why the application should not be
579 deemed abandoned, the applicant may submit a subsequent grant
580 application or the department may determine the application is
581 not abandoned.

582 (9)~~(8)~~ CONTRACT MANAGEMENT.—

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

593 (11)~~(10)~~ REPORTS.—The department shall make an annual
594 report on the activities of the program that shall account for
595 the use of state funds and indicate the number of inspections
596 requested, the number of inspections performed, the number of
597 grant applications received, the number and value of grants
598 approved, and the estimated average annual amount of insurance
599 premium discounts and total estimated annual amount of insurance
600 premium discounts applicants ~~homeowners~~ received from insurers

601 as a result of mitigation funded through the program. The report
602 must be delivered to the President of the Senate and the Speaker
603 of the House of Representatives by February 1 of each year.

604 **Section 4. Subsections (2) and (3) of section 215.96,**
605 **Florida Statutes, are amended to read:**

606 215.96 Coordinating council and design and coordination
607 staff.—

608 (2) The coordinating council shall consist of the Chief
609 Financial Officer; the Commissioner of Agriculture; the Attorney
610 General; the Secretary of Management Services; the state chief
611 information officer; the executive director of the Department of
612 Revenue; and the Director of Planning and Budgeting, Executive
613 Office of the Governor, or their designees. The Chief Financial
614 Officer, or his or her designee, shall be chair of the council,
615 and the design and coordination staff shall provide
616 administrative and clerical support to the council and the
617 board. ~~The design and coordination staff shall maintain the~~
618 ~~Minutes of each meeting shall be and make such minutes~~ available
619 to any interested person. The Auditor General, the State Courts
620 Administrator, ~~a an executive officer of the Florida Association~~
621 ~~of state agency administrative services~~ director selected by the
622 council Directors, and ~~a an executive officer of the Florida~~
623 ~~Association of state budget~~ officer selected by the council
624 ~~Officers,~~ or their designees, shall serve without voting rights
625 as ex officio members of the council. The chair may call

626 meetings of the council as often as necessary to transact
627 business; however, the council shall meet at least once a year.
628 Action of the council shall be by motion, duly made, seconded
629 and passed by a majority of the council voting in the
630 affirmative for approval of items that are to be recommended for
631 approval to the Financial Management Information Board.

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

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

644 (b) To conduct such studies and to establish committees,
645 workgroups, and teams to develop recommendations for rules,
646 policies, procedures, principles, and standards to the board as
647 necessary to assist the board in its efforts to design,
648 implement, and perpetuate a financial management information
649 system, including, but not limited to, the establishment of
650 common data codes, and the development of integrated financial

651 management policies that address the information and management
652 needs of the functional owner subsystems. The coordinating
653 council shall make available a copy of the approved plan in
654 writing or through electronic means to each of the coordinating
655 council members, the fiscal committees of the Legislature, and
656 any interested person.

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

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

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

675 **Section 5. Section 284.08, Florida Statutes, is amended to**

676 **read:**

677 284.08 Purchase of insurance, excess insurance,
 678 reinsurance, and services ~~Reinsurance on excess coverage and~~
 679 ~~approval by Department of Management Services.~~ Notwithstanding
 680 the requirements of s. 287.022(1), the Department of Financial
 681 Services shall determine what property insurance ~~excess~~ coverage
 682 is necessary and may purchase insurance, excess insurance, and
 683 reinsurance as necessary to provide insurance coverages
 684 authorized by this part ~~thereon upon approval by the Department~~
 685 ~~of Management Services.~~ The Department of Financial Services may
 686 contract with an insurance or reinsurance broker to market the
 687 insurance program and facilitate the purchase of insurance,
 688 excess insurance, and reinsurance on behalf of the department.

689 **Section 6. Section 284.33, Florida Statutes, is amended to**
 690 **read:**

691 284.33 Purchase of insurance, reinsurance, excess
 692 insurance, and services.—

693 (1) Notwithstanding the requirements of s. 287.022(1), the
 694 Department of Financial Services is authorized to purchase
 695 ~~provide~~ insurance, ~~specific~~ excess insurance, and reinsurance
 696 ~~aggregate excess insurance through the Department of Management~~
 697 ~~Services, pursuant to the provisions of part I of chapter 287,~~
 698 as necessary to provide insurance coverages authorized by this
 699 part, consistent with market availability. The Department of
 700 Financial Services may contract with an insurance or reinsurance

701 broker to market the insurance program and facilitate the
702 purchase of insurance, excess insurance, and reinsurance on
703 behalf of the department. ~~However,~~ The Department of Financial
704 Services may directly purchase annuities by using a structured
705 settlement insurance consulting firm selected by the department
706 to assist in the settlement of claims being handled by the
707 Division of Risk Management. The selection of the structured
708 settlement insurance services consultant shall be made by using
709 competitive sealed proposals. The consulting firm shall act as
710 an agent of record for the department in procuring the best
711 annuity products available to facilitate structured settlement
712 of claims, considering price, insurer financial strength, and
713 the best interests of the state risk management program.
714 Purchase of annuities by the department using a structured
715 settlement method is excepted from competitive sealed bidding or
716 proposal requirements. The Department of Financial Services is
717 further authorized to purchase such risk management services,
718 including, but not limited to, risk and claims control; safety
719 management; and legal, investigative, and adjustment services,
720 as may be required and pay claims. The department may contract
721 with a service organization for such services and advance money
722 to such service organization for deposit in a special checking
723 account for paying claims made against the state under ~~the~~
724 ~~provisions of~~ this part. The special checking account shall be
725 maintained in this state in a bank or savings association

726 organized under the laws of this state or of the United States.
727 The department may replenish such account as often as necessary
728 upon the presentation by the service organization of
729 documentation for payments of claims equal to the amount of the
730 requested reimbursement.

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

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

739 440.13 Medical services and supplies; penalty for
740 violations; limitations.—

741 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

742 (a) Any health care provider who elects to contest the
743 disallowance or adjustment of payment by a carrier under
744 subsection (6) must, within 60 ~~45~~ days after receipt of notice
745 of disallowance or adjustment of payment, petition the
746 department to resolve the dispute. The petitioner must serve, by
747 the United States Postal Service certified mail or by common
748 carrier with verifiable tracking methods, a copy of the petition
749 on the carrier and on all affected parties listed on the notice
750 of disallowance or adjustment ~~by certified mail~~. The petition

751 must be accompanied by all documents and records that support
752 the allegations contained in the petition. Failure of a
753 petitioner to submit such documentation to the department
754 results in dismissal of the petition.

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

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

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

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

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

771 4. Submit recommendations on or before January 15, 2031
772 2017, and every 5 years ~~biennially~~ thereafter, to the President
773 of the Senate and the Speaker of the House of Representatives on
774 methods to improve the workers' compensation health care
775 delivery system.

776
777 The department, as requested, shall provide data to the panel,
778 including, but not limited to, utilization trends in the
779 workers' compensation health care delivery system. The
780 department shall provide the panel with an annual report
781 regarding the resolution of medical reimbursement disputes and
782 any actions pursuant to subsection (8). The department shall
783 provide administrative support and service to the panel to the
784 extent requested by the panel. The department may adopt rules
785 pursuant to ss. 120.536(1) and 120.54 to implement this
786 subsection. For prescription medication purchased under the
787 requirements of this subsection, a dispensing practitioner shall
788 not possess such medication unless payment has been made by the
789 practitioner, the practitioner's professional practice, or the
790 practitioner's practice management company or employer to the
791 supplying manufacturer, wholesaler, distributor, or drug
792 repackager within 60 days of the dispensing practitioner taking
793 possession of that medication.

794 **Section 8. Section 497.1411, Florida Statutes, is created**
795 **to read:**

796 497.1411 Disqualification of applicants and licenses;
797 penalties against licensees; rulemaking.-

798 (1) For purposes of this section, the term "applicant"
799 means an individual applying for licensure or relicensure under
800 this chapter, or an officer, director, majority owner, partner,

801 manager, or other person who manages or controls an entity
802 applying for licensure or relicensure under this chapter.

803 (2) An applicant who has been found guilty of or has
804 pleaded guilty or nolo contendere to any of the following
805 offenses, regardless of adjudication, is permanently barred from
806 licensure under this chapter:

807 (a) A felony of the first degree.

808 (b) A felony involving conduct prohibited under chapter
809 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter
810 825, chapter 827, or chapter 847.

811 (c) A felony involving moral turpitude.

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

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

818 Notwithstanding subsection (4), an applicant who has completed
819 at least one-half of the disqualifying period may apply for a
820 probationary license for the remainder of the disqualifying
821 period if, during that time, the applicant has not been found
822 guilty of, or has not entered a plea of guilty or nolo
823 contendere to, any offense.

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

826 (4) The board shall adopt rules to administer this
827 section. Such rules must provide additional disqualifying
828 periods for applicants who have committed multiple criminal
829 offenses and may provide additional factors for disqualification
830 reasonably related to the applicant's criminal history. The
831 rules must also establish mitigating and aggravating factors.
832 However, mitigation may not reduce any disqualifying period to
833 less than 5 years and may not be applied to reduce the 5-year
834 disqualifying period provided in paragraph (3) (b) .

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

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

846 (7) Notwithstanding subsections (2) and (3), an applicant
847 who has been found guilty of, or has pleaded guilty or nolo
848 contendere to, a crime in subsection (2) or subsection (3), and
849 who has subsequently been granted a pardon or the restoration of
850 civil rights pursuant to chapter 940 and s. 8, Art. IV of the

851 State Constitution, or a pardon or the restoration of civil
852 rights under the laws of another jurisdiction with respect to a
853 conviction in that jurisdiction, is not barred or disqualified
854 from licensure under this chapter; however, such a pardon or
855 restoration of civil rights does not require the board to award
856 such license.

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

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

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

868 (b) For the board to grant an exemption under this
869 subsection, the applicant must clearly and convincingly
870 demonstrate that he or she would not pose a risk to persons or
871 property if licensed under this chapter, evidence of which must
872 include, but need not be limited to, facts and circumstances
873 surrounding the disqualifying offense, the time that has elapsed
874 since the offense, the nature of the offense and harm caused to
875 the victim, the applicant's history before and after the

876 offense, and any other evidence or circumstances indicating that
 877 the applicant will not present a danger if licensed or
 878 certified.

879 (c) The board has discretion whether to grant or deny an
 880 exemption under this subsection. The board's decision is subject
 881 to chapter 120.

882 (9) The disqualification periods provided in this section
 883 do not apply to the renewal of a license or to a new application
 884 for licensure if the applicant has an active license as of July
 885 1, 2026, and the applicable criminal history was considered by
 886 the board on the prior approval of any active license held by
 887 the applicant. This section does not affect any criminal history
 888 disclosure requirements of this chapter.

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

891 497.142 Licensing; fingerprinting and criminal background
 892 checks.—

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

901 authority may by rule require.

902 (10)

903 (c) Crimes to be disclosed are:

904 1. Any felony ~~or misdemeanor~~, no matter when committed,
 905 ~~that was directly or indirectly related to or involving any~~
 906 ~~aspect of the practice or business of funeral directing,~~
 907 ~~embalming, direct disposition, cremation, funeral or cemetery~~
 908 ~~preneed sales, funeral establishment operations, cemetery~~
 909 ~~operations, or cemetery monument or marker sales or~~
 910 ~~installation.~~

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

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

920 **Section 10. Section 626.171, Florida Statutes, is amended**
 921 **to read:**

922 626.171 Application for license as an agent, customer
 923 representative, adjuster, or service representative, ~~or~~
 924 ~~reinsurance intermediary.~~

925 (1) The department may not issue a license as agent,

926 customer representative, adjuster, or service representative, ~~or~~
927 ~~reinsurance intermediary~~ to any person except upon written
928 application filed with the department, meeting the
929 qualifications for the license applied for as determined by the
930 department, and payment in advance of all applicable fees. The
931 application must be made under the oath of the applicant and be
932 signed by the applicant. An applicant may permit a third party
933 to complete, submit, and sign an application on the applicant's
934 behalf, but is responsible for ensuring that the information on
935 the application is true and correct and is accountable for any
936 misstatements or misrepresentations. The department shall accept
937 the uniform application for resident and nonresident agent and
938 adjuster licensing. The department may adopt revised versions of
939 the uniform application by rule.

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

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

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

950 (c) Whether the applicant ~~he or she~~ has been refused or

951 has voluntarily surrendered or has had suspended or revoked a
 952 license to solicit insurance by the department or by the
 953 supervising officials of any state.

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

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

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

961 (g) The applicant's native language.

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

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

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

971
 972 However, the application must contain a statement that an
 973 applicant is not required to disclose his or her race or
 974 ethnicity, gender, or native language, that he or she will not
 975 be penalized for not doing so, and that the department will use

976 | this information exclusively for research and statistical
977 | purposes and to improve the quality and fairness of the
978 | examinations. The department may ~~shall~~ make provisions for
979 | applicants to voluntarily submit their cellular telephone
980 | numbers as part of the application process solely ~~on a voluntary~~
981 | ~~basis only~~ for the purpose of two-factor authentication of
982 | secure login credentials ~~only~~.

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

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

999 | (5) The application for license filing fee prescribed in
1000 | s. 624.501 is not subject to refund.

1001 (6) Members of the United States Armed Forces and their
 1002 spouses, and veterans of the United States Armed Forces who have
 1003 separated from service ~~within 24 months~~ before application for
 1004 licensure, are exempt from the application filing fee prescribed
 1005 in s. 624.501. Qualified individuals must provide a copy of a
 1006 military identification card, military dependent identification
 1007 card, military service record, military personnel file, veteran
 1008 record, discharge paper or separation document that indicates
 1009 such members are currently in good standing or such veterans
 1010 were honorably discharged.

1011 (7) Pursuant to the federal Personal Responsibility and
 1012 Work Opportunity Reconciliation Act of 1996, each party is
 1013 required to provide his or her social security number in
 1014 accordance with this section. Disclosure of social security
 1015 numbers obtained through this requirement must be limited to the
 1016 purpose of administration of the Title IV-D program for child
 1017 support enforcement.

1018 **Section 11. Paragraph (c) of subsection (2) of section**
 1019 **626.292, Florida Statutes, is amended to read:**

1020 626.292 Transfer of license from another state.—

1021 (2) To qualify for a license transfer, an individual
 1022 applicant must meet the following requirements:

1023 (c) The individual must submit a completed application for
 1024 this state which is received by the department within 90 days
 1025 after the date the individual became a resident of this state,

1026 along with payment of the applicable fees set forth in s.
 1027 624.501 and submission of the following documents:

1028 1. A certification issued by the appropriate official of
 1029 the applicant's home state identifying the type of license and
 1030 lines of authority under the license and stating that, ~~at the~~
 1031 ~~time the license from the home state was canceled,~~ the applicant
 1032 was in good standing in that state or that the state's Producer
 1033 Database records, maintained by the National Association of
 1034 Insurance Commissioners, its affiliates, or subsidiaries,
 1035 indicate that the agent or all-lines adjuster is or was licensed
 1036 in good standing for the line of authority requested. An
 1037 applicant may hold a resident license in another state for 30
 1038 days after the Florida resident license has been issued to
 1039 facilitate the transfer of licensure between states.

1040 2. A set of the applicant's fingerprints in accordance
 1041 with s. 626.171(4).

1042 **Section 12. Subsection (1) of section 626.611, Florida**
 1043 **Statutes, is amended to read:**

1044 626.611 Grounds for compulsory refusal, suspension, or
 1045 revocation of agent's, title agency's, adjuster's, customer
 1046 representative's, service representative's, or managing general
 1047 agent's license or appointment.—

1048 (1) The department shall require license reexamination,
 1049 deny an application for, suspend, revoke, or refuse to renew or
 1050 continue the license or appointment of any applicant, agent,

1051 title agency, adjuster, customer representative, service
 1052 representative, or managing general agent, and it shall suspend
 1053 or revoke the eligibility to hold a license or appointment of
 1054 any such person, if it finds that as to the applicant, licensee,
 1055 or appointee any one or more of the following applicable grounds
 1056 exist:

1057 (a) Lack of one or more of the qualifications for the
 1058 license or appointment as specified in this code.

1059 (b) Material misstatement, misrepresentation, or fraud in
 1060 obtaining the license or appointment or in attempting to obtain
 1061 the license or appointment.

1062 (c) Failure to pass to the satisfaction of the department
 1063 any examination required under this code, including cheating on
 1064 an examination required for licensure or violating test center
 1065 or examination procedures published orally, in writing, or
 1066 electronically at the test site by authorized representatives of
 1067 the examination program administrator.

1068 (d) If the license or appointment is willfully used, or to
 1069 be used, to circumvent any of the requirements or prohibitions
 1070 of this code.

1071 (e) Willful misrepresentation of any insurance policy or
 1072 annuity contract or willful deception with regard to any such
 1073 policy or contract, done either in person or by any form of
 1074 dissemination of information or advertising.

1075 (f) If, as an adjuster, or agent licensed and appointed to

1076 adjust claims under this code, he or she has materially
1077 misrepresented to an insured or other interested party the terms
1078 and coverage of an insurance contract with intent and for the
1079 purpose of effecting settlement of claim for loss or damage or
1080 benefit under such contract on less favorable terms than those
1081 provided in and contemplated by the contract.

1082 (g) Demonstrated lack of fitness or trustworthiness to
1083 engage in the business of insurance.

1084 (h) Demonstrated lack of reasonably adequate knowledge and
1085 technical competence to engage in the transactions authorized by
1086 the license or appointment.

1087 (i) Fraudulent or dishonest practices in the conduct of
1088 business under the license or appointment.

1089 (j) Misappropriation, conversion, or unlawful withholding
1090 of moneys belonging to insurers or insureds or beneficiaries or
1091 to others and received in conduct of business under the license
1092 or appointment.

1093 (k) Unlawfully rebating, attempting to unlawfully rebate,
1094 or unlawfully dividing or offering to divide his or her
1095 commission with another.

1096 (l) Having obtained or attempted to obtain, or having used
1097 or using, a license or appointment as agent or customer
1098 representative for the purpose of soliciting or handling
1099 "controlled business" as defined in s. 626.730 with respect to
1100 general lines agents, s. 626.784 with respect to life agents,

1101 and s. 626.830 with respect to health agents.

1102 (m) Willful failure to comply with, or willful violation
1103 of, any proper order or rule of the department or willful
1104 violation of any provision of this code.

1105 (n) Having been found guilty of or having pleaded guilty
1106 or nolo contendere to a misdemeanor directly related to the
1107 financial services business, any felony, or any crime punishable
1108 by imprisonment of 1 year or more under the law of the United
1109 States of America or of any state thereof or under the law of
1110 any other country, without regard to whether a judgment of
1111 conviction has been entered by the court having jurisdiction of
1112 such cases.

1113 (o) Fraudulent or dishonest practice in submitting or
1114 aiding or abetting any person in the submission of an
1115 application for workers' compensation coverage under chapter 440
1116 containing false or misleading information as to employee
1117 payroll or classification for the purpose of avoiding or
1118 reducing the amount of premium due for such coverage.

1119 (p) Sale of an unregistered security that was required to
1120 be registered, pursuant to chapter 517.

1121 (q) In transactions related to viatical settlement
1122 contracts as defined in s. 626.9911:

- 1123 1. Commission of a fraudulent or dishonest act.
1124 2. No longer meeting the requirements for initial
1125 licensure.

1126 3. Having received a fee, commission, or other valuable
 1127 consideration for his or her services with respect to viatical
 1128 settlements that involved unlicensed viatical settlement
 1129 providers or persons who offered or attempted to negotiate on
 1130 behalf of another person a viatical settlement contract as
 1131 defined in s. 626.9911 and who were not licensed life agents.

1132 4. Dealing in bad faith with viators.

1133 **Section 13. Section 626.621, Florida Statutes, is amended**
 1134 **to read:**

1135 626.621 Grounds for discretionary refusal, suspension, or
 1136 revocation of agent's, adjuster's, customer representative's,
 1137 service representative's, or managing general agent's license or
 1138 appointment.—The department may, in its discretion, require a
 1139 license reexamination, deny an application for, suspend, revoke,
 1140 or refuse to renew or continue the license or appointment of any
 1141 applicant, agent, adjuster, customer representative, service
 1142 representative, or managing general agent, and it may suspend or
 1143 revoke the eligibility to hold a license or appointment of any
 1144 such person, if it finds that as to the applicant, licensee, or
 1145 appointee any one or more of the following applicable grounds
 1146 exist under circumstances for which such denial, suspension,
 1147 revocation, or refusal is not mandatory under s. 626.611:

1148 (1) Any cause for which issuance of the license or
 1149 appointment could have been refused had it then existed and been
 1150 known to the department.

1151 (2) Violation of any provision of this code or of any
 1152 other law applicable to the business of insurance in the course
 1153 of dealing under the license or appointment.

1154 (3) Violation of any lawful order or rule of the
 1155 department, commission, or office.

1156 (4) Failure or refusal, upon demand, to pay over to any
 1157 insurer he or she represents or has represented any money coming
 1158 into his or her hands belonging to the insurer.

1159 (5) Violation of the provision against twisting, as
 1160 defined in s. 626.9541(1)(1).

1161 (6) In the conduct of business under the license or
 1162 appointment, engaging in unfair methods of competition or in
 1163 unfair or deceptive acts or practices, as prohibited under part
 1164 IX of this chapter, or having otherwise shown himself or herself
 1165 to be a source of injury or loss to the public.

1166 (7) Willful overinsurance of any property or health
 1167 insurance risk.

1168 (8) If a life agent, violation of the code of ethics.

1169 (9) Cheating on an examination required for licensure or
 1170 violating test center or examination procedures published
 1171 orally, in writing, or electronically at the test site by
 1172 authorized representatives of the examination program
 1173 administrator. Communication of test center and examination
 1174 procedures must be clearly established and documented.

1175 (10) Failure to inform the department in writing within 30

1176 days after pleading guilty or nolo contendere to, or being
1177 convicted or found guilty of, any felony or a crime punishable
1178 by imprisonment of 1 year or more under the law of the United
1179 States or of any state thereof, or under the law of any other
1180 country without regard to whether a judgment of conviction has
1181 been entered by the court having jurisdiction of the case.

1182 (11) Knowingly aiding, assisting, procuring, advising, or
1183 abetting any person in the violation of or to violate a
1184 provision of the insurance code or any order or rule of the
1185 department, commission, or office.

1186 (12) Has been the subject of or has had a license, permit,
1187 appointment, registration, or other authority to conduct
1188 business subject to any decision, finding, injunction,
1189 suspension, prohibition, revocation, denial, judgment, final
1190 agency action, or administrative order by any court of competent
1191 jurisdiction, administrative law proceeding, state agency,
1192 federal agency, national securities, commodities, or option
1193 exchange, or national securities, commodities, or option
1194 association involving a violation of any federal or state
1195 securities or commodities law or any rule or regulation adopted
1196 thereunder, or a violation of any rule or regulation of any
1197 national securities, commodities, or options exchange or
1198 national securities, commodities, or options association.

1199 (13) Failure to comply with any civil, criminal, or
1200 administrative action taken by the child support enforcement

1201 program under Title IV-D of the Social Security Act, 42 U.S.C.
 1202 ss. 651 et seq., to determine paternity or to establish, modify,
 1203 enforce, or collect support.

1204 (14) Directly or indirectly accepting any compensation,
 1205 inducement, or reward from an inspector for the referral of the
 1206 owner of the inspected property to the inspector or inspection
 1207 company. This prohibition applies to an inspection intended for
 1208 submission to an insurer in order to obtain property insurance
 1209 coverage or establish the applicable property insurance premium.

1210 (15) Denial, suspension, or revocation of, or any other
 1211 adverse administrative action against, a license to practice or
 1212 conduct any regulated profession, business, or vocation by this
 1213 state, any other state, any nation, any possession or district
 1214 of the United States, any court, or any lawful agency thereof.

1215 (16) Taking an action that allows the personal financial
 1216 or medical information of a consumer or customer to be made
 1217 available or accessible to the general public, regardless of the
 1218 format in which the record is stored.

1219 (17) Initiating in-person or telephone solicitation after
 1220 9 p.m. or before 8 a.m. local time of the prospective customer
 1221 unless requested by the prospective customer.

1222 (18) Cancellation of the applicant's, licensee's, or
 1223 appointee's resident license in a state other than Florida.

1224 **Section 14. Subsection (1) of section 626.731, Florida**
 1225 **Statutes, is amended to read:**

1226 | 626.731 Qualifications for general lines agent's license.—

1227 | (1) The department may ~~shall~~ not grant or issue a license
 1228 | as general lines agent to any individual found by it to be
 1229 | untrustworthy or incompetent or who does not meet each all of
 1230 | the following qualifications:

1231 | (a) The applicant is a natural person at least 18 years of
 1232 | age.

1233 | (b) The applicant is a United States citizen or legal
 1234 | alien who possesses work authorization from the United States
 1235 | Bureau of Citizenship and Immigration Services and is a bona
 1236 | fide resident of this state. ~~An individual who is a bona fide
 1237 | resident of this state shall be deemed to meet the residence
 1238 | requirement of this paragraph, notwithstanding the existence at
 1239 | the time of application for license of a license in his or her
 1240 | name on the records of another state as a resident licensee of
 1241 | such other state, if the applicant furnishes a letter of
 1242 | clearance satisfactory to the department that the resident
 1243 | licenses have been canceled or changed to a nonresident basis
 1244 | and that he or she is in good standing.~~

1245 | (c) The applicant's place of business will be located in
 1246 | this state and he or she will be actively engaged in the
 1247 | business of insurance and will maintain a place of business, the
 1248 | location of which is identifiable by and accessible to the
 1249 | public.

1250 | (d) The license is not being sought for the purpose of

1251 writing or handling controlled business, in violation of s.
 1252 626.730.

1253 (e) The applicant is qualified as to knowledge,
 1254 experience, or instruction in the business of insurance and
 1255 meets the requirements provided in s. 626.732.

1256 (f) The applicant has passed any required examination for
 1257 license required under s. 626.221.

1258 **Section 15. Subsection (2) of section 626.785, Florida**
 1259 **Statutes, is amended to read:**

1260 626.785 Qualifications for license.—

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. Section 626.831, Florida Statutes, is amended**
 1271 **to read:**

1272 626.831 Qualifications for license.—

1273 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
 1274 as health agent as to any individual found by it to be
 1275 untrustworthy or incompetent, or who does not meet all of the

1276 following qualifications:

1277 (1)~~(a)~~ Is ~~Must be~~ a natural person of at least 18 years of
1278 age.

1279 (2)~~(b)~~ Is ~~Must be~~ a United States citizen or legal alien
1280 who possesses work authorization from the United States Bureau
1281 of Citizenship and Immigration Services and is a bona fide
1282 resident of this state.

1283 (3)~~(c)~~ Is ~~Must not be~~ an employee of the United States
1284 Department of Veterans Affairs or state service office, as
1285 referred to in s. 626.833.

1286 (4)~~(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination
1287 for license required under s. 626.221.

1288 (5)~~(e)~~ Is ~~Must be~~ qualified as to knowledge, experience,
1289 or instruction in the business of insurance and meets ~~meet~~ the
1290 requirements relative thereto provided in s. 626.8311.

1291 ~~(2) An individual who is a bona fide resident of this
1292 state shall be deemed to meet the residence requirement of
1293 paragraph (1) (b), notwithstanding the existence at the time of
1294 application for license of a license in his or her name on the
1295 records of another state as a resident licensee of such other
1296 state, if the applicant furnishes a letter of clearance
1297 satisfactory to the department that the resident licenses have
1298 been canceled or changed to a nonresident basis and that he or
1299 she is in good standing.~~

1300 **Section 17. Subsection (24) is added to section 626.854,**

1301 **Florida Statutes, to read:**

1302 626.854 "Public adjuster" defined; prohibitions.—The
1303 Legislature finds that it is necessary for the protection of the
1304 public to regulate public insurance adjusters and to prevent the
1305 unauthorized practice of law.

1306 (24) A public adjuster, public adjuster apprentice, or
1307 public adjusting firm must respond with specific information to
1308 a written or electronic request for claims status from a
1309 claimant or insured or their designated representative within 14
1310 days after the date of the request and shall document in the
1311 file the response or information provided.

1312 **Section 18. Subsection (4) of section 648.34, Florida**
1313 **Statutes, is amended to read:**

1314 648.34 Bail bond agents; qualifications.—

1315 (4) The applicant shall furnish, with his or her
1316 application, a complete set of his or her fingerprints in
1317 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1318 ~~fullface photograph of the applicant.~~ The department may ~~shall~~
1319 not authorize an applicant to take the required examination
1320 until the department has received a report from the Department
1321 of Law Enforcement and the Federal Bureau of Investigation
1322 relative to the existence or nonexistence of a criminal history
1323 report based on the applicant's fingerprints.

1324 **Section 19. Subsection (2) of section 648.382, Florida**
1325 **Statutes, is amended to read:**

1326 648.382 Appointment of bail bond agents and bail bond
 1327 agencies; effective date of appointment.—

1328 (2) Before any appointment, an appropriate officer or
 1329 official of the appointing insurer must obtain all of the
 1330 following information ~~submit~~:

1331 (a) A certified statement or affidavit to the department
 1332 stating what investigation has been made concerning the proposed
 1333 appointee and the proposed appointee's background and the
 1334 appointing person's opinion to the best of his or her knowledge
 1335 and belief as to the moral character and reputation of the
 1336 proposed appointee. In lieu of such certified statement or
 1337 affidavit, by authorizing the effectuation of an appointment for
 1338 a licensee, the appointing entity certifies to the department
 1339 that such investigation has been made and that the results of
 1340 the investigation and the appointing person's opinion is that
 1341 the proposed appointee is a person of good moral character and
 1342 reputation and is fit to engage in the bail bond business. ~~†~~

1343 (b) An affidavit under oath on a form prescribed by the
 1344 department, signed by the proposed appointee, stating that
 1345 premiums are not owed to any insurer and that the appointee will
 1346 discharge all outstanding forfeitures and judgments on bonds
 1347 previously written. If the appointee does not satisfy or
 1348 discharge such forfeitures or judgments, the former insurer
 1349 shall file a notice, with supporting documents, with the
 1350 appointing insurer, the former agent or agency, and the

1351 department, stating under oath that the licensee has failed to
 1352 timely satisfy forfeitures and judgments on bonds written and
 1353 that the insurer has satisfied the forfeiture or judgment from
 1354 its own funds. Upon receipt of such notification and supporting
 1355 documents, the appointing insurer shall immediately cancel the
 1356 licensee's appointment. The licensee may be reappointed only
 1357 upon certification by the former insurer that all forfeitures
 1358 and judgments on bonds written by the licensee have been
 1359 discharged. The appointing insurer or former agent or agency
 1360 may, within 10 days, file a petition with the department seeking
 1361 relief from this paragraph. Filing of the petition stays the
 1362 duty of the appointing insurer to cancel the appointment until
 1363 the department grants or denies the petition.;

1364 (c) Any other information that the department reasonably
 1365 requires concerning the proposed appointee.;~~and~~

1366 (d) Effective January 1, 2025, a certification that the
 1367 appointing entity obtained from each appointee the following
 1368 sworn statement:

1369
 1370 Pursuant to section 648.382(2)(b), Florida Statutes, I
 1371 do solemnly swear that I owe no premium to any insurer
 1372 or agency and that I will discharge all outstanding
 1373 forfeitures and judgments on bonds that have been
 1374 previously written. I acknowledge that failure to do
 1375 this will result in my active appointments being

1376 canceled.

1377

1378 An appointed bail bond agency must have the attestation under
1379 this paragraph signed by its owner.

1380 **Section 20. Section 717.001, Florida Statutes, is amended**
1381 **to read:**

1382 717.001 Short title.—This chapter may be cited as the
1383 "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property
1384 Act."

1385 **Section 21. Present subsections (1) through (4), (5)**
1386 **through (8), (10) through (13), (15) through (20), (21), (22)**
1387 **through (28), and (31), (32), and (33) of section 717.101,**
1388 **Florida Statutes, are redesignated as subsections (4) through**
1389 **(7), (9) through (12), (13) through (16), (17) through (22),**
1390 **(24), (26) through (32), and (33), (34), and (35), respectively,**
1391 **new subsections (1), (2), (3), (8), (23), and (25) are added to**
1392 **that section, and present subsections (1), (2), (5), (6), (8),**
1393 **(9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and**
1394 **(30) of that section are amended, to read:**

1395 717.101 Definitions.—As used in this chapter, unless the
1396 context otherwise requires:

1397 (1) "Abandoned property" means property held by a holder
1398 for which all of the following are true:

1399 (a) The apparent owner has shown no activity or indication
1400 of interest for the duration of the applicable dormancy period

1401 established under this chapter.

1402 (b) The holder has complied with the due diligence
 1403 requirements set forth in this chapter, including the issuance
 1404 of notice to the apparent owner, and has received no response or
 1405 contact sufficient to demonstrate continued interest in the
 1406 property.

1407 (2) "Abandoned Property Purchase Agreement" means the form
 1408 adopted by the department pursuant to s. 717.135 which must be
 1409 used, without modification or amendment, by a claimant
 1410 representative to purchase abandoned property from an owner.

1411 (3) "Abandoned Property Recovery Agreement" means the form
 1412 adopted by the department pursuant to s. 717.135 which must be
 1413 used, without modification or amendment, by a claimant
 1414 representative to obtain consent and authority to recover
 1415 abandoned property on behalf of a person.

1416 (4)~~(1)~~ "Aggregate" means the amounts reported for owners
 1417 of abandoned ~~unclaimed~~ property of less than \$10 or where there
 1418 is no name for the individual or entity listed on the holder's
 1419 records, regardless of the amount to be reported.

1420 (5)~~(2)~~ "Apparent owner" means the person whose name
 1421 appears on the records of the holder as the owner of the
 1422 abandoned property, but whose status as the true owner entitled
 1423 to receive the property may be subject to change due to the
 1424 passage of time or changes in circumstances ~~person entitled to~~
 1425 ~~property held, issued, or owing by the holder.~~

1426 (8) "Authorized representative" means a person or entity
 1427 legally empowered to act on behalf of the apparent owner or his
 1428 or estate, including, but not limited to, an agent, a fiduciary,
 1429 a personal representative, a trustee, a legal heir, a guardian,
 1430 or any other individual or entity authorized by law or
 1431 agreement.

1432 ~~(9)-(5)~~ "Banking or financial organization" means any and
 1433 all banks, trust companies, private bankers, savings banks,
 1434 industrial banks, safe-deposit companies, savings and loan
 1435 associations, credit unions, savings associations, banking
 1436 organizations, international bank agencies, cooperative banks,
 1437 building and loan associations, and investment companies in this
 1438 state, organized under or subject to the laws of this state or
 1439 of the United States, including entities organized under 12
 1440 U.S.C. s. 611, but does not include federal reserve banks. The
 1441 term also includes any corporation, business association, or
 1442 other organization that:

1443 (a) Is a wholly or partially owned subsidiary of any
 1444 banking, banking corporation, or bank holding company that
 1445 performs any or all of the functions of a banking organization;
 1446 or

1447 (b) Performs functions pursuant to the terms of a contract
 1448 with any banking organization.

1449 ~~(10)-(6)~~ "Business association" means any for-profit or
 1450 nonprofit corporation other than a public corporation; joint

1451 stock company; investment company; unincorporated association or
1452 association of two or more individuals for business purposes,
1453 whether or not for profit; partnership; joint venture; limited
1454 liability company; sole proprietorship; business trust; trust
1455 company; land bank; safe-deposit company; safekeeping
1456 depository; banking or financial organization; insurance
1457 company; federally chartered entity; utility company; transfer
1458 agent; or other business entity, whether or not for profit.

1459 ~~(12)-(8)~~ "Claimant ~~Claimant's~~ representative" means an
1460 attorney who is a member in good standing with ~~of~~ The Florida
1461 Bar, a certified public accountant licensed in this state, or a
1462 private investigator ~~who is duly licensed to do business in this~~
1463 ~~the~~ state, who is registered with the department, and authorized
1464 to file claims on behalf of persons with the department by the
1465 ~~claimant to claim unclaimed property on the claimant's behalf.~~
1466 The term does not include a person acting in a representative or
1467 fiduciary capacity, such as a personal representative, guardian,
1468 trustee, or attorney, whose representation is not contingent
1469 upon the discovery or location of abandoned ~~unclaimed~~ property,
1470 and it expressly excludes locators, who engage in locating
1471 owners of abandoned property for a fee but are not registered
1472 with the department; provided, however, that any agreement
1473 ~~entered into for the purpose of evading s. 717.135 is invalid~~
1474 ~~and unenforceable.~~

1475 ~~(9)~~ "~~Credit balance~~" ~~means an account balance in the~~

1476 ~~customer's favor.~~

1477 (15)~~(12)~~ "Due diligence" means the use of reasonable and
 1478 prudent methods under particular circumstances to locate
 1479 apparent owners of presumed abandoned property ~~inactive accounts~~
 1480 using the taxpayer identification number or social security
 1481 number, if known, which may include, but are not limited to,
 1482 using a nationwide database, cross-indexing with other records
 1483 of the holder, mailing to the last known address unless the last
 1484 known address is known to be inaccurate, providing written
 1485 notice as described in this chapter by electronic mail if an
 1486 apparent owner has elected such delivery, or engaging a licensed
 1487 agency or company capable of conducting such search and
 1488 providing updated addresses.

1489 ~~(14) "Financial organization" means a savings association,~~
 1490 ~~savings and loan association, savings bank, industrial bank,~~
 1491 ~~bank, banking organization, trust company, international bank~~
 1492 ~~agency, cooperative bank, building and loan association, or~~
 1493 ~~credit union.~~

1494 (18)~~(16)~~ "Holder" means a person who is in possession of
 1495 property belonging to another or who owes a debt or an
 1496 obligation to another person, including, but not limited to,
 1497 financial institutions, insurance companies, corporations,
 1498 partnerships, fiduciaries, and government agencies.

1499 ~~(a) A person who is in possession or control or has~~
 1500 ~~custody of property or the rights to property belonging to~~

1501 ~~another; is indebted to another on an obligation; or is~~
1502 ~~obligated to hold for the account of, or to deliver or pay to,~~
1503 ~~the owner, property subject to this chapter; or~~

1504 ~~(b) A trustee in case of a trust.~~

1505 (20)~~(18)~~ "Intangible property" includes, by way of
1506 illustration and not limitation:

1507 (a) Moneys, checks, virtual currency, drafts, deposits,
1508 interest, dividends, and income.

1509 (b) Credit balances, customer overpayments, security
1510 deposits and other instruments as defined by chapter 679,
1511 refunds, unpaid wages, unused airline tickets, and unidentified
1512 remittances.

1513 (c) Stocks, and other intangible ownership interests in
1514 business associations except for:

1515 1. A non-freely transferable security; or

1516 2. A security that is subject to a lien, legal hold, or
1517 restriction evidenced on the records of the holder or imposed by
1518 operation of law, if the lien, legal hold, or restriction
1519 restricts the holder's or owner's ability to receive, transfer,
1520 sell, or otherwise negotiate the security.

1521 (d) Moneys deposited to redeem stocks, bonds, bearer
1522 bonds, original issue discount bonds, coupons, and other
1523 securities, or to make distributions.

1524 (e) Amounts due and payable under the terms of insurance
1525 policies.

1526 (f) Amounts distributable from a trust or custodial fund
 1527 established under a plan to provide any health, welfare,
 1528 pension, vacation, severance, retirement, death, stock purchase,
 1529 profit sharing, employee savings, supplemental unemployment
 1530 insurance, or similar benefit.

1531 (21)~~(19)~~ "Last known address" means a description of the
 1532 location of the apparent owner sufficient for the purpose of the
 1533 delivery of mail. For the purposes of identifying, reporting,
 1534 and remitting property to the department ~~which is presumed to be~~
 1535 ~~unclaimed~~, the term "last known address" includes any partial
 1536 description of the location of the apparent owner sufficient to
 1537 establish the apparent owner was a resident of this state at the
 1538 time of last contact with the apparent owner or at the time the
 1539 property became due and payable.

1540 (22)~~(20)~~ "Lawful charges" means charges against the
 1541 property or the account in which the property is held ~~dormant~~
 1542 ~~accounts~~ that are authorized by statute for the purpose of
 1543 offsetting the costs of maintaining the property or the account
 1544 in which the property is held ~~dormant account~~.

1545 (23) "Locator" means a private individual or business that
 1546 locates owners of abandoned property in exchange for a fee,
 1547 typically a percentage of the recovered property. Locators are
 1548 not employees or agents of the state and are not registered with
 1549 the department.

1550 (25) "Non-freely transferable security" means a security

1551 that cannot be delivered to the administrator by the Depository
1552 Trust Clearing Corporation or similar custodian of securities
1553 providing post-trade clearing and settlement services to
1554 financial markets or cannot be delivered because there is no
1555 agent to effect transfer. The term includes a worthless
1556 security.

1557 ~~(26)(22)~~ "Owner" means the a person, ~~or the person's legal~~
1558 ~~representative,~~ entitled to receive or having a legal or
1559 equitable interest in the abandoned property. An owner
1560 establishes his or her entitlement by filing a valid claim with
1561 the department pursuant ~~or claim against property subject to~~
1562 ~~this chapter; a depositor in the case of a deposit; a~~
1563 ~~beneficiary in the case of a trust or a deposit in trust; or a~~
1564 ~~payee in the case of a negotiable instrument or other intangible~~
1565 ~~property.~~

1566 ~~(29)(25)~~ "Record" means information that is captured or
1567 maintained in any format, including written, printed,
1568 electronic, audio, visual, or other forms, and that can be made
1569 perceptible or understandable to a person, either directly or
1570 through technological means, including assistive technologies
1571 ~~inscribed on a tangible medium or that is stored in an~~
1572 ~~electronic or other medium and is retrievable in perceivable~~
1573 ~~form.~~

1574 ~~(29)~~ ~~"Unclaimed Property Purchase Agreement" means the~~
1575 ~~form adopted by the department pursuant to s. 717.135 which must~~

1576 ~~be used, without modification or amendment, by a claimant's~~
1577 ~~representative to purchase unclaimed property from an owner.~~

1578 ~~(30) "Unclaimed Property Recovery Agreement" means the~~
1579 ~~form adopted by the department pursuant to s. 717.135 which must~~
1580 ~~be used, without modification or amendment, by a claimant's~~
1581 ~~representative to obtain an owner's consent and authority to~~
1582 ~~recover unclaimed property on the owner's behalf.~~

1583 **Section 22. Section 717.102, Florida Statutes, is amended**
1584 **to read:**

1585 717.102 Property presumed abandoned ~~unclaimed~~; general
1586 rule.—

1587 (1) Except as otherwise provided by this chapter, all
1588 intangible property, including any income or increment thereon
1589 less any lawful charges, that is held, issued, or owing in the
1590 ordinary course of the holder's business and for which the
1591 apparent owner or authorized representative fails to demonstrate
1592 continued interest for more than the applicable dormancy period
1593 prescribed by this chapter shall be presumed abandoned claim
1594 such property for more than 5 years after the property becomes
1595 payable or distributable is presumed unclaimed, except as
1596 otherwise provided by this chapter. Unless otherwise specified
1597 by law, the dormancy period shall be 5 years from the date the
1598 property becomes payable or distributable. For the purposes of
1599 this chapter, property shall be considered payable or
1600 distributable once the holder's obligation to pay or deliver the

1601 property arises, regardless of whether the apparent owner or
 1602 authorized representative has failed to demand or to present
 1603 documents required to receive payment.

1604 ~~(2) Property is payable or distributable for the purpose~~
 1605 ~~of this chapter notwithstanding the owner's failure to make~~
 1606 ~~demand or to present any instrument or document required to~~
 1607 ~~receive payment.~~

1608 ~~(3)~~ A presumption that property is abandoned may be
 1609 ~~unclaimed is~~ rebutted by the affirmative demonstration of
 1610 continued interest by the apparent owner or authorized
 1611 representative an apparent owner's expression of interest in the
 1612 property. Such demonstration ~~An owner's expression of~~ continued
 1613 interest in property includes, but is not limited to, any of the
 1614 following:

1615 (a) A record communicated by the apparent owner or
 1616 authorized representative to the holder or its agent ~~of the~~
 1617 ~~holder~~ concerning the property or the account in which the
 1618 property is held. ~~†~~

1619 (b) An oral communication by the apparent owner or
 1620 authorized representative to the holder or its agent ~~of the~~
 1621 ~~holder~~ concerning the property or the account in which the
 1622 property is held, if the holder or its agent contemporaneously
 1623 records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the~~
 1624 ~~apparent owner's~~ communication. ~~†~~

1625 (c) Presentment of a check or other instrument for ~~of~~

1626 payment of ~~a dividends dividend~~, interest ~~payment~~, or other
1627 distributions related to the property. ~~distribution, with~~
1628 ~~respect to an account, underlying security, or interest in a~~
1629 ~~business association;~~

1630 (d) Any account activity initiated ~~directed~~ by an apparent
1631 owner or authorized representative ~~in the account in which the~~
1632 ~~property is held~~, including accessing the account or directing
1633 changes to information concerning the account, ~~or to the amount~~
1634 or type of property held, excluding routine automatic
1635 transactions previously authorized, ~~a direction by the apparent~~
1636 ~~owner~~ to increase, decrease, or otherwise change the amount or
1637 type of property held in the account. ~~.~~

1638 (e) Any ~~A~~ deposit into or withdrawal from the property or
1639 the an account in which the property is held ~~at a financial~~
1640 ~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or
1641 reinvestments ~~deposit or withdrawal~~ previously authorized by the
1642 apparent owner or authorized representative. ~~an automatic~~
1643 ~~reinvestment of dividends or interest, which does not constitute~~
1644 ~~an expression of interest; or~~

1645 (f) Any other action by the apparent owner or authorized
1646 representative which reasonably demonstrates to the holder that
1647 the apparent owner or authorized representative is aware of and
1648 maintains an interest in ~~knows that~~ the property ~~exists.~~

1649 (3)-(4) If a holder learns or receives confirmation of an
1650 apparent owner's death, the property shall be presumed abandoned

1651 ~~unclaimed~~ 2 years after the date of death, unless an authorized
 1652 representative makes an affirmative demonstration ~~a fiduciary~~
 1653 ~~appointed to represent the estate of the apparent owner has made~~
 1654 ~~an expression~~ of interest in the property before the expiration
 1655 of the 2-year period. This subsection may not be construed to
 1656 extend the otherwise applicable dormancy period prescribed by
 1657 this chapter.

1658 **Section 23. Section 717.103, Florida Statutes, is amended**
 1659 **to read:**

1660 717.103 General rules for taking custody of intangible
 1661 abandoned ~~unclaimed~~ property.—Unless otherwise provided in this
 1662 chapter or by other statute of this state, intangible property
 1663 is subject to the custody of the department as abandoned
 1664 ~~unclaimed~~ property when ~~if~~ the conditions leading to a
 1665 presumption that the property is abandoned ~~unclaimed~~ as
 1666 described in ss. 717.102 and 717.105-717.116 are satisfied and
 1667 the holder has fulfilled all required due diligence obligations
 1668 without receiving any response or claim from the apparent owner,
 1669 and one or more of the following criteria apply:

1670 (1) The last known address, as shown on the records of the
 1671 holder, of the apparent owner is in this state.~~†~~

1672 (2) The records of the holder do not identify the name of
 1673 the apparent owner, but do reflect the identity of the person
 1674 ~~entitled to the property, and it is established that the last~~
 1675 known address of the apparent owner ~~person entitled to the~~

1676 ~~property~~ is in this state.†

1677 (3) The records of the holder do not reflect the last
 1678 known address of the apparent owner, but ~~and~~ it is established
 1679 that either of the following conditions apply:

1680 (a) The last known address of the apparent owner ~~person~~
 1681 ~~entitled to the property~~ is in this state.† ~~or~~

1682 (b) The holder is domiciled in this state, ~~a domiciliary~~
 1683 ~~or is~~ a government entity or ~~governmental~~ subdivision ~~or agency~~
 1684 of this state, and has not previously paid the property to the
 1685 state of the last known address of the apparent owner. ~~or other~~
 1686 ~~person entitled to the property;~~

1687 (4) The last known address, as shown on the records of the
 1688 holder, of the apparent owner ~~or other person entitled to the~~
 1689 ~~property~~ is in a jurisdiction ~~state~~ that does not have
 1690 applicable ~~provide by law for the~~ escheat, abandoned, or
 1691 unclaimed property laws ~~custodial taking of the property, or its~~
 1692 ~~escheat or unclaimed property law is not applicable to the~~
 1693 ~~property,~~ and the holder is domiciled in this state ~~a~~
 1694 ~~domiciliary~~ or is a government entity ~~or governmental~~
 1695 ~~subdivision~~ or agency of this state.†

1696 (5) The last known address, as shown on the records of the
 1697 holder, of the apparent owner is in a foreign nation and the
 1698 holder is domiciled in this state ~~a domiciliary~~ or is a
 1699 government entity ~~or governmental~~ subdivision ~~or agency~~ of this
 1700 state.† ~~or~~

1701 (6) The transaction out of which the property arose
 1702 occurred in this state, and both of the following are true:

1703 (a) ~~1.~~ The last known address of the apparent owner ~~or~~
 1704 ~~other person entitled to the property is unknown.~~ ; ~~or~~

1705 ~~2.~~ ~~The last known address of the apparent owner or other~~
 1706 ~~person entitled to the property is in a state that does not~~
 1707 ~~provide by law for the escheat or custodial taking of the~~
 1708 ~~property, or its escheat or unclaimed property law is not~~
 1709 ~~applicable to the property; and~~

1710 (b) The holder is domiciled in a jurisdiction a
 1711 ~~domiciliary of a state that does not have applicable provide by~~
 1712 ~~law for the escheat, abandoned, or custodial taking of the~~
 1713 ~~property, or its escheat or unclaimed property laws law is not~~
 1714 ~~applicable to the property.~~

1715 **Section 24.** Section 717.1035, Florida Statutes, is
 1716 repealed.

1717 **Section 25. Section 717.104, Florida Statutes, is amended**
 1718 **to read:**

1719 717.104 Traveler's checks and money orders.—

1720 (1) Subject to subsection (4), any sum payable on a
 1721 traveler's check that has been outstanding for more than 15
 1722 years after its issuance is presumed abandoned ~~unclaimed~~ unless
 1723 the apparent owner or authorized representative, within 15
 1724 years, has demonstrated a continued interest in the property in
 1725 accordance with s. 717.102 ~~communicated in writing with the~~

1726 ~~issuer concerning it or otherwise indicated an interest as~~
1727 ~~evidenced by a memorandum or other record on file with the~~
1728 ~~issuer.~~

1729 (2) Subject to subsection (4), any sum payable on a money
1730 order or similar written instrument, other than a third party
1731 bank check, that has been outstanding for more than 7 years
1732 after its issuance is presumed abandoned ~~unclaimed~~ unless the
1733 apparent owner or authorized representative, within 7 years, has
1734 demonstrated a continued interest in the property in accordance
1735 with s. 717.102 ~~communicated in writing with the issuer~~
1736 ~~concerning it or otherwise indicated an interest as evidenced by~~
1737 ~~a memorandum or other record on file with the issuer.~~

1738 (3) A ~~No~~ holder may not deduct from the amount of any
1739 traveler's check or money order any charges imposed by reason of
1740 the failure to present those instruments for payment unless
1741 there is a valid and enforceable written contract between the
1742 holder ~~issuer~~ and the apparent owner of the property pursuant to
1743 which the holder ~~issuer~~ may impose those charges and the holder
1744 ~~issuer~~ regularly imposes those charges and does not regularly
1745 reverse or otherwise cancel those charges with respect to the
1746 property.

1747 (4) No sum payable on a traveler's check, money order, or
1748 similar written instrument, other than a third party bank check,
1749 described in subsections (1) and (2) may be subjected to the
1750 custody of this state as abandoned ~~unclaimed~~ property unless any

1751 of the following conditions are met:

1752 (a) The records of the holder ~~issuer~~ show that the
 1753 traveler's check, money order, or similar written instrument was
 1754 purchased in this state.~~;~~

1755 (b) The holder ~~issuer~~ has its principal place of business
 1756 in this state and its ~~the~~ records ~~of the issuer~~ do not show the
 1757 state in which the traveler's check, money order, or similar
 1758 written instrument was purchased.~~;~~ ~~or~~

1759 (c) The holder ~~issuer~~ has its principal place of business
 1760 in this state; the holder's records ~~of the issuer~~ show the state
 1761 in which the traveler's check, money order, or similar written
 1762 instrument was purchased; and the ~~laws of the state of purchase~~
 1763 does not provide applicable ~~do not provide for the escheat,~~
 1764 abandoned, or unclaimed property laws ~~or custodial taking of the~~
 1765 ~~property, or its escheat or unclaimed property law is not~~
 1766 ~~applicable to the property.~~

1767 (5) Notwithstanding any other provision of this chapter,
 1768 subsection (4) applies to sums payable on traveler's checks,
 1769 money orders, and similar written instruments presumed abandoned
 1770 ~~unclaimed~~ on or after February 1, 1965, except to the extent
 1771 that those sums have been paid over to a state prior to January
 1772 1, 1974.

1773 **Section 26. Section 717.1045, Florida Statutes, is amended**
 1774 **to read:**

1775 717.1045 Gift certificates and similar credit items.-

1776 Notwithstanding s. 717.117, an unredeemed gift certificate or
1777 credit memo as defined in s. 501.95 is not required to be
1778 reported as abandoned ~~unclaimed~~ property.

1779 (1) The consideration paid for an unredeemed gift
1780 certificate or credit memo is the property of the issuer of the
1781 unredeemed gift certificate or credit memo.

1782 (2) An unredeemed gift certificate or credit memo is
1783 subject only to any rights of a purchaser or owner thereof and
1784 is not subject to a claim made by any state acting on behalf of
1785 a purchaser or owner.

1786 (3) It is the intent of the Legislature that this section
1787 apply to the custodial holding of unredeemed gift certificates
1788 and credit memos.

1789 (4) However, a gift certificate or credit memo described
1790 in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~
1791 property. The consideration paid for such a gift certificate or
1792 credit memo is the property of the owner of the gift certificate
1793 or credit memo.

1794 **Section 27. Section 717.105, Florida Statutes, is amended**
1795 **to read:**

1796 717.105 Checks, drafts, and similar instruments issued or
1797 certified by banking and financial organizations.—

1798 (1) Any sum payable on a check, draft, or similar
1799 instrument, except those subject to ss. 717.104 and 717.115, on
1800 which a banking or financial organization is directly liable,

1801 including, but not limited to, a cashier's check or a certified
 1802 check, which has been outstanding for more than 5 years after it
 1803 was payable or after its issuance if payable on demand, is
 1804 presumed abandoned ~~unclaimed~~ unless the apparent owner or
 1805 authorized representative, within 5 years, has communicated in
 1806 writing with the banking or financial organization concerning it
 1807 or otherwise demonstrated a continued interest in the property
 1808 in accordance with s. 717.102 ~~indicated an interest as evidenced~~
 1809 ~~by a memorandum or other record on file with the banking or~~
 1810 ~~financial organization.~~

1811 (2) A ~~No~~ holder may not deduct from the amount of any
 1812 instrument subject to this section any charges imposed by reason
 1813 of the failure to present the instrument for encashment unless
 1814 there is a valid and enforceable written contract between the
 1815 holder and the apparent owner of the instrument pursuant to
 1816 which the holder may impose those charges and does not regularly
 1817 reverse or otherwise cancel those charges with respect to the
 1818 instrument.

1819 **Section 28. Subsection (1), paragraphs (a) and (b) of**
 1820 **subsection (3), and subsections (4) and (5) of section 717.106,**
 1821 **Florida Statutes, are amended to read:**

1822 717.106 Bank deposits and funds in financial
 1823 organizations.—

1824 (1) Any demand, savings, or matured time deposit with a
 1825 banking or financial organization, including deposits that are

1826 automatically renewable, and any funds paid toward the purchase
1827 of shares, a mutual investment certificate, or any other
1828 interest in a banking or financial organization is presumed
1829 abandoned ~~unclaimed~~ unless the apparent owner or authorized
1830 representative has, within 5 years, engaged in any of the
1831 following activities:

1832 (a) Increased or decreased the amount of the deposit or
1833 presented the passbook or other similar evidence of the deposit
1834 for the crediting of interest. ~~†~~

1835 (b) Communicated in writing or by documented telephone
1836 contact with the banking or financial organization concerning
1837 the property. ~~†~~

1838 (c) Otherwise demonstrated a continued ~~indicated an~~
1839 interest in the property as evidenced by a memorandum or other
1840 record on file with the banking or financial organization. ~~†~~

1841 (d) Owned other property to which paragraph (a), paragraph
1842 (b), or paragraph (c) is applicable and if the banking or
1843 financial organization communicates in writing with the owner
1844 with regard to the property that would otherwise be presumed
1845 abandoned ~~unclaimed~~ under this subsection at the address to
1846 which communications regarding the other property regularly are
1847 sent. ~~† or~~

1848 (e) Had another relationship with the banking or financial
1849 organization concerning which the apparent owner has:

1850 1. Communicated in writing with the banking or financial

1851 organization; or

1852 2. Otherwise demonstrated a continued ~~indicated an~~
1853 interest as evidenced by a memorandum or other record on file
1854 with the banking or financial organization and if the banking or
1855 financial organization communicates in writing with the apparent
1856 owner or authorized representative with regard to the property
1857 that would otherwise be presumed abandoned ~~unclaimed~~ under this
1858 subsection at the address to which communications regarding the
1859 other relationship regularly are sent.

1860 (3) ~~A~~ ~~No~~ holder may not impose with respect to property
1861 described in subsection (1) any charges due to dormancy or
1862 inactivity or cease payment of interest unless:

1863 (a) There is an enforceable written contract between the
1864 holder and the apparent owner of the property pursuant to which
1865 the holder may impose those charges or cease payment of
1866 interest.

1867 (b) For property in excess of \$2, the holder, no more than
1868 3 months prior to the initial imposition of those charges or
1869 cessation of interest, has given written notice to the apparent
1870 owner of the amount of those charges at the last known address
1871 of the apparent owner stating that those charges shall be
1872 imposed or that interest shall cease, but the notice provided in
1873 this section need not be given with respect to charges imposed
1874 or interest ceased before July 1, 1987.

1875 (4) Any property described in subsection (1) that is

1876 automatically renewable is matured for purposes of subsection
 1877 (1) upon the expiration of its initial time period except that,
 1878 in the case of any renewal to which the apparent owner consents
 1879 at or about the time of renewal by communicating in writing with
 1880 the banking or financial organization or otherwise indicating
 1881 consent as evidenced by a memorandum or other record on file
 1882 prepared by an employee of the organization, the property is
 1883 matured upon the expiration of the last time period for which
 1884 consent was given. If, at the time provided for delivery in s.
 1885 717.119, a penalty or forfeiture in the payment of interest
 1886 would result from the delivery of the property, the time for
 1887 delivery is extended until the time when no penalty or
 1888 forfeiture would result.

1889 (5) If the documents establishing a deposit described in
 1890 subsection (1) state the address of a beneficiary of the
 1891 deposit, and the account has a value of at least \$50, notice
 1892 shall be given to the beneficiary as provided for notice to the
 1893 apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection
 1894 shall apply to accounts opened on or after October 1, 1990.

1895 **Section 29. Subsection (1) of section 717.107, Florida**
 1896 **Statutes, is amended to read:**

1897 717.107 Funds owing under life insurance policies, annuity
 1898 contracts, and retained asset accounts; fines, penalties, and
 1899 interest; United States Social Security Administration Death
 1900 Master File.-

1901 (1) Funds held or owing under any life or endowment
 1902 insurance policy or annuity contract which has matured or
 1903 terminated are presumed abandoned ~~unclaimed~~ if unclaimed for
 1904 more than 5 years after the date of death of the insured, the
 1905 annuitant, or the retained asset account holder, but property
 1906 described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if
 1907 such property is not claimed for more than 2 years. The amount
 1908 presumed abandoned ~~unclaimed~~ shall include any amount due and
 1909 payable under s. 627.4615.

1910 **Section 30. Section 717.1071, Florida Statutes, is amended**
 1911 **to read:**

1912 717.1071 Lost owners of abandoned ~~unclaimed~~
 1913 demutualization, rehabilitation, or related reorganization
 1914 proceeds.—

1915 (1) Property distributable in the course of a
 1916 demutualization, rehabilitation, or related reorganization of an
 1917 insurance company is deemed abandoned 2 years after the date the
 1918 property is first distributable if, at the time of the first
 1919 distribution, the last known address of the apparent owner on
 1920 the books and records of the holder is known to be incorrect or
 1921 the distribution or statements are returned by the post office
 1922 as undeliverable; and the apparent owner or authorized
 1923 representative ~~owner~~ has not communicated in writing with the
 1924 holder or its agent regarding the interest or otherwise
 1925 communicated with the holder regarding the interest as evidenced

1926 | by a memorandum or other record on file with the holder or its
 1927 | agent.

1928 | (2) Property distributable in the course of
 1929 | demutualization, rehabilitation, or related reorganization of a
 1930 | mutual insurance company that is not subject to subsection (1)
 1931 | shall be reportable as otherwise provided by this chapter.

1932 | (3) Property subject to this section shall be reported and
 1933 | delivered no later than May 1 as of the preceding December 31;
 1934 | however, the initial report under this section shall be filed no
 1935 | later than November 1, 2003, as of December 31, 2002.

1936 | **Section 31. Section 717.108, Florida Statutes, is amended**
 1937 | **to read:**

1938 | 717.108 Deposits held by utilities.—Any deposit, including
 1939 | any interest thereon, made by a subscriber with a utility to
 1940 | secure payment or any sum paid in advance for utility services
 1941 | to be furnished, less any lawful charges, that remains unclaimed
 1942 | by the apparent owner for more than 1 year after termination of
 1943 | the services for which the deposit or advance payment was made
 1944 | is presumed abandoned ~~unclaimed~~.

1945 | **Section 32. Section 717.109, Florida Statutes, is amended**
 1946 | **to read:**

1947 | 717.109 Refunds held by business associations.—Except as
 1948 | otherwise provided by law, any sum that a business association
 1949 | has been ordered to refund by a court or administrative agency
 1950 | which has been unclaimed by the apparent owner for more than 1

1951 year after it became payable in accordance with the final
 1952 determination or order providing for the refund, regardless of
 1953 whether the final determination or order requires any person
 1954 entitled to a refund to make a claim for it, is presumed
 1955 abandoned unclaimed.

1956 **Section 33. Section 717.1101, Florida Statutes, is amended**
 1957 **to read:**

1958 717.1101 Abandoned Unclaimed equity and debt of business
 1959 associations.—

1960 (1) (a) Stock, ~~or~~ other equity interests, or debt of
 1961 ~~interest in~~ a business association is presumed abandoned
 1962 unclaimed on the date of the earliest of any of the following:

1963 1. Three years after the date a communication, other than
 1964 communications required by s. 717.117, sent by the holder by
 1965 first-class United States mail to the apparent owner is returned
 1966 to the holder undelivered by the United States Postal Service.
 1967 If such returned communication is resent within 1 month to the
 1968 apparent owner, the 3-year dormancy period does not begin until
 1969 the day the resent item is returned as undelivered.

1970 2. Five ~~Three~~ years after the most recent of any account
 1971 ~~owner-generated~~ activity or communication initiated by the
 1972 apparent owner or authorized representative which demonstrates
 1973 continued interest in the ~~related to the~~ account, as recorded
 1974 and maintained by in the holder. Routine automatic reinvestments
 1975 or other routine transactions previously authorized by the

1976 apparent owner or authorized representative do not prevent,
 1977 interrupt, or reset the dormancy period and do not constitute an
 1978 affirmative demonstration of continued interest. ~~holder's~~
 1979 ~~database and records systems sufficient enough to demonstrate~~
 1980 ~~the owner's continued awareness or interest in the property;~~
 1981 3.2. Two ~~Three~~ years after the date of the death of the
 1982 apparent owner, as evidenced by:
 1983 a. Notice to the holder of the apparent owner's death by
 1984 an authorized representative ~~administrator, beneficiary,~~
 1985 ~~relative, or trustee, or by a personal representative or other~~
 1986 ~~legal representative of the owner's estate;~~
 1987 b. Receipt by the holder of a copy of the death
 1988 certificate of the apparent owner;
 1989 c. Confirmation by the holder of the apparent owner's
 1990 death through ~~though~~ other means; or
 1991 d. Other evidence from which the holder may reasonably
 1992 conclude that the apparent owner is deceased.; ~~or~~
 1993 ~~3. One year after the date on which the holder receives~~
 1994 ~~notice under subparagraph 2. if the notice is received 2 years~~
 1995 ~~or less after the owner's death and the holder lacked knowledge~~
 1996 ~~of the owner's death during that period of 2 years or less.~~
 1997 (b) If the holder does not send communication to the
 1998 apparent owner of a security by first-class United States mail
 1999 on an annual basis, the holder shall attempt to confirm the
 2000 apparent owner's interest in the equity interest by sending the

2001 apparent owner an e-mail communication not later than 3 years
 2002 after the apparent owner's or authorized representative's last
 2003 demonstration of continued interest in the equity interest.

2004 However, the holder shall promptly attempt to contact the
 2005 apparent owner by first-class United States mail if:

2006 1. The holder does not have information needed to send the
 2007 apparent owner an e-mail communication or the holder believes
 2008 that the apparent owner's e-mail address in the holder's records
 2009 is not valid;

2010 2. The holder received notification that the e-mail
 2011 communication was not received; or

2012 3. The apparent owner does not respond to the e-mail
 2013 communication within 30 days after the communication was sent.

2014 (c) If first-class United States mail sent under paragraph
 2015 (b) is returned to the holder undelivered by the United States
 2016 Postal Service, the equity interest is presumed abandoned in
 2017 accordance with paragraph (1) (a).

2018 (d) Unmatured or unredeemed debt, other than a bearer bond
 2019 or an original issue discount bond, is presumed abandoned 5
 2020 ~~unclaimed 3~~ years after the date of the most recent interest
 2021 payment unclaimed by the owner.

2022 (e) ~~(e)~~ Matured or redeemed debt is presumed abandoned 5
 2023 ~~unclaimed 3~~ years after the date of maturity or redemption.

2024 (f) ~~(d)~~ At the time property is presumed abandoned
 2025 ~~unclaimed~~ under paragraph (a) or paragraph (b), any other

2026 property right accrued or accruing to the owner as a result of
2027 the property interest and not previously presumed abandoned
2028 ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

2029 (2) The running of the applicable dormancy period under
2030 this section such 3-year period ceases if the apparent owner or
2031 authorized representative demonstrates continued interest under
2032 s. 717.102, including by any of the following actions ~~person~~:

2033 (a) ~~1. Communicating~~ Communicates in writing or by other
2034 means with the association or its agent regarding the interest,
2035 ~~or a dividend, distribution, or other sum payable as a result of~~
2036 the interest, as recorded by the association or its agent; ~~or~~

2037 ~~2. Otherwise communicates with the association regarding~~
2038 ~~the interest or a dividend, distribution, or other sum payable~~
2039 ~~as a result of the interest, as evidenced by a memorandum or~~
2040 ~~other record on file with the association or its agent.~~

2041 (b) Presenting ~~Presents~~ an instrument issued to pay
2042 interest, ~~or a dividend,~~ or other ~~cash~~ distribution. If any
2043 future dividend, distribution, or other sum payable ~~to the owner~~
2044 as a result of the interest is subsequently unclaimed ~~not~~
2045 ~~claimed by the owner,~~ a new period in which the property is
2046 presumed abandoned ~~unclaimed~~ commences and relates back only to
2047 the time a subsequent dividend, distribution, or other sum
2048 became due and payable.

2049 (3) At the same time any interest is presumed abandoned
2050 ~~unclaimed~~ under this section, any dividend, distribution, or

2051 other sum then held for or owing to the owner as a result of the
 2052 interest, is presumed abandoned ~~unclaimed~~.

2053 (4) Any dividend, profit, distribution, interest
 2054 redemption, payment on principal, or other sum held or owing by
 2055 a business association for or to a shareholder,
 2056 certificateholder, member, bondholder, or other security holder,
 2057 who has not claimed such amount or corresponded in writing with
 2058 the business association concerning such amount, within 5 ~~3~~
 2059 years after the date prescribed for payment or delivery, is
 2060 presumed abandoned ~~unclaimed~~.

2061 **Section 34. Section 717.111, Florida Statutes, is amended**
 2062 **to read:**

2063 717.111 Property of business associations held in course
 2064 of dissolution.—All intangible property distributable in the
 2065 course of a voluntary or involuntary dissolution of a business
 2066 association which is not claimed by the apparent owner for more
 2067 than 6 months after the date specified for final distribution is
 2068 presumed abandoned ~~unclaimed~~.

2069 **Section 35. Subsections (1) and (5) of section 717.112,**
 2070 **Florida Statutes, are amended to read:**

2071 717.112 Property held by agents and fiduciaries.—

2072 (1) All intangible property and any income or increment
 2073 thereon held in a fiduciary capacity for the benefit of another
 2074 person, including property held by an attorney in fact or an
 2075 agent, except as provided in ss. 717.1125 and 733.816, is

2076 | presumed abandoned ~~unclaimed~~ unless the apparent owner has
 2077 | within 5 years after it has become payable or distributable
 2078 | increased or decreased the principal, accepted payment of
 2079 | principal or income, communicated in writing concerning the
 2080 | property, or otherwise indicated an interest as evidenced by a
 2081 | memorandum or other record on file with the fiduciary.

2082 | (5) All intangible property, and any income or increment
 2083 | thereon, issued by a government or governmental subdivision or
 2084 | agency, public corporation, or public authority and held in an
 2085 | agency capacity for the governmental subdivision, agency, public
 2086 | corporation, or public authority for the benefit of the owner of
 2087 | record, is presumed abandoned ~~unclaimed~~ unless the apparent
 2088 | owner has, within 1 year after such property has become payable
 2089 | or distributable, increased or decreased the principal, accepted
 2090 | payment of the principal or income, communicated concerning the
 2091 | property, or otherwise indicated an interest in the property as
 2092 | evidenced by a memorandum or other record on file with the
 2093 | fiduciary.

2094 | **Section 36. Section 717.1125, Florida Statutes, is amended**
 2095 | **to read:**

2096 | 717.1125 Property held by fiduciaries under trust
 2097 | instruments.—All intangible property and any income or increment
 2098 | thereon held in a fiduciary capacity for the benefit of another
 2099 | person under a trust instrument is presumed abandoned ~~unclaimed~~
 2100 | unless the apparent owner has, within 2 years after it has

2101 become payable or distributable, increased or decreased the
 2102 principal, accepted payment of principal or income, communicated
 2103 concerning the property, or otherwise indicated an interest as
 2104 evidenced by a memorandum or other record on file with the
 2105 fiduciary. This section does not relieve a fiduciary of his or
 2106 her duties under the Florida Trust Code.

2107 **Section 37. Section 717.113, Florida Statutes, is amended**
 2108 **to read:**

2109 717.113 Property held by courts and public agencies.—All
 2110 intangible property held for the apparent owner by any court,
 2111 government or governmental subdivision or agency, public
 2112 corporation, or public authority that has not been claimed by
 2113 the apparent owner for more than 1 year after it became payable
 2114 or distributable is presumed abandoned ~~unclaimed~~. Except as
 2115 provided in s. 45.032(3)(c), money held in the court registry
 2116 and for which no court order has been issued to determine an
 2117 owner does not become payable or distributable and is not
 2118 subject to reporting under this chapter. Notwithstanding the
 2119 provisions of this section, funds deposited in the Minerals
 2120 Trust Fund pursuant to s. 377.247 are presumed abandoned
 2121 ~~unclaimed~~ only if the funds have not been claimed by the
 2122 apparent owner for more than 5 years after the date of first
 2123 production from the well.

2124 **Section 38. Section 717.115, Florida Statutes, is amended**
 2125 **to read:**

2126 717.115 Wages.—Unpaid wages, including wages represented
 2127 by unrepresented payroll checks, owing in the ordinary course of
 2128 the holder's business that have not been claimed by the apparent
 2129 owner for more than 1 year after becoming payable are presumed
 2130 abandoned unclaimed.

2131 **Section 39. Section 717.116, Florida Statutes, is amended**
 2132 **to read:**

2133 717.116 Contents of safe-deposit box or other safekeeping
 2134 repository.—All tangible and intangible property held by a
 2135 banking or financial organization in a safe-deposit box or any
 2136 other safekeeping repository in this state in the ordinary
 2137 course of the holder's business, and proceeds resulting from the
 2138 sale of the property permitted by law, that has not been claimed
 2139 by the apparent owner or authorized representative for more than
 2140 3 years after the lease or rental period on the box or other
 2141 repository has expired are presumed abandoned unclaimed.

2142 **Section 40. Section 717.117, Florida Statutes, is amended**
 2143 **to read:**

2144 717.117 Holder due diligence and report of abandoned
 2145 unclaimed property.—

2146 (1) Property is presumed abandoned upon expiration of the
 2147 applicable dormancy period under this chapter. However, such
 2148 property is not deemed abandoned for purposes of reporting or
 2149 remittance to the department until the holder has conducted
 2150 reasonable due diligence as required by this section, resulting

2151 in no indication of interest from the apparent owner or
2152 authorized representative.

2153 (2) Holders of property presumed abandoned that has a
2154 value of \$50 or more shall use due diligence to locate and
2155 notify the apparent owner that the holder is in possession of
2156 property subject to this chapter. At least 90 days, but not more
2157 than 180 days, before filing the report required by this
2158 section, a holder in possession of presumed abandoned property
2159 shall send written notice by first-class United States mail to
2160 the apparent owner's last known address as shown in the holder's
2161 records or from other available sources, or by e-mail if the
2162 apparent owner has elected for e-mail delivery, informing the
2163 apparent owner that the holder is in possession of property
2164 subject to this chapter, provided that the holder's records
2165 contain a mailing or e-mail address for the apparent owner which
2166 is not known by the holder to be inaccurate. The holder may
2167 provide notice by mail, by e-mail, or by both methods. If the
2168 holder's records indicate that the mailing address is
2169 inaccurate, notice may be provided by e-mail if the apparent
2170 owner has elected e-mail delivery.

2171 (3) If the value of the property is greater than \$1,000,
2172 the holder shall send a second written notice by certified
2173 United States mail, return receipt requested, to the apparent
2174 owner's last known address at least 60 days before filing the
2175 report required by this section, if the holder's records contain

2176 a mailing address for the apparent owner which is not known by
2177 the holder to be inaccurate. Reasonable costs paid to the United
2178 States Postal Service for certified mail, return receipt
2179 requested, may be deducted from the property as a service
2180 charge. A signed return receipt received in response to the
2181 certified mail notice constitutes an affirmative demonstration
2182 of continued interest as described in s. 717.102.

2183 (4) The written notice required under this section must
2184 include:

2185 (a) A heading that reads substantially as follows:
2186 "Notice: The State of Florida requires us to notify you that
2187 your property may be transferred to the custody of the Florida
2188 Department of Financial Services if you do not contact us before
2189 ...(insert date that is at least 30 days after the date of
2190 notice)...."

2191 (b) A description of the type, nature, and, unless the
2192 property does not have a fixed value, value of the property that
2193 is the subject of the notice.

2194 (c) A statement that the property will be turned over to
2195 the custody of the department as abandoned property if no
2196 response is received.

2197 (d) A statement that noncash property will be sold or
2198 liquidated by the department.

2199 (e) A statement that, after the property is remitted to
2200 the department, a claim must be filed with the department to

2201 recover the property.

2202 (f) A statement that the property is currently in the
 2203 custody of the holder and that the apparent owner may prevent
 2204 transfer of the property by contacting the holder before the
 2205 deadline stated in the notice.

2206 (5) Every holder of abandoned ~~person holding funds or~~
 2207 ~~other~~ property, tangible or intangible, ~~presumed unclaimed and~~
 2208 subject to custody ~~as unclaimed property~~ under this chapter
 2209 shall submit a report to the department via electronic medium as
 2210 the department may prescribe by rule. The report must include:

2211 (a) Except for traveler's checks and money orders, the
 2212 name, social security number or taxpayer identification number,
 2213 date of birth, if known, and last known address, if any, of each
 2214 apparent person appearing from the records of the holder to be
 2215 ~~the~~ owner of any property which is abandoned ~~presumed unclaimed~~
 2216 and which has a value of \$10 or more.

2217 (b) For abandoned ~~unclaimed~~ funds that have a value of \$10
 2218 or more held or owing under any life or endowment insurance
 2219 policy or annuity contract, the identifying information provided
 2220 in paragraph (a) for both the insured or annuitant and the
 2221 beneficiary according to records of the insurance company
 2222 holding or owing the funds.

2223 (c) For all tangible property held in a safe-deposit box
 2224 or other safekeeping repository, a description of the property
 2225 and the place where the property is held and may be inspected by

2226 the department, and any amounts owing to the holder. Contents of
2227 a safe-deposit box or other safekeeping repository which consist
2228 of documents or writings ~~of a private nature and~~ which have
2229 little or no commercial value ~~may apparent value shall~~ not be
2230 reported as abandoned property ~~presumed unclaimed~~.

2231 (d) The nature or type of property, any accounting or
2232 identifying number associated with the property, a description
2233 of the property, and the amount appearing from the records to be
2234 due. Items of value of less than \$10 each may be reported in the
2235 aggregate.

2236 (e) The date the property became payable, demandable, or
2237 returnable, and the date of the last transaction with the
2238 apparent owner with respect to the property.

2239 (f) Any other information the department may prescribe by
2240 rule as necessary for the administration of this chapter.

2241 (6) ~~(2)~~ If the total value of all abandoned ~~presumed~~
2242 ~~unclaimed~~ property, whether tangible or intangible, held by a
2243 person is less than \$10, a zero balance report may be filed for
2244 that reporting period.

2245 (7) ~~(3)~~ Credit balances, customer overpayments, security
2246 deposits, and refunds having a value of less than \$10 may not be
2247 reported as abandoned property ~~shall not be presumed unclaimed~~.

2248 (8) A security identified by the holder as non-freely
2249 transferable or worthless may not to be included in a report
2250 filed under this section. If the holder determines that a

2251 security is no longer non-freely transferable or worthless, the
2252 holder shall report and deliver the security on the next regular
2253 report date prescribed for delivery of securities by the holder
2254 under this chapter.

2255 (9)(4) If the holder of abandoned property ~~presumed~~
2256 ~~unclaimed~~ and subject to custody under this chapter ~~as unclaimed~~
2257 ~~property~~ is a successor holder or if the holder has changed the
2258 holder's name while in possession of the property, the holder
2259 shall file with the holder's report all known names and
2260 addresses of each prior holder of the property. Compliance with
2261 this subsection means the holder exercises reasonable and
2262 prudent efforts to determine the names of all prior holders.

2263 (10) The report must be signed by or on behalf of the
2264 holder and verified as to its completeness and accuracy, and the
2265 holder must state that it has complied with the due diligence
2266 requirements of this section.

2267 (11)(5) The report must be filed before May 1 of each
2268 year. The report applies to the preceding calendar year. Upon
2269 written request by any person required to file a report, and
2270 upon a showing of good cause, the department may extend the
2271 reporting date. The department may impose and collect a penalty
2272 of \$10 per day up to a maximum of \$500 for the failure to timely
2273 report, if an extension was not provided or if the holder of the
2274 property failed to include in a report information required by
2275 this chapter which was in the holder's possession at the time of

2276 reporting. The penalty shall be remitted to the department
2277 within 30 days after the date of the notification to the holder
2278 that the penalty is due and owing. As necessary for proper
2279 administration of this chapter, the department may waive any
2280 penalty due with appropriate justification. The department must
2281 provide information contained in a report filed with the
2282 department to any person requesting a copy of the report or
2283 information contained in a report, to the extent the information
2284 requested is not confidential, within 45 days after the
2285 department determines that the report is accurate and acceptable
2286 and that the reported property is the same as the remitted
2287 property.

2288 ~~(6) Holders of inactive accounts having a value of \$50 or~~
2289 ~~more shall use due diligence to locate and notify apparent~~
2290 ~~owners that the entity is holding unclaimed property available~~
2291 ~~for them to recover. Not more than 120 days and not less than 60~~
2292 ~~days prior to filing the report required by this section, the~~
2293 ~~holder in possession of property presumed unclaimed and subject~~
2294 ~~to custody as unclaimed property under this chapter shall send~~
2295 ~~written notice by first-class United States mail to the apparent~~
2296 ~~owner at the apparent owner's last known address from the~~
2297 ~~holder's records or from other available sources, or via~~
2298 ~~electronic mail if the apparent owner has elected this method of~~
2299 ~~delivery, informing the apparent owner that the holder is in~~
2300 ~~possession of property subject to this chapter, if the holder~~

2301 ~~has in its records a mailing or electronic address for the~~
2302 ~~apparent owner which the holder's records do not disclose to be~~
2303 ~~inaccurate. These two means of contact are not mutually~~
2304 ~~exclusive; if the mailing address is determined to be~~
2305 ~~inaccurate, electronic mail may be used if so elected by the~~
2306 ~~apparent owner.~~

2307 ~~(7) The written notice to the apparent owner required~~
2308 ~~under this section must:~~

2309 ~~(a) Contain a heading that reads substantially as follows:~~
2310 ~~"Notice. The State of Florida requires us to notify you that~~
2311 ~~your property may be transferred to the custody of the Florida~~
2312 ~~Department of Financial Services if you do not contact us before~~
2313 ~~...(insert date that is at least 30 days after the date of~~
2314 ~~notice)...."~~

2315 ~~(b) Identify the type, nature, and, except for property~~
2316 ~~that does not have a fixed value, value of the property that is~~
2317 ~~the subject of the notice.~~

2318 ~~(c) State that the property will be turned over to the~~
2319 ~~custody of the department as unclaimed property if no response~~
2320 ~~to this letter is received.~~

2321 ~~(d) State that any property that is not legal tender of~~
2322 ~~the United States may be sold or liquidated by the department.~~

2323 ~~(e) State that after the property is turned over to the~~
2324 ~~department, an apparent owner seeking return of the property may~~
2325 ~~file a claim with the department.~~

2326 ~~(f) State that the property is currently with a holder and~~
2327 ~~provide instructions that the apparent owner must follow to~~
2328 ~~prevent the holder from reporting and paying for the property or~~
2329 ~~from delivering the property to the department.~~

2330 (12)~~(8)~~ Any holder of intangible property may file with
2331 the department a petition for determination that the property is
2332 abandoned and unclaimed requesting the department to accept
2333 custody of the property. The petition shall state any special
2334 circumstances that exist, contain the information required by
2335 subsection (9) ~~subsection (4)~~, and show that a diligent search
2336 has been made to locate the apparent owner. If the department
2337 finds that the proof of diligent search is satisfactory, it
2338 shall give notice as provided in s. 717.118 and accept custody
2339 of the property.

2340 (13)~~(9)~~ Upon written request by any entity or person
2341 required to file a report, stating such entity's or person's
2342 justification for such action, the department may place that
2343 entity or person in an inactive status as an abandoned unclaimed
2344 property "holder."

2345 (14)~~(10)~~ (a) This section does not apply to the abandoned
2346 unclaimed patronage refunds as provided for by contract or
2347 through bylaw provisions of entities organized under chapter 425
2348 or that are exempt from ad valorem taxation pursuant to s.
2349 196.2002.

2350 (b) This section does not apply to intangible property

2351 held, issued, or owing by a business association subject to the
 2352 jurisdiction of the United States Surface Transportation Board
 2353 or its successor federal agency if the apparent owner of such
 2354 intangible property is a business association. The holder of
 2355 such property does not have any obligation to report, to pay, or
 2356 to deliver such property to the department.

2357 (c) This section does not apply to credit balances,
 2358 overpayments, refunds, or outstanding checks owed by a health
 2359 care provider to a managed care payor with whom the health care
 2360 provider has a managed care contract, provided that the credit
 2361 balances, overpayments, refunds, or outstanding checks become
 2362 due and owing pursuant to the managed care contract.

2363 (15)~~(11)~~(a) As used in this subsection, the term "property
 2364 identifier" means the descriptor used by the holder to identify
 2365 the abandoned ~~unclaimed~~ property.

2366 (b) Social security numbers and property identifiers
 2367 contained in reports required under this section, held by the
 2368 department, are confidential and exempt from s. 119.07(1) and s.
 2369 24(a), Art. I of the State Constitution.

2370 (c) This exemption applies to social security numbers and
 2371 property identifiers held by the department before, on, or after
 2372 the effective date of this exemption.

2373 **Section 41. Section 717.118, Florida Statutes, is amended**
 2374 **to read:**

2375 717.118 Notification of apparent owners of abandoned

2376 ~~unclaimed~~ property.-

2377 (1) It is specifically recognized that the state has an
2378 obligation to make an effort to notify apparent owners in a
2379 cost-effective manner that their abandoned property has been
2380 reported and remitted to the department ~~of unclaimed property in~~
2381 ~~a cost-effective manner~~. In order to provide all the citizens of
2382 this state an effective and efficient program for the recovery
2383 of abandoned personal ~~unclaimed~~ property, the department shall
2384 use cost-effective means to make at least one active attempt to
2385 notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~
2386 valued at \$50 or more, abandoned tangible property, and
2387 abandoned shares of stock for which more than \$250 with a
2388 reported address or taxpayer identification number is available.
2389 Such active attempt to notify apparent owners shall include any
2390 attempt by the department to directly contact the apparent
2391 owner. Other means of notification, such as publication of the
2392 names of apparent owners in the newspaper, on television, on the
2393 Internet, or through other promotional efforts and items in
2394 which the department does not directly attempt to contact the
2395 apparent owner are expressly declared to be passive attempts.
2396 ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other
2397 agencies or entities of state government from notifying owners
2398 of the existence of abandoned ~~unclaimed~~ property or attempting
2399 to notify apparent owners of abandoned ~~unclaimed~~ property.

2400 (2) Notification provided directly to individual apparent

2401 owners shall contain ~~consist of~~ a description of the abandoned
2402 property and information regarding recovery of the unclaimed
2403 property from the department. The form and content of the
2404 department's notice shall be tailored to the type of property
2405 reported and shall include any information necessary to
2406 reasonably inform the apparent owner of the consequences of
2407 failure to claim the property, including potential sale or
2408 disposition under s. 717.122.

2409 (3) The department shall maintain a publicly accessible,
2410 electronically searchable website that includes the names of
2411 apparent owners of abandoned property reported to the department
2412 and instructions for filing a claim. The website must list
2413 property valued at \$10 or more and provide instructions for
2414 filing a claim. Abandoned property valued at less than \$10
2415 remains recoverable from the department in accordance with this
2416 chapter.

2417 (4) This section is not applicable to abandoned sums
2418 payable on traveler's checks, money orders, and other written
2419 instruments ~~presumed unclaimed~~ under s. 717.104, or any other
2420 abandoned property reported without the necessary identifying
2421 information to establish ownership.

2422 **Section 42. Section 717.119, Florida Statutes, is amended**
2423 **to read:**

2424 717.119 Payment or delivery of abandoned ~~unclaimed~~
2425 property.—

2426 (1) Every person who is required to file a report under s.
2427 717.117 shall simultaneously pay or deliver to the department
2428 all abandoned ~~unclaimed~~ property required to be reported. Such
2429 payment or delivery shall accompany the report as required in
2430 this chapter for the preceding calendar year.

2431 (2) Payment of abandoned ~~unclaimed~~ funds may be made to
2432 the department by electronic funds transfer.

2433 (3) If the apparent owner establishes the right to receive
2434 the abandoned ~~unclaimed~~ property to the satisfaction of the
2435 holder before the property has been delivered to the department
2436 or it appears that for some other reason ~~the presumption~~ that
2437 the property was erroneously classified as abandoned ~~is~~
2438 ~~unclaimed is erroneous~~, the holder need not pay or deliver the
2439 property to the department. In lieu of delivery, the holder
2440 shall file a verified written explanation of the proof of claim
2441 or of the error in classification of ~~the presumption that~~ the
2442 property as abandoned ~~was unclaimed~~.

2443 (4) All virtual currency reported under this chapter on
2444 the annual report filing required in s. 717.117 shall be
2445 remitted to the department with the report. The holder shall
2446 liquidate the virtual currency and remit the proceeds to the
2447 department. The liquidation must occur within 30 days before the
2448 filing of the report. Upon delivery of the virtual currency
2449 proceeds to the department, the holder is relieved of all
2450 liability of every kind in accordance with the provisions of s.

2451 717.1201 to every person for any losses or damages resulting to
2452 the person by the delivery to the department of the virtual
2453 currency proceeds.

2454 (5) All stock or other intangible ownership interest
2455 reported under this chapter on the annual report filing required
2456 in s. 717.117 shall be remitted to the department with the
2457 report. Upon delivery of the stock or other intangible ownership
2458 interest to the department, the holder and any transfer agent,
2459 registrar, or other person acting for or on behalf of a holder
2460 is relieved of all liability of every kind in accordance with
2461 the provisions of s. 717.1201 to every person for any losses or
2462 damages resulting to the person by the delivery to the
2463 department of the stock or other intangible ownership interest.

2464 (6) All intangible and tangible property held in a safe-
2465 deposit box or any other safekeeping repository reported under
2466 s. 717.117 shall not be delivered to the department until 120
2467 days after the report due date. The delivery of the property,
2468 through the United States mail or any other carrier, shall be
2469 insured by the holder at an amount equal to the estimated value
2470 of the property. Each package shall be clearly marked on the
2471 outside "Deliver Unopened." A holder's safe-deposit box contents
2472 shall be delivered to the department in a single shipment. In
2473 lieu of a single shipment, holders may provide the department
2474 with a single detailed shipping schedule that includes package
2475 tracking information for all packages being sent pursuant to

2476 | this section.

2477 | (a) Holders may remit the value of cash and coins found in
2478 | abandoned ~~unclaimed~~ safe-deposit boxes to the department by
2479 | cashier's check or by electronic funds transfer, unless the cash
2480 | or coins have a value above face value. The department shall
2481 | identify by rule those cash and coin items having a numismatic
2482 | value. Cash and coin items identified as having a numismatic
2483 | value shall be remitted to the department in their original
2484 | form.

2485 | (b) Any firearm or ammunition found in an abandoned
2486 | ~~unclaimed~~ safe-deposit box or any other safekeeping repository
2487 | shall be delivered by the holder to a law enforcement agency for
2488 | property handling or disposal pursuant to s. 705.103(2)(b). If
2489 | the firearm is sold by the law enforcement agency, ~~with~~ the
2490 | balance of the proceeds shall be deposited into the State School
2491 | Fund ~~if the firearm is sold. However,~~ The department is
2492 | authorized to make a reasonable attempt to ascertain the
2493 | historical value to collectors of any firearm that has been
2494 | delivered to the department. Any firearm appearing to have
2495 | historical value to collectors may be sold by the department
2496 | pursuant to s. 717.122 to a person having a federal firearms
2497 | license. Any firearm which is not sold pursuant to s. 717.122
2498 | shall be delivered by the department to a law enforcement agency
2499 | in this state for proper handling or disposal. In accordance
2500 | with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the

2501 law enforcement agency, ~~with~~ the balance of the proceeds shall
2502 be deposited into the State School Fund ~~if the firearm is sold.~~
2503 The department shall not be administratively, civilly, or
2504 criminally liable for any firearm delivered by the department to
2505 a law enforcement agency in this state for disposal.

2506 (c) If such property is not paid or delivered to the
2507 department on or before the applicable payment or delivery date,
2508 the holder shall pay to the department a penalty for each safe-
2509 deposit box shipment received late. The penalty shall be \$100
2510 for a safe-deposit box shipment container that is late 30 days
2511 or less. Thereafter, the penalty shall be \$500 for a safe-
2512 deposit box shipment container that is late for each additional
2513 successive 30-day period. The penalty assessed against a holder
2514 for a late safe-deposit box shipment container shall not exceed
2515 \$4,000 annually. The penalty shall be remitted to the department
2516 within 30 days after the date of the notification to the holder
2517 that the penalty is due and owing.

2518 (d) The department may waive any penalty due with
2519 appropriate justification, as provided by rule.

2520 (e) If a will or trust instrument is included among the
2521 contents of an abandoned ~~a~~ safe-deposit box or other safekeeping
2522 repository delivered to the department, the department must
2523 provide a copy of the will, trust, and any codicils or
2524 amendments to such will or trust instrument, upon request, to
2525 anyone who provides the department with a certified copy of the

2526 death certificate ~~evidence of the death~~ of the testator or
 2527 settlor.

2528 (7) Any holder may request an extension in writing of up
 2529 to 60 days for the delivery of property if extenuating
 2530 circumstances exist for the late delivery of the property. Any
 2531 such extension the department may grant shall be in writing.

2532 (8) A holder may not assign or otherwise transfer its
 2533 obligation to report, pay, or deliver property or to comply with
 2534 the provisions of this chapter, other than to a parent,
 2535 subsidiary, or affiliate of the holder.

2536 (a) Unless otherwise agreed to by the parties to a
 2537 transaction, the holder's successor by merger or consolidation,
 2538 or any person or entity that acquires all or substantially all
 2539 of the holder's capital stock or assets, is responsible for
 2540 fulfilling the holder's obligation to report, pay, or deliver
 2541 property or to comply with the duties of this chapter regarding
 2542 the transfer of property owed to the holder's successor and
 2543 being held for an owner resulting from the merger,
 2544 consolidation, or acquisition.

2545 (b) This subsection does not prohibit a holder from
 2546 contracting with a third party for the reporting of abandoned
 2547 ~~unclaimed~~ property, but the holder remains responsible to the
 2548 department for the complete, accurate, and timely reporting of
 2549 the property.

2550 **Section 43. Subsections (1), (2), and (4) of section**

2551 **717.1201, Florida Statutes, are amended to read:**

2552 717.1201 Custody by state; holder liability; reimbursement
 2553 of holder paying claim; reclaiming for owner; payment of safe-
 2554 deposit box or repository charges.—

2555 (1) Upon the good faith payment or delivery of abandoned
 2556 ~~unclaimed~~ property to the department, the state assumes custody
 2557 and responsibility for the safekeeping of the property. Any
 2558 person who pays or delivers abandoned ~~unclaimed~~ property to the
 2559 department in good faith is relieved of all liability to the
 2560 extent of the value of the property paid or delivered for any
 2561 claim then existing or which thereafter may arise or be made
 2562 with ~~in~~ respect to the property.

2563 (a) A holder's substantial compliance with the due
 2564 diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith
 2565 payment or delivery of abandoned ~~unclaimed~~ property to the
 2566 department releases the holder from liability that may arise
 2567 from such payment or delivery, and such delivery and payment may
 2568 be pleaded as a defense in any suit or action brought by reason
 2569 of such delivery or payment. This section does not relieve a
 2570 fiduciary of his or her duties under the Florida Trust Code or
 2571 Florida Probate Code.

2572 (b) If the holder pays or delivers property to the
 2573 department in good faith and thereafter any other person claims
 2574 the property from the holder paying or delivering, or another
 2575 state claims the money or property under that state's laws

2576 relating to escheat or abandoned or unclaimed property, the
2577 department, upon written notice of the claim, shall defend the
2578 holder against the claim and indemnify the holder against any
2579 liability on the claim, except that a holder may not be
2580 indemnified against penalties imposed by another state.

2581 (2) For the purposes of this section, a payment or
2582 delivery of abandoned ~~unclaimed~~ property is made in good faith
2583 if:

2584 (a) The payment or delivery was made in conjunction with
2585 an accurate and acceptable report.

2586 (b) The payment or delivery was made in a reasonable
2587 attempt to comply with this chapter and other applicable general
2588 law.

2589 (c) The holder had a reasonable basis for believing, based
2590 on the facts then known, that the property was abandoned
2591 ~~unclaimed~~ and subject to this chapter.

2592 (d) There is no showing that the records pursuant to which
2593 the delivery was made did not meet reasonable commercial
2594 standards of practice in the industry.

2595 (4) Any holder who has delivered property, including a
2596 certificate of any interest in a business association, other
2597 than money to the department pursuant to this chapter may
2598 reclaim the property if still in the possession of the
2599 department, without payment of any fee or other charges, upon
2600 filing proof that the person entitled to the property ~~owner~~ has

2601 | claimed ~~it the~~ property from the holder.

2602 | **Section 44. Section 717.122, Florida Statutes, is amended**
 2603 | **to read:**

2604 | 717.122 Public sale of abandoned ~~unclaimed~~ property.—

2605 | (1) Except as provided in paragraph (2) (a), the department
 2606 | after the receipt of abandoned ~~unclaimed~~ property shall sell it
 2607 | to the highest bidder at public sale on the Internet or at a
 2608 | specified physical location wherever in the judgment of the
 2609 | department the most favorable market for the property involved
 2610 | exists. The department may decline the highest bid and reoffer
 2611 | the property for sale if in the judgment of the department the
 2612 | bid is insufficient. The department shall have the discretion to
 2613 | withhold from sale any abandoned ~~unclaimed~~ property that the
 2614 | department deems to be of benefit to the people of the state. If
 2615 | in the judgment of the department the probable cost of sale
 2616 | exceeds the value of the property, it need not be offered for
 2617 | sale and may be disposed of as the department determines
 2618 | appropriate. Any sale at a specified physical location held
 2619 | under this section must be preceded by a single publication of
 2620 | notice, at least 3 weeks in advance of sale, in a newspaper of
 2621 | general circulation in the county in which the property is to be
 2622 | sold. The department shall proportionately deduct auction fees,
 2623 | preparation costs, and expenses from the amount posted to an ~~the~~
 2624 | ~~owner's~~ account for an abandoned ~~when~~ safe-deposit box when the
 2625 | contents are sold. No action or proceeding may be maintained

2626 | against the department for or on account of any decision to
 2627 | decline the highest bid or withhold any abandoned ~~unclaimed~~
 2628 | property from sale.

2629 | (2) (a) Securities listed on an established stock exchange
 2630 | must be sold at prices prevailing at the time of sale on the
 2631 | exchange. Other securities may be sold over the counter at
 2632 | prices prevailing at the time of sale or by any other method the
 2633 | department deems advisable. The department may authorize the
 2634 | agent or broker acting on behalf of the department to deduct
 2635 | fees from the proceeds of these sales at a rate agreed upon in
 2636 | advance by the agent or broker and the department. The
 2637 | department shall reimburse owners' accounts for these brokerage
 2638 | fees from the State School Fund unless the securities are sold
 2639 | at the owner's request.

2640 | (b) Unless the department deems it to be in the public
 2641 | interest to do otherwise, all abandoned securities ~~presumed~~
 2642 | ~~unclaimed~~ and delivered to the department may be sold upon
 2643 | receipt. Any person making a claim pursuant to this chapter is
 2644 | entitled to receive either the securities delivered to the
 2645 | department by the holder, if they still remain in the hands of
 2646 | the department, or the proceeds received from sale, but no
 2647 | person has any claim under this chapter against the state, the
 2648 | holder, any transfer agent, any registrar, or any other person
 2649 | acting for or on behalf of a holder for any appreciation in the
 2650 | value of the property occurring after delivery by the holder to

2651 the state.

2652 (c) Certificates for abandoned ~~unclaimed~~ stock or other
2653 equity interest of business associations that cannot be canceled
2654 and registered in the department's name or that cannot be
2655 readily liquidated and converted into the currency of the United
2656 States may be sold for the value of the certificate, if any, in
2657 accordance with subsection (1) or may be destroyed in accordance
2658 with s. 717.128.

2659 (3) The purchaser of property at any sale conducted by the
2660 department pursuant to this chapter is entitled to ownership of
2661 the property purchased free from all claims of the owner or
2662 previous holder thereof and of all persons claiming through or
2663 under them. The department shall execute all documents necessary
2664 to complete the transfer of ownership.

2665 (4) The sale of abandoned ~~unclaimed~~ tangible personal
2666 property is not subject to tax under chapter 212 when such
2667 property is sold by or on behalf of the department pursuant to
2668 this section.

2669 **Section 45. Section 717.123, Florida Statutes, is amended**
2670 **to read:**

2671 717.123 Deposit of funds.—

2672 (1) All funds received under this chapter, including the
2673 proceeds from the sale of abandoned ~~unclaimed~~ property under s.
2674 717.122, shall immediately ~~forthwith~~ be deposited by the
2675 department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The

2676 department shall retain, at minimum, from funds received under
 2677 this chapter, the an amount estimated by the Revenue Estimating
 2678 Conference for not exceeding \$15 million from which the
 2679 department to shall make prompt payment of claims allowed by the
 2680 department and shall pay the administrative costs incurred by
 2681 the department in administering and enforcing this chapter.
 2682 Before the close of each fiscal year, the department shall
 2683 transfer to the State School Fund no more than the transfer
 2684 amount estimated by the Revenue Estimating Conference ~~All~~
 2685 ~~remaining funds received by the department under this chapter~~
 2686 ~~shall be deposited by the department into the State School Fund.~~

2687 (2) The department shall record the name and last known
 2688 address of each person appearing from the holder's reports to be
 2689 entitled to the abandoned ~~unclaimed~~ property in the total
 2690 amounts of \$5 or greater; the name and the last known address of
 2691 each insured person or annuitant; and with respect to each
 2692 policy or contract listed in the report of an insurance
 2693 corporation, its number, the name of the corporation, and the
 2694 amount due.

2695 **Section 46. Section 717.1235, Florida Statutes, is amended**
 2696 **to read:**

2697 717.1235 Dormant campaign accounts; ~~report of unclaimed~~
 2698 ~~property.~~ Abandoned Unclaimed funds reported in the name of a
 2699 campaign for public office, for any campaign that must dispose
 2700 of surplus funds in its campaign account pursuant to s. 106.141,

2701 after being reported to the department, shall be deposited with
 2702 the Chief Financial Officer to the credit of the State School
 2703 Fund.

2704 **Section 47. Section 717.124, Florida Statutes, is amended**
 2705 **to read:**

2706 717.124 Abandoned ~~Unclaimed~~ property claims.—

2707 (1) Any person, excluding another state, claiming an
 2708 interest in any property paid or delivered to the department
 2709 under this chapter may file with the department a claim on a
 2710 form prescribed by the department and verified by the claimant
 2711 or the claimant ~~claimant's~~ representative. ~~The claimant's~~
 2712 ~~representative must be an attorney licensed to practice law in~~
 2713 ~~this state, a licensed Florida-certified public accountant, or a~~
 2714 ~~private investigator licensed under chapter 493.~~ The claimant
 2715 ~~claimant's~~ representative must be registered with the department
 2716 under this chapter. The claimant, or the claimant ~~claimant's~~
 2717 representative, shall provide the department with a legible copy
 2718 of a valid driver license of the claimant at the time the
 2719 original claim form is filed. If the claimant has not been
 2720 issued a valid driver license at the time the original claim
 2721 form is filed, the department shall be provided with a legible
 2722 copy of a photographic identification of the claimant issued by
 2723 the United States, a state or territory of the United States, a
 2724 foreign nation, or a political subdivision or agency thereof or
 2725 other evidence deemed acceptable by the department by rule. In

2726 lieu of photographic identification, a notarized sworn statement
 2727 by the claimant may be provided which affirms the claimant's
 2728 identity and states the claimant's full name and address. The
 2729 claimant must produce to the notary photographic identification
 2730 of the claimant issued by the United States, a state or
 2731 territory of the United States, a foreign nation, or a political
 2732 subdivision or agency thereof or other evidence deemed
 2733 acceptable by the department by rule. The notary shall indicate
 2734 the notary's full address on the notarized sworn statement. Any
 2735 claim filed without the required identification or the sworn
 2736 statement with the original claim form and the original
 2737 Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned
 2738 ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

2739 (a) Within 90 days after receipt of a claim, the
 2740 department may return any claim that provides for the receipt of
 2741 fees and costs greater than that permitted under this chapter or
 2742 that contains any apparent errors or omissions. The department
 2743 may also request that the claimant or the claimant ~~claimant's~~
 2744 representative provide additional information. The department
 2745 shall retain a copy or electronic image of the claim.

2746 (b) A claim is considered to have been withdrawn by a
 2747 claimant or the claimant ~~claimant's~~ representative if the
 2748 department does not receive a response to its request for
 2749 additional information within 60 days after the notification of
 2750 any apparent errors or omissions.

2751 (c) Within 90 days after receipt of the claim, or the
 2752 response of the claimant or the claimant ~~claimant's~~
 2753 representative to the department's request for additional
 2754 information, whichever is later, the department shall determine
 2755 each claim. Such determination shall contain a notice of rights
 2756 provided by ss. 120.569 and 120.57. The 90-day period shall be
 2757 extended by 60 days if the department has good cause to need
 2758 additional time or if the abandoned ~~unclaimed~~ property:

- 2759 1. Is owned by a person who has been a debtor in
 2760 bankruptcy;
- 2761 2. Was reported with an address outside of the United
 2762 States;
- 2763 3. Is being claimed by a person outside of the United
 2764 States; or
- 2765 4. Contains documents filed in support of the claim that
 2766 are not in the English language and have not been accompanied by
 2767 an English language translation.

2768 (2) A claim for a cashier's check or a stock certificate
 2769 without the original instrument may require an indemnity bond
 2770 equal to the value of the claim to be provided prior to issue of
 2771 the stock or payment of the claim by the department.

2772 (3) The department may require an affidavit swearing to
 2773 the authenticity of the claim, lack of documentation, and an
 2774 agreement to allow the department to provide the name and
 2775 address of the claimant to subsequent claimants coming forward

2776 with substantiated proof to claim the account. This shall apply
2777 to claims equal to or less than \$250. The exclusive remedy of a
2778 subsequent claimant to the property shall be against the person
2779 who received the property from the department.

2780 (4) (a) Except as otherwise provided in this chapter, if a
2781 claim is determined in favor of the claimant, the department
2782 shall deliver or pay over to the claimant the property or the
2783 amount the department actually received or the proceeds if it
2784 has been sold by the department, together with any additional
2785 amount required by s. 717.121.

2786 (b) If a claimant ~~an owner~~ authorizes a claimant
2787 representative ~~an attorney licensed to practice law in this~~
2788 ~~state, a Florida-certified public accountant, or a private~~
2789 ~~investigator licensed under chapter 493, and registered with the~~
2790 department under this chapter, to claim the abandoned unclaimed
2791 property on the claimant's ~~owner's~~ behalf, the department is
2792 authorized to make distribution of the property or money in
2793 accordance with the Abandoned Unclaimed Property Recovery
2794 Agreement or Abandoned Unclaimed Property Purchase Agreement
2795 under s. 717.135. The original Abandoned Unclaimed Property
2796 Recovery Agreement or Abandoned Unclaimed Property Purchase
2797 Agreement must be executed by the claimant or seller and must be
2798 filed with the department.

2799 (c)1. Payments of approved claims for unclaimed cash
2800 accounts must be made to the owner after deducting any fees and

2801 costs authorized by the claimant under an Abandoned ~~Unclaimed~~
2802 Property Recovery Agreement. The contents of a safe-deposit box
2803 or shares of securities must be delivered directly to the
2804 claimant.

2805 2. Payments of fees and costs authorized under an
2806 Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved
2807 claims must be made or issued to the law firm of the designated
2808 attorney licensed to practice law in this state, the public
2809 accountancy firm of the licensed Florida-certified public
2810 accountant, or the designated employing private investigative
2811 agency licensed by this state. Such payments shall be made by
2812 electronic funds transfer and may be made on such periodic
2813 schedule as the department may define by rule, provided the
2814 payment intervals do not exceed 31 days. Payment made to an
2815 attorney licensed in this state, a Florida-certified public
2816 accountant, or a private investigator licensed under chapter
2817 493, operating individually or as a sole practitioner, must be
2818 to the attorney, certified public accountant, or private
2819 investigator.

2820 (5) The department shall not be administratively, civilly,
2821 or criminally liable for any property or funds distributed
2822 pursuant to this section, provided such distribution is made in
2823 good faith.

2824 (6) This section does not supersede the licensing
2825 requirements of chapter 493.

2826 (7) The department may allow an apparent owner to
2827 electronically submit a claim for abandoned ~~unclaimed~~ property
2828 to the department. If a claim is submitted electronically for
2829 \$2,000 or less, the department may use a method of identity
2830 verification other than a copy of a valid driver license, other
2831 government-issued photographic identification, or a sworn
2832 notarized statement. The department may adopt rules to implement
2833 this subsection.

2834 (8) Notwithstanding any other provision of this chapter,
2835 the department may develop and implement an identification
2836 verification and disbursement process by which an account valued
2837 at \$2,000 or less, after being received by the department and
2838 added to the abandoned ~~unclaimed~~ property database, may be
2839 disbursed to an apparent owner after the department has verified
2840 that the apparent owner is living and that the apparent owner's
2841 current address is correct. The department shall include with
2842 the payment a notification and explanation of the dollar amount,
2843 the source, and the property type of each account included in
2844 the disbursement. The department shall adopt rules to implement
2845 this subsection.

2846 (9) (a) Notwithstanding any other provision of this
2847 chapter, the department may develop and implement a verification
2848 and disbursement process by which an account, after being
2849 received by the department and added to the abandoned ~~unclaimed~~
2850 property database, for which the apparent owner entity is:

2851 1. A state agency in this state or a subdivision or
 2852 successor agency thereof;

2853 2. A county government in this state or a subdivision
 2854 thereof;

2855 3. A public school district in this state or a subdivision
 2856 thereof;

2857 4. A municipality in this state or a subdivision thereof;
 2858 or

2859 5. A special taxing district or authority in this state,
 2860

2861 may be disbursed to the apparent owner entity or successor
 2862 entity. The department shall include with the payment a
 2863 notification and explanation of the dollar amount, the source,
 2864 and the property type of each account included in the
 2865 disbursement.

2866 (b) The department may adopt rules to implement this
 2867 subsection.

2868 (10) Notwithstanding any other provision of this chapter,
 2869 the department may develop a process by which a claimant
 2870 ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may
 2871 electronically submit to the department an electronic image of a
 2872 completed claim and claims-related documents under this chapter,
 2873 including an Abandoned Unclaimed Property Recovery Agreement or
 2874 Abandoned Unclaimed Property Purchase Agreement that has been
 2875 signed and dated by a claimant or seller under s. 717.135, after

2876 the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
2877 ~~property~~ receives the original documents provided by the
2878 claimant or the seller for any claim. Each claim filed by a
2879 claimant ~~claimant's~~ representative ~~or a buyer of unclaimed~~
2880 ~~property~~ must include a statement by the claimant ~~claimant's~~
2881 representative ~~or the buyer of unclaimed property~~ attesting that
2882 all documents are true copies of the original documents and that
2883 all original documents are physically in the possession of the
2884 claimant ~~claimant's~~ representative ~~or the buyer of unclaimed~~
2885 ~~property~~. All original documents must be kept in the original
2886 form, by claim number, under the secure control of the claimant
2887 ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and
2888 must be available for inspection by the department in accordance
2889 with s. 717.1315. The department may adopt rules to implement
2890 this subsection.

2891 (11) This section applies to all abandoned ~~unclaimed~~
2892 property reported and remitted to the Chief Financial Officer,
2893 including, but not limited to, property reported pursuant to ss.
2894 45.032, 732.107, 733.816, and 744.534.

2895 **Section 48. Section 717.12403, Florida Statutes, is**
2896 **amended to read:**

2897 717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking
2898 account in a financial institution held in the name of more than
2899 one person.—

2900 (1) (a) If an abandoned ~~unclaimed~~ demand, savings, or

2901 | checking account in a financial institution is reported as an
2902 | "and" account in the name of two or more persons who are not
2903 | beneficiaries, it is presumed that each person must claim the
2904 | account in order for the claim to be approved by the department.
2905 | This presumption may be rebutted by showing that entitlement to
2906 | the account has been transferred to another person or by clear
2907 | and convincing evidence demonstrating that the account should
2908 | have been reported by the financial institution as an "or"
2909 | account.

2910 | (b) If an abandoned ~~unclaimed~~ demand, savings, or checking
2911 | account in a financial institution is reported as an "and"
2912 | account and one of the persons on the account is deceased, it is
2913 | presumed that the account is a survivorship account. This
2914 | presumption may be rebutted by showing that entitlement to the
2915 | account has been transferred to another person or by clear and
2916 | convincing evidence demonstrating that the account is not a
2917 | survivorship account.

2918 | (2) If an abandoned ~~unclaimed~~ demand, savings, or checking
2919 | account in a financial institution is reported as an "or"
2920 | account in the name of two or more persons who are not
2921 | beneficiaries, it is presumed that either person listed on the
2922 | account may claim the entire amount held in the account. This
2923 | presumption may be rebutted by showing that entitlement to the
2924 | account has been transferred to another person or by clear and
2925 | convincing evidence demonstrating that the account should have

2926 | been reported by the financial institution as an "and" account.

2927 | (3) If an abandoned ~~unclaimed~~ demand, savings, or checking
 2928 | account in a financial institution is reported in the name of
 2929 | two or more persons who are not beneficiaries without
 2930 | identifying whether the account is an "and" account or an "or"
 2931 | account, it is presumed that the account is an "or" account.
 2932 | This presumption may be rebutted by showing that entitlement to
 2933 | the account has been transferred to another person or by clear
 2934 | and convincing evidence demonstrating that the account should
 2935 | have been reported by the financial institution as an "and"
 2936 | account.

2937 | (4) The department shall be deemed to have made a
 2938 | distribution in good faith if the department remits funds
 2939 | consistent with this section.

2940 | **Section 49. Subsection (2) of section 717.12404, Florida**
 2941 | **Statutes, is amended to read:**

2942 | 717.12404 Claims on behalf of a business entity or trust.—

2943 | (2) Claims on behalf of an active or ~~a~~ dissolved
 2944 | corporation, a business entity ~~other than an active corporation,~~
 2945 | or a trust must include a legible copy of a valid driver license
 2946 | of the person acting on behalf of the ~~dissolved~~ corporation,
 2947 | business entity ~~other than an active corporation,~~ or trust. If
 2948 | the person has not been issued a valid driver license, the
 2949 | department shall be provided with a legible copy of a
 2950 | photographic identification of the person issued by the United

2951 States, a foreign nation, or a political subdivision or agency
2952 thereof. In lieu of photographic identification, a notarized
2953 sworn statement by the person may be provided which affirms the
2954 person's identity and states the person's full name and address.
2955 The person must produce his or her photographic identification
2956 issued by the United States, a state or territory of the United
2957 States, a foreign nation, or a political subdivision or agency
2958 thereof or other evidence deemed acceptable by the department by
2959 rule. The notary shall indicate the notary's full address on the
2960 notarized sworn statement. Any claim filed without the required
2961 identification or the sworn statement with the original claim
2962 form and the original Abandoned ~~Unclaimed~~ Property Recovery
2963 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if
2964 applicable, is void.

2965 **Section 50. Section 717.12405, Florida Statutes, is**
2966 **amended to read:**

2967 717.12405 Claims by estates.—An estate or any person
2968 representing an estate or acting on behalf of an estate may
2969 claim abandoned ~~unclaimed~~ property only after the heir or
2970 legatee of the decedent entitled to the property has been
2971 located. Any estate, or any person representing an estate or
2972 acting on behalf of an estate, that receives abandoned ~~unclaimed~~
2973 property before the heir or legatee of the decedent entitled to
2974 the property has been located, is personally liable for the
2975 abandoned ~~unclaimed~~ property and must immediately return the

2976 full amount of the abandoned ~~unclaimed~~ property or the value
 2977 thereof to the department in accordance with s. 717.1341.

2978 **Section 51. Section 717.12406, Florida Statutes, is**
 2979 **amended to read:**

2980 717.12406 Joint ownership of abandoned ~~unclaimed~~
 2981 securities or dividends.—For the purpose of determining joint
 2982 ownership of abandoned ~~unclaimed~~ securities or dividends, the
 2983 term:

- 2984 (1) "TEN COM" means tenants in common.
- 2985 (2) "TEN ENT" means tenants by the entireties.
- 2986 (3) "JT TEN" or "JT" means joint tenants with the right of
 2987 survivorship and not as tenants in common.
- 2988 (4) "And" means tenants in common with each person
 2989 entitled to an equal pro rata share.
- 2990 (5) "Or" means that each person listed on the account is
 2991 entitled to all of the funds.

2992 **Section 52. Section 717.1241, Florida Statutes, is amended**
 2993 **to read:**

2994 717.1241 Conflicting claims.—

- 2995 (1) For purposes of this section, the term "conflicting
 2996 claim" means two or more claims received by the department for
 2997 the same abandoned property account or accounts in which two or
 2998 more claimants appear to be equally entitled to the property.
 2999 The term also includes circumstances in which the same claimant
 3000 has more than one claim pending for the same property, including

3001 when the claimant is represented by more than one claimant
3002 representative or submits both a personal claim and a claim
3003 through a representative.

3004 (2) When conflicting claims have been received by the
3005 department for the same abandoned ~~unclaimed~~ property account or
3006 accounts, the property shall be remitted in accordance with the
3007 claim filed by the person as follows, notwithstanding the
3008 withdrawal of a claim:

3009 (a) To the person submitting the first claim received by
3010 the ~~Division of Unclaimed Property of the~~ department that is
3011 complete or made complete.

3012 (b) If a claimant's claim and a claimant ~~claimant's~~
3013 representative's claim for the recovery of property are received
3014 by the ~~Division of Unclaimed Property of the~~ department on the
3015 same day and both claims are complete, to the claimant.

3016 (c) If a buyer's claim or a purchasing claimant
3017 representative's claim and a claimant's claim or a claimant
3018 ~~claimant's~~ representative's claim for the recovery of property
3019 are received by the ~~Division of Unclaimed Property of the~~
3020 department on the same day and the claims are complete, to the
3021 buyer.

3022 (d) As between two or more claimant representatives'
3023 ~~claimant's representative's~~ claims received by the ~~Division of~~
3024 ~~Unclaimed Property of the~~ department that are complete or made
3025 complete on the same day, to the claimant ~~claimant's~~

3026 representative who has agreed to receive the lowest fee. If the
 3027 two or more claimant ~~claimant's~~ representatives whose claims
 3028 received by ~~the Division of Unclaimed Property of~~ the department
 3029 were complete or made complete on the same day are charging the
 3030 same ~~lowest~~ fee, the fee shall be divided equally between the
 3031 claimant ~~claimant's~~ representatives.

3032 (e) If more than one buyer's claim received by the
 3033 ~~Division of Unclaimed Property of~~ the department is complete or
 3034 made complete on the same day, the department shall remit the
 3035 abandoned ~~unclaimed~~ property to the buyer who paid the highest
 3036 amount to the seller. If the buyers paid the same amount to the
 3037 seller, the department shall remit the abandoned ~~unclaimed~~
 3038 property to the buyers divided in equal amounts.

3039 (3) ~~(2)~~ The purpose of this section is solely to provide
 3040 guidance to the department regarding to whom it should remit the
 3041 abandoned ~~unclaimed~~ property and is not intended to extinguish
 3042 or affect any private cause of action that any person may have
 3043 against another person for breach of contract or other statutory
 3044 or common-law remedy. A buyer's sole remedy, if any, shall be
 3045 against the claimant ~~claimant's~~ representative or the seller, or
 3046 both. A claimant ~~claimant's~~ representative's sole remedy, if
 3047 any, shall be against the buyer or the seller, or both. A
 3048 claimant's or seller's sole remedy, if any, shall be against the
 3049 buyer or the claimant ~~claimant's~~ representative, or both.
 3050 Nothing in this section forecloses the right of a person to

3051 challenge the department's determination of completeness in a
 3052 proceeding under ss. 120.569 and 120.57.

3053 (4)~~(3)~~ A claim is complete when entitlement to the
 3054 abandoned ~~unclaimed~~ property has been established.

3055 **Section 53. Subsection (1) of section 717.1242, Florida**
 3056 **Statutes, is amended to read:**

3057 717.1242 Restatement of jurisdiction of the circuit court
 3058 sitting in probate and the department.—

3059 (1) It is and has been the intent of the Legislature that,
 3060 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 3061 proceedings relating to the settlement of the estates of
 3062 decedents and other jurisdiction usually pertaining to courts of
 3063 probate. It is and has been the intent of the Legislature that,
 3064 pursuant to this chapter, the department determines the merits
 3065 of claims and entitlement to abandoned ~~unclaimed~~ property paid
 3066 or delivered to the department under this chapter. Consistent
 3067 with this legislative intent, any beneficiary, devisee, heir,
 3068 personal representative, or other interested person, as those
 3069 terms are defined in the Florida Probate Code and the Florida
 3070 Trust Code, of an estate seeking to obtain property paid or
 3071 delivered to the department under this chapter must file a claim
 3072 with the department as provided in s. 717.124.

3073 **Section 54. Subsections (1) and (4) of section 717.1243,**
 3074 **Florida Statutes, are amended to read:**

3075 717.1243 Small estate accounts.—

3076 (1) A claim for abandoned ~~unclaimed~~ property made by a
 3077 beneficiary, as defined in s. 731.201, of a deceased owner need
 3078 not be accompanied by an order of a probate court if the
 3079 claimant files with the department an affidavit, signed by all
 3080 beneficiaries, stating that all the beneficiaries have amicably
 3081 agreed among themselves upon a division of the estate and that
 3082 all funeral expenses, expenses of the last illness, and any
 3083 other lawful claims have been paid, and any additional
 3084 information reasonably necessary to make a determination of
 3085 entitlement. If the owner died testate, the claim shall be
 3086 accompanied by a copy of the will.

3087 (4) This section applies only if all of the abandoned
 3088 ~~unclaimed~~ property held by the department on behalf of the owner
 3089 has an aggregate value of \$20,000 or less and no probate
 3090 proceeding is pending.

3091 **Section 55. Section 717.1244, Florida Statutes, is amended**
 3092 **to read:**

3093 717.1244 Determinations of abandoned ~~unclaimed~~ property
 3094 claims.—In rendering a determination regarding the merits of an
 3095 abandoned ~~unclaimed~~ property claim, the department shall rely on
 3096 the applicable statutory, regulatory, common, and case law.
 3097 Agency statements applying the statutory, regulatory, common,
 3098 and case law to abandoned ~~unclaimed~~ property claims are not
 3099 agency statements subject to s. 120.56(4).

3100 **Section 56. Section 717.1245, Florida Statutes, is amended**

3101 **to read:**

3102 717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If
 3103 any person files a petition for writ of garnishment seeking to
 3104 obtain property paid or delivered to the department under this
 3105 chapter, the petitioner shall be ordered to pay the department
 3106 reasonable costs and attorney ~~attorney's~~ fees in any proceeding
 3107 brought by the department to oppose, appeal, or collaterally
 3108 attack the petition or writ if the department is the prevailing
 3109 party in any such proceeding.

3110 **Section 57. Subsection (1) of section 717.125, Florida**
 3111 **Statutes, is amended to read:**

3112 717.125 Claim of another state to recover property;
 3113 procedure.—

3114 (1) At any time after property has been paid or delivered
 3115 to the department under this chapter, another state may recover
 3116 the property if:

3117 (a) The property was subjected to custody by this state
 3118 because the records of the holder did not reflect the last known
 3119 address of the apparent owner when the property was presumed
 3120 abandoned ~~unclaimed~~ under this chapter, and the other state
 3121 establishes that the last known address of the apparent owner or
 3122 other person entitled to the property was in that state and
 3123 under the laws of that state the property escheated to or was
 3124 subject to a claim of abandonment or being unclaimed by that
 3125 state;

3126 (b) The last known address of the apparent owner or other
 3127 person entitled to the property, as reflected by the records of
 3128 the holder, is in the other state and under the laws of that
 3129 state the property has escheated to or become subject to a claim
 3130 of abandonment by that state;

3131 (c) The records of the holder were erroneous in that they
 3132 did not accurately reflect the actual owner of the property and
 3133 the last known address of the actual owner is in the other state
 3134 and under laws of that state the property escheated to or was
 3135 subject to a claim of abandonment by that state;

3136 (d) The property was subject to custody by this state
 3137 under s. 717.103(6) and under the laws of the state of domicile
 3138 of the holder the property has escheated to or become subject to
 3139 a claim of abandonment by that state; or

3140 (e) The property is the sum payable on a traveler's check,
 3141 money order, or other similar instrument that was subjected to
 3142 custody by this state under s. 717.104, and the instrument was
 3143 purchased in the other state, and under the laws of that state
 3144 the property escheated to or became subject to a claim of
 3145 abandonment by that state.

3146 **Section 58. Subsection (1) of section 717.126, Florida**
 3147 **Statutes, is amended to read:**

3148 717.126 Administrative hearing; burden of proof; proof of
 3149 entitlement; venue.—

3150 (1) Any person aggrieved by a decision of the department

3151 may petition for a hearing as provided in ss. 120.569 and
3152 120.57. In any proceeding for determination of a claim to
3153 property paid or delivered to the department under this chapter,
3154 the burden shall be upon the claimant to establish entitlement
3155 to the property by a preponderance of evidence. Having the same
3156 name as that reported to the department is not sufficient, in
3157 the absence of other evidence, to prove entitlement to abandoned
3158 ~~unclaimed~~ property.

3159 **Section 59. Section 717.1261, Florida Statutes, is amended**
3160 **to read:**

3161 717.1261 Death certificates.—Any person who claims
3162 entitlement to abandoned ~~unclaimed~~ property by means of the
3163 death of one or more persons shall file a copy of the death
3164 certificate of the decedent or decedents that has been certified
3165 as being authentic by the issuing governmental agency.

3166 **Section 60. Section 717.1262, Florida Statutes, is amended**
3167 **to read:**

3168 717.1262 Court documents.—Any person who claims
3169 entitlement to abandoned ~~unclaimed~~ property by reason of a court
3170 document shall file a certified copy of the court document with
3171 the department. A certified copy of each pleading filed with the
3172 court to obtain a court document establishing entitlement, filed
3173 within 180 days before the date the claim form was signed by the
3174 claimant or claimant ~~claimant's~~ representative, must also be
3175 filed with the department.

3176 **Section 61. Section 717.129, Florida Statutes, is amended**
 3177 **to read:**

3178 717.129 Periods of limitation.—

3179 (1) The expiration before or after July 1, 1987, of any
 3180 period of time specified by contract, statute, or court order,
 3181 during which a claim for money or property may be made or during
 3182 which an action or proceeding may be commenced or enforced to
 3183 obtain payment of a claim for money or to recover property, does
 3184 not prevent the money or property from being presumed abandoned
 3185 ~~unclaimed~~ or affect any duty to file a report or to pay or
 3186 deliver abandoned ~~unclaimed~~ property to the department as
 3187 required by this chapter.

3188 (2) The department may not commence an action or
 3189 proceeding to enforce this chapter with respect to the
 3190 reporting, payment, or delivery of property or any other duty of
 3191 a holder under this chapter more than 10 years after the duty
 3192 arose. The period of limitation established under this
 3193 subsection is tolled by the earlier of the department's or audit
 3194 agent's delivery of a notice that a holder is subject to an
 3195 audit or examination under s. 717.1301 or the holder's written
 3196 election to enter into an abandoned ~~unclaimed~~ property voluntary
 3197 disclosure agreement.

3198 **Section 62. Subsections (3) and (4) of section 717.1301,**
 3199 **Florida Statutes, are amended to read:**

3200 717.1301 Investigations; examinations; subpoenas.—

3201 (3) The department may authorize a compliance review of a
3202 report for a specified reporting year. The review must be
3203 limited to the contents of the report filed, as required by s.
3204 717.117 and subsection (2), and all supporting documents related
3205 to the reports. If the review results in a finding of a
3206 deficiency in abandoned ~~unclaimed~~ property due and payable to
3207 the department, the department shall notify the holder in
3208 writing of the amount of deficiency within 1 year after the
3209 authorization of the compliance review. If the holder fails to
3210 pay the deficiency within 90 days, the department may seek to
3211 enforce the assessment under subsection (1). The department is
3212 not required to conduct a review under this section before
3213 initiating an audit.

3214 (4) Notwithstanding any other provision of law, in a
3215 contract providing for the location or collection of abandoned
3216 ~~unclaimed~~ property, the department may authorize the contractor
3217 to deduct its fees and expenses for services provided under the
3218 contract from the abandoned ~~unclaimed~~ property that the
3219 contractor has recovered or collected under the contract. The
3220 department shall annually report to the Chief Financial Officer
3221 the total amount collected or recovered by each contractor
3222 during the previous fiscal year and the total fees and expenses
3223 deducted by each contractor.

3224 **Section 63. Section 717.1315, Florida Statutes, is amended**
3225 **to read:**

3226 717.1315 Retention of records by claimant ~~claimant's~~
 3227 representatives and buyers of abandoned ~~unclaimed~~ property.—

3228 (1) Every claimant ~~claimant's~~ representative and buyer of
 3229 abandoned ~~unclaimed~~ property shall keep and use in his or her
 3230 business such books, accounts, and records of the business
 3231 conducted under this chapter to enable the department to
 3232 determine whether such person is complying with this chapter and
 3233 the rules adopted by the department under this chapter. Every
 3234 claimant ~~claimant's~~ representative and buyer of abandoned
 3235 ~~unclaimed~~ property shall preserve such books, accounts, and
 3236 records, including every Abandoned ~~Unclaimed~~ Property Recovery
 3237 Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement
 3238 between the owner and such claimant ~~claimant's~~ representative or
 3239 buyer, for at least 3 years after the date of the initial
 3240 agreement.

3241 (2) A claimant ~~claimant's~~ representative or buyer of
 3242 abandoned ~~unclaimed~~ property, operating at two or more places of
 3243 business in this state, may maintain the books, accounts, and
 3244 records of all such offices at any one of such offices, or at
 3245 any other office maintained by such claimant ~~claimant's~~
 3246 representative or buyer of abandoned ~~unclaimed~~ property, upon
 3247 the filing of a written notice with the department designating
 3248 in the written notice the office at which such records are
 3249 maintained.

3250 (3) A claimant ~~claimant's~~ representative or buyer of

3251 abandoned ~~unclaimed~~ property shall make all books, accounts, and
3252 records available at a convenient location in this state upon
3253 request of the department.

3254 **Section 64. Subsections (2) and (3) of section 717.132,**
3255 **Florida Statutes, are amended to read:**

3256 717.132 Enforcement; cease and desist orders; fines.—

3257 (2) In addition to any other powers conferred upon it to
3258 enforce and administer the provisions of this chapter, the
3259 department may issue and serve upon a person an order to cease
3260 and desist and to take corrective action whenever the department
3261 finds that such person is violating, has violated, or is about
3262 to violate any provision of this chapter, any rule or order
3263 promulgated under this chapter, or any written agreement entered
3264 into with the department. For purposes of this subsection, the
3265 term "corrective action" includes refunding excessive charges,
3266 requiring a person to return abandoned ~~unclaimed~~ property,
3267 requiring a holder to remit abandoned ~~unclaimed~~ property, and
3268 requiring a holder to correct a report that contains errors or
3269 omissions. Any such order shall contain a notice of rights
3270 provided by ss. 120.569 and 120.57.

3271 (3) In addition to any other powers conferred upon it to
3272 enforce and administer the provisions of this chapter, the
3273 department or a court of competent jurisdiction may impose fines
3274 against any person found to have violated any provision of this
3275 chapter, any rule or order promulgated under this chapter, or

3276 any written agreement entered into with the department in an
3277 amount not to exceed \$2,000 for each violation. All fines
3278 collected under this subsection shall be deposited as received
3279 in the Abandoned ~~Unclaimed~~ Property Trust Fund.

3280 **Section 65. Paragraphs (c), (d), and (j) of subsection**
3281 **(1), subsections (2) and (3), paragraph (b) of subsection (4),**
3282 **and subsection (5) of section 717.1322, Florida Statutes, are**
3283 **amended to read:**

3284 717.1322 Administrative and civil enforcement.—

3285 (1) The following acts are violations of this chapter and
3286 constitute grounds for an administrative enforcement action by
3287 the department in accordance with the requirements of chapter
3288 120 and for civil enforcement by the department in a court of
3289 competent jurisdiction:

3290 (c) ~~Fraudulent~~ Misrepresentation, circumvention, or
3291 concealment of any matter required to be stated or furnished to
3292 the department or to an owner or apparent owner under this
3293 chapter, ~~regardless of reliance by or damage to the owner or~~
3294 ~~apparent owner.~~

3295 (d) ~~Willful~~ Imposition of illegal or excessive charges in
3296 any abandoned ~~unclaimed~~ property transaction.

3297 (j) Requesting or receiving compensation for notifying a
3298 person of his or her abandoned ~~unclaimed~~ property or assisting
3299 another person in filing a claim for abandoned ~~unclaimed~~
3300 property, ~~unless the person is an attorney licensed to practice~~

3301 ~~law in this state, a Florida-certified public accountant, or a~~
3302 ~~private investigator licensed under chapter 493, or entering~~
3303 ~~into, or making a solicitation to enter into, an agreement to~~
3304 ~~file a claim for abandoned ~~unclaimed~~ property owned by another,~~
3305 ~~unless such person is a registered claimant representative~~
3306 ~~registered with the department under this chapter and an~~
3307 ~~attorney licensed to practice law in this state in the regular~~
3308 ~~practice of her or his profession, a Florida-certified public~~
3309 ~~accountant who is acting within the scope of the practice of~~
3310 ~~public accounting as defined in chapter 473, or a private~~
3311 ~~investigator licensed under chapter 493. This paragraph does not~~
3312 ~~apply to a person who has been granted a durable power of~~
3313 ~~attorney to convey and receive all of the real and personal~~
3314 ~~property of the owner, is the court-appointed guardian of the~~
3315 ~~owner, has been employed as an attorney or qualified~~
3316 ~~representative to contest the department's denial of a claim, or~~
3317 ~~has been employed as an attorney to probate the estate of the~~
3318 ~~owner or an heir or legatee of the owner.~~

3319 (2) Upon a finding by the department that any person has
3320 committed any of the acts set forth in subsection (1), the
3321 department may enter an order doing any of the following:

3322 (a) Revoking for a minimum of 5 years or suspending for a
3323 maximum of 5 years a registration previously granted under this
3324 chapter during which time the registrant may not reapply for a
3325 registration under this chapter.7

3326 (b) Placing a claimant representative ~~registrant~~ or an
 3327 applicant for a registration on probation for a period of time
 3328 and subject to such conditions as the department may specify.~~†~~

3329 (c) Placing permanent restrictions or conditions upon
 3330 issuance or maintenance of a registration under this chapter;

3331 (d) Issuing a reprimand.~~†~~

3332 (e) Imposing an administrative fine not to exceed \$2,000
 3333 for each such act.~~†~~~~or~~

3334 (f) Prohibiting any person from being a director, officer,
 3335 agent, employee, or ultimate equitable owner of a 10 percent ~~10-~~
 3336 ~~percent~~ or greater interest in an employer of a claimant
 3337 representative ~~registrant~~.

3338 (3) A claimant ~~claimant's~~ representative is subject to
 3339 civil enforcement and the disciplinary actions specified in
 3340 subsection (2) for violations of subsection (1) by an agent or
 3341 employee of the claimant representative's ~~registrant's~~ employer
 3342 if the claimant ~~claimant's~~ representative knew or should have
 3343 known that such agent or employee was violating any provision of
 3344 this chapter.

3345 (4)

3346 (b) The disciplinary guidelines shall specify a meaningful
 3347 range of designated penalties based upon the severity or
 3348 repetition of specific offenses, or both. It is the legislative
 3349 intent that minor violations be distinguished from more serious
 3350 violations; that such guidelines consider the amount of the

3351 claim involved, the complexity of locating the owner, the steps
3352 taken to ensure the accuracy of the claim by the person filing
3353 the claim, the acts of commission and omission of the claimant
3354 ~~ultimate owners~~ in establishing themselves as rightful owners of
3355 the funds, the acts of commission or omission of the agent or
3356 employee of a claimant representative or its ~~an~~ employer in the
3357 filing of the claim, the actual knowledge of the agent,
3358 employee, employer, or owner in the filing of the claim, the
3359 departure, if any, by the agent or employee from the internal
3360 controls and procedures established by the claimant
3361 representative or its employer with regard to the filing of a
3362 claim, the number of defective claims previously filed by the
3363 agent, employee, employer, or owner; that such guidelines
3364 provide reasonable and meaningful notice of likely penalties
3365 that may be imposed for proscribed conduct; and that such
3366 penalties be consistently applied by the department.

3367 (5) The department may seek any appropriate civil legal
3368 remedy available to it by filing a civil action in a court of
3369 competent jurisdiction against any person who has, directly or
3370 through a claimant ~~claimant's~~ representative, wrongfully
3371 submitted a claim as the ~~ultimate~~ owner of property and
3372 improperly received funds from the department in violation of
3373 this chapter.

3374 **Section 66. Subsections (1) and (3) of section 717.133,**
3375 **Florida Statutes, are amended to read:**

3376 717.133 Interstate agreements and cooperation; joint and
3377 reciprocal actions with other states.—

3378 (1) The department may enter into agreements with other
3379 states to exchange information needed to enable this or another
3380 state to audit or otherwise determine abandoned ~~unclaimed~~
3381 property that it or another state may be entitled to subject to
3382 a claim of custody. The department may require the reporting of
3383 information needed to enable compliance with agreements made
3384 pursuant to this section and prescribe the form.

3385 (3) At the request of another state, the department may
3386 bring an action in the name of the other state in any court of
3387 competent jurisdiction to enforce the abandoned ~~unclaimed~~
3388 property laws of the other state against a holder in this state
3389 of property subject to escheat or a claim of abandonment by the
3390 other state, if the other state has agreed to pay expenses
3391 incurred in bringing the action.

3392 **Section 67. Subsection (2) of section 717.1333, Florida**
3393 **Statutes, is amended to read:**

3394 717.1333 Evidence; estimations; audit reports and
3395 worksheets, investigator reports and worksheets, other related
3396 documents.—

3397 (2) If the records of the holder that are available for
3398 the periods subject to this chapter are insufficient to permit
3399 the preparation of a report of the abandoned ~~unclaimed~~ property
3400 due and owing by a holder, or if the holder fails to provide

3401 records after being requested to do so, the amount due to the
 3402 department may be reasonably estimated.

3403 **Section 68. Paragraph (a) of subsection (1) and**
 3404 **subsections (2) and (4) of section 717.1341, Florida Statutes,**
 3405 **are amended to read:**

3406 717.1341 Invalid claims, recovery of property, interest
 3407 and penalties.—

3408 (1) (a) A ~~No~~ person may not ~~shall~~ receive abandoned
 3409 ~~unclaimed~~ property that the person is not entitled to receive.
 3410 Any person who receives, or assists another person to receive,
 3411 abandoned ~~unclaimed~~ property that the person is not entitled to
 3412 receive is strictly, jointly, personally, and severally liable
 3413 for the abandoned ~~unclaimed~~ property and shall immediately
 3414 return the property, or the reasonable value of the property if
 3415 the property has been damaged or disposed of, to the department
 3416 plus interest at the rate set in accordance with s. 55.03(1).
 3417 Assisting another person to receive abandoned ~~unclaimed~~ property
 3418 includes executing a claim form on the person's behalf.

3419 (2) The department may maintain a civil or administrative
 3420 action:

3421 (a) To recover abandoned ~~unclaimed~~ property that was paid
 3422 or remitted to a person who was not entitled to the abandoned
 3423 ~~unclaimed~~ property or to offset amounts owed to the department
 3424 against amounts owed to an owner representative;

3425 (b) Against a person who assists another person in

3426 receiving, or attempting to receive, abandoned ~~unclaimed~~
 3427 property that the person is not entitled to receive; or
 3428 (c) Against a person who attempts to receive abandoned
 3429 ~~unclaimed~~ property that the person is not entitled to receive.
 3430 (4) ~~A No~~ person may not ~~shall~~ knowingly file, knowingly
 3431 conspire to file, or knowingly assist in filing, a claim for
 3432 abandoned ~~unclaimed~~ property the person is not entitled to
 3433 receive. Any person who violates this subsection regarding
 3434 abandoned ~~unclaimed~~ property of an aggregate value:
 3435 (a) Greater than \$50,000, commits ~~is guilty of~~ a felony of
 3436 the first degree, punishable as provided in s. 775.082, s.
 3437 775.083, or s. 775.084;
 3438 (b) Greater than \$10,000 up to \$50,000, commits ~~is guilty~~
 3439 ~~of~~ a felony of the second degree, punishable as provided in s.
 3440 775.082, s. 775.083, or s. 775.084;
 3441 (c) Greater than \$250 up to \$10,000, commits ~~is guilty of~~
 3442 a felony of the third degree, punishable as provided in s.
 3443 775.082, s. 775.083, or s. 775.084;
 3444 (d) Greater than \$50 up to \$250, commits ~~is guilty of~~ a
 3445 misdemeanor of the first degree, punishable as provided in s.
 3446 775.082 or s. 775.083; or
 3447 (e) Up to \$50, commits ~~is guilty of~~ a misdemeanor of the
 3448 second degree, punishable as provided in s. 775.082 or s.
 3449 775.083.
 3450 **Section 69. Section 717.135, Florida Statutes, is amended**

3451 **to read:**

3452 717.135 Recovery agreements and purchase agreements for
3453 claims filed by a claimant ~~claimant's~~ representative; fees and
3454 costs or total net gain.—

3455 (1) In order to protect the interests of owners of
3456 abandoned ~~unclaimed~~ property, the department shall adopt by rule
3457 a form entitled "Abandoned ~~Unclaimed~~ Property Recovery
3458 Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property
3459 Purchase Agreement."

3460 (2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement
3461 and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must
3462 include and disclose all of the following:

3463 (a) The total dollar amount of abandoned ~~unclaimed~~
3464 property accounts claimed or sold.

3465 (b) The total percentage of all authorized fees and costs
3466 to be paid to the claimant ~~claimant's~~ representative or the
3467 percentage of the value of the property to be paid as net gain
3468 to the purchasing claimant ~~claimant's~~ representative.

3469 (c) The total dollar amount to be deducted and received
3470 from the claimant as fees and costs by the claimant ~~claimant's~~
3471 representative or the total net dollar amount to be received by
3472 the purchasing claimant ~~claimant's~~ representative.

3473 (d) The net dollar amount to be received by the claimant
3474 or the seller.

3475 (e) For each account claimed, the abandoned ~~unclaimed~~

3476 property account number.

3477 (f) For the Abandoned ~~Unclaimed~~ Property Purchase
3478 Agreement, a statement that the amount of the purchase price
3479 will be remitted to the seller by the purchaser within 30 days
3480 after the execution of the agreement by the seller.

3481 (g) The name, address, e-mail address, phone number, and
3482 license number of the claimant ~~claimant's~~ representative.

3483 (h)1. The manual signature of the claimant or seller and
3484 the date signed, affixed on the agreement by the claimant or
3485 seller.

3486 2. Notwithstanding any other provision of this chapter to
3487 the contrary, the department may allow ~~an apparent owner, who is~~
3488 ~~also~~ the claimant or seller, to sign the agreement
3489 electronically. All electronic signatures on the Abandoned
3490 ~~Unclaimed~~ Property Recovery Agreement and the Abandoned
3491 ~~Unclaimed~~ Property Purchase Agreement must be affixed on the
3492 agreement by the claimant or seller using the specific,
3493 exclusive eSignature product and protocol authorized by the
3494 department.

3495 (i) The social security number or taxpayer identification
3496 number of the claimant or seller, if a number has been issued to
3497 the claimant or seller.

3498 (j) The total fees and costs, or the total discount in the
3499 case of a purchase agreement, which may not exceed 30 percent of
3500 the claimed amount. In the case of a recovery agreement, if the

3501 total fees and costs exceed 30 percent, the fees and costs shall
 3502 be reduced to 30 percent and the net balance shall be remitted
 3503 directly by the department to the claimant. In the case of a
 3504 purchase agreement, if the total net gain of the claimant
 3505 ~~claimant's~~ representative exceeds 30 percent, the claim will be
 3506 denied.

3507 (3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement
 3508 form, proof that the purchaser has made payment must be filed
 3509 with the department along with the claim. If proof of payment is
 3510 not provided, the claim is void.

3511 (4) A claimant ~~claimant's~~ representative must use the
 3512 Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned
 3513 ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of
 3514 entering into an agreement or a contract with a claimant or
 3515 seller to file a claim with the department.

3516 (5) Fees and costs may be owed or paid to, or received by,
 3517 a claimant ~~claimant's~~ representative only after a filed claim
 3518 has been approved and if the claimant's representative used an
 3519 agreement authorized by this section.

3520 (6) A claimant ~~claimant's~~ representative may not use or
 3521 distribute any other agreement of any type, conveyed by any
 3522 method, with respect to the claimant or seller which relates,
 3523 directly or indirectly, to abandoned ~~unclaimed~~ property accounts
 3524 held by the department or the Chief Financial Officer other than
 3525 the agreements authorized by this section. Any engagement,

3526 authorization, recovery, or fee agreement that is not authorized
3527 by this section is void. A claimant ~~claimant's~~ representative is
3528 subject to administrative and civil enforcement under s.
3529 717.1322 if he or she uses an agreement that is not authorized
3530 by this section and if the agreement is used to apply, directly
3531 or indirectly, to abandoned ~~unclaimed~~ property held by this
3532 state. This subsection does not prohibit lawful nonagreement,
3533 noncontractual, or advertising communications between or among
3534 the parties.

3535 (7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement
3536 may not contain language that makes the agreement irrevocable or
3537 that creates an assignment of any portion of abandoned ~~unclaimed~~
3538 property held by the department.

3539 (8) When a claim is approved, the department may pay any
3540 additional account that is owned by the claimant but has not
3541 been claimed at the time of approval, provided that a subsequent
3542 claim has not been filed or is not pending for the claimant at
3543 the time of approval.

3544 (9) This section does not supersede s. 717.1241.

3545 ~~(10) This section does not apply to the sale and purchase~~
3546 ~~of Florida-held unclaimed property accounts through a bankruptcy~~
3547 ~~estate representative or other person or entity authorized~~
3548 ~~pursuant to Title XI of the United States Code or an order of a~~
3549 ~~bankruptcy court to act on behalf or for the benefit of the~~
3550 ~~debtor, its creditors, and its bankruptcy estate.~~

3551 **Section 70. Section 717.1356, Florida Statutes, is created**
3552 **to read:**

3553 717.1356 Purchase of abandoned property.-

3554 (1) Agreements for the purchase of abandoned property
3555 reported to the department shall be valid only if all of the
3556 following conditions are met:

3557 (a) The agreement is entitled "Florida Abandoned Property
3558 Purchase Agreement" and is in writing, in minimum 12-point type.

3559 (b) The agreement includes the social security number or
3560 taxpayer identification number of the seller, if a number has
3561 been issued to the seller; a valid e-mail address, mailing
3562 address, and telephone number for the seller; and is manually
3563 signed and dated by the seller with the signature notarized.

3564 (c) The agreement discloses with specificity the nature
3565 and value of the abandoned property, including the name of the
3566 apparent owner as shown by the records of the department, the
3567 name of the holder who remitted the property, the date of last
3568 contact, and the property category. With respect to the value of
3569 the abandoned property, the agreement must contain the
3570 following:

3571 1. The total dollar amount of all abandoned property to be
3572 sold.

3573 2. The total percentage of the value of the abandoned
3574 property to be paid as net gain to the purchaser.

3575 3. The total net dollar amount to be received by the

3576 purchaser.

3577 4. The net dollar amount to be received by the seller.

3578 (d) The agreement states the abandoned property account
3579 number for each abandoned property account sold.

3580 (e) The purchase price does not discount the total value
3581 of all abandoned property subject to the sale by more than 30
3582 percent.

3583 (f) The agreement states that the amount of the purchase
3584 price will be remitted to the seller by the purchaser within 30
3585 days after the execution of the agreement by the seller.

3586 (g) The agreement includes the name, address, e-mail
3587 address, and phone number of the purchaser.

3588 (h) The agreement states that the abandoned property is
3589 currently in the department's custody and that the seller can
3590 claim the property directly from the department on its
3591 electronically searchable website without being charged a fee.
3592 The agreement must provide the department's website address.

3593 (2) A seller may cancel a purchase agreement without
3594 penalty or obligation within 15 business days after the date on
3595 which the agreement was executed. The agreement must contain the
3596 following language in minimum 12-point type: "You may cancel
3597 this agreement for any reason without penalty or obligation to
3598 you within 15 days after the date of this agreement by providing
3599 notice to . . .(name of purchaser). . ., submitted in writing
3600 and sent by certified mail, return receipt requested, or other

3601 form of mailing that provides proof thereof, at the address or
 3602 e-mail address specified in the agreement."

3603 (3) A copy of an executed Florida Abandoned Property
 3604 Purchase Agreement must be filed with the purchaser's claim,
 3605 along with proof that the purchaser has made payment in full,
 3606 and all other required documentation. If proof of payment is not
 3607 provided, the department may not approve the claim.

3608 (4) A purchase agreement under this section that discounts
 3609 the value of abandoned property by more than the amount
 3610 authorized in paragraph (1)(e) is enforceable only by the
 3611 seller.

3612 **Section 71. Section 717.138, Florida Statutes, is amended**
 3613 **to read:**

3614 717.138 Rulemaking authority.—The department shall
 3615 administer and provide for the enforcement of this chapter. The
 3616 department has authority to adopt rules pursuant to ss.
 3617 120.536(1) and 120.54 to implement the provisions of this
 3618 chapter. The department may adopt rules to allow for electronic
 3619 filing of fees, forms, and reports required by this chapter. The
 3620 authority to adopt rules pursuant to this chapter applies to all
 3621 abandoned ~~unclaimed~~ property reported and remitted to the Chief
 3622 Financial Officer, including, but not limited to, property
 3623 reported and remitted pursuant to ss. 45.032, 732.107, 733.816,
 3624 and 744.534.

3625 **Section 72. Section 717.1382, Florida Statutes, is amended**

3626 **to read:**

3627 717.1382 United States savings bond; abandoned ~~unclaimed~~
 3628 property; escheatment; procedure.—

3629 (1) Notwithstanding any other provision of law, a United
 3630 States savings bond in possession of the department or
 3631 registered to a person with a last known address in the state,
 3632 including a bond that is lost, stolen, or destroyed, is presumed
 3633 abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity
 3634 and no longer earns interest and shall be reported and remitted
 3635 to the department by the financial institution or other holder
 3636 in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and~~
 3637 ~~(5)~~ and 717.119, if the department is not in possession of the
 3638 bond.

3639 (2) (a) After a United States savings bond is abandoned ~~and~~
 3640 ~~unclaimed~~ in accordance with subsection (1), the department may
 3641 commence a civil action in a court of competent jurisdiction in
 3642 Leon County for a determination that the bond shall escheat to
 3643 the state. Upon determination of escheatment, all property
 3644 rights to the bond or proceeds from the bond, including all
 3645 rights, powers, and privileges of survivorship of an owner, co-
 3646 owner, or beneficiary, shall vest solely in the state.

3647 (b) Service of process by publication may be made on a
 3648 party in a civil action pursuant to this section. A notice of
 3649 action shall state the name of any known owner of the bond, the
 3650 nature of the action or proceeding in short and simple terms,

3651 the name of the court in which the action or proceeding is
3652 instituted, and an abbreviated title of the case.

3653 (c) The notice of action shall require a person claiming
3654 an interest in the bond to file a written defense with the clerk
3655 of the court and serve a copy of the defense by the date fixed
3656 in the notice. The date must not be less than 28 or more than 60
3657 days after the first publication of the notice.

3658 (d) The notice of action shall be published once a week
3659 for 4 consecutive weeks in a newspaper of general circulation
3660 published in Leon County. Proof of publication shall be placed
3661 in the court file.

3662 (e)1. If no person files a claim with the court for the
3663 bond and if the department has substantially complied with the
3664 provisions of this section, the court shall enter a default
3665 judgment that the bond, or proceeds from such bond, has
3666 escheated to the state.

3667 2. If a person files a claim for one or more bonds and,
3668 after notice and hearing, the court determines that the claimant
3669 is not entitled to the bonds claimed by such claimant, the court
3670 shall enter a judgment that such bonds, or proceeds from such
3671 bonds, have escheated to the state.

3672 3. If a person files a claim for one or more bonds and,
3673 after notice and hearing, the court determines that the claimant
3674 is entitled to the bonds claimed by such claimant, the court
3675 shall enter a judgment in favor of the claimant.

3676 (3) The department may redeem a United States savings bond
 3677 escheated to the state pursuant to this section or, in the event
 3678 that the department is not in possession of the bond, seek to
 3679 obtain the proceeds from such bond. Proceeds received by the
 3680 department shall be deposited in accordance with s. 717.123.

3681 **Section 73. Section 717.139, Florida Statutes, is amended**
 3682 **to read:**

3683 717.139 Uniformity of application and construction.—

3684 (1) The Legislature finds that laws governing abandoned
 3685 property serve a vital public purpose by protecting the property
 3686 rights of owners, facilitating the return abandoned property to
 3687 its owners, preventing private escheatment, and ensuring that
 3688 abandoned assets are preserved and safeguarded from waste or
 3689 misuse. It is the public policy of the state to protect the
 3690 interests of owners of abandoned ~~unclaimed~~ property. ~~It is~~
 3691 ~~declared to be in the best interests of owners of unclaimed~~
 3692 ~~property that such owners receive the full amount of any~~
 3693 ~~unclaimed property without any fee.~~

3694 (2) This chapter shall be applied and construed as to
 3695 effectuate its general purpose of protecting the interest of
 3696 missing owners of abandoned property, while providing that the
 3697 benefit of all ~~unclaimed and~~ abandoned property shall go to all
 3698 the people of the state, and to make uniform the law with
 3699 respect to the subject of this chapter among states enacting it.
 3700 It is the intent of the Legislature that property reported under

3701 this chapter remains the property of the owner and that the
 3702 State of Florida acts solely as a custodian, not as the owner,
 3703 of such property. Title to abandoned property may not transfer
 3704 to the state except as expressly provided by law and only after
 3705 all reasonable efforts to identify and return the property to
 3706 its rightful owner have been exhausted.

3707 **Section 74. Section 717.1400, Florida Statutes, is amended**
 3708 **to read:**

3709 717.1400 Registration.—

3710 (1) In order to file claims as a claimant ~~claimant's~~
 3711 representative, receive a distribution of fees and costs for
 3712 approved claims from the department, and obtain information
 3713 regarding abandoned ~~unclaimed~~ property dollar amounts and
 3714 numbers of reported shares of stock held by the department, an
 3715 individual must meet all of the following requirements:

3716 (a) Be one of the following:

- 3717 1. A Florida-licensed private investigator holding a Class
- 3718 "C" individual license under chapter 493;
- 3719 2. A Florida-certified public account; or
- 3720 3. A Florida-licensed attorney.

3721 (b) Have obtained a certificate of registration from ~~Must~~
 3722 register with the department.

3723 (2) An application for registration as a claimant
 3724 representative must be submitted in writing on a form prescribed
 3725 by the department and must be accompanied by all of the

3726 following:

3727 (a) A legible color copy of the applicant's current driver
 3728 license showing the full name and current address of such
 3729 person. If a current driver license is not available, another
 3730 form of photo identification must be provided which shows the
 3731 full name and current address of such person.

3732 (b) If the applicant is a private investigator:

3733 1. ~~on such form as the department prescribes by rule and~~
 3734 ~~must be verified by the applicant. To register with the~~
 3735 ~~department, a private investigator must provide:~~

3736 ~~(a)~~ A legible copy of the applicant's Class "A" business
 3737 license under chapter 493 or that of the applicant's firm or
 3738 employer which holds a Class "A" business license under chapter
 3739 493; ~~and.~~

3740 2. ~~(b)~~ A legible copy of the applicant's Class "C"
 3741 individual license issued under chapter 493.

3742 (c) If the applicant is a certified public account, the
 3743 applicant's Florida Board of Accountancy number.

3744 (d) If the applicant is a licensed attorney, the
 3745 applicant's Florida Bar number.

3746 (e) ~~(e)~~ The business address, ~~and~~ telephone number, tax
 3747 identification number, and state of domicile or incorporation of
 3748 the applicant's ~~private investigative~~ firm or employer.

3749 (f) ~~(d)~~ The names of agents, ~~or~~ employees, or independent
 3750 contractors, if any, who are designated or authorized to act on

3751 | behalf of the applicant ~~private investigator~~, together with a
3752 | legible color copy of their photo identification issued by an
3753 | agency of the United States, or a state, or a political
3754 | subdivision thereof.

3755 | (g) A statement that the applicant has not, during the 5-
3756 | year period immediately preceding the submission of the
3757 | application, violated any part of the Florida Disposition of
3758 | Abandoned Personal Property Act.

3759 | (h) A statement that the applicant has not been convicted
3760 | of, or plead guilty to, a felony or any offense involving moral
3761 | turpitude; dishonesty; deceit; or breach of fiduciary duty,
3762 | including theft, attempted theft, falsification, tampering with
3763 | records, securing writings by deception, fraud, forgery, or
3764 | perjury.

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

3767 | (j) The applicant's notarized signature immediately
3768 | following an acknowledgment that any false or perjured statement
3769 | subjects the applicant to criminal liability under the laws of
3770 | this state

3771 | ~~(f) The tax identification number of the private~~
3772 | ~~investigator's firm or employer which holds a Class "A" business~~
3773 | ~~license under chapter 493.~~

3774 | ~~(2) In order to file claims as a claimant's~~
3775 | ~~representative, receive a distribution of fees and costs from~~

3776 ~~the department, and obtain unclaimed property dollar amounts and~~
3777 ~~numbers of reported shares of stock held by the department, a~~
3778 ~~Florida-certified public accountant must register with the~~
3779 ~~department on such form as the department prescribes by rule and~~
3780 ~~must be verified by the applicant. To register with the~~
3781 ~~department, a Florida-certified public accountant must provide:~~
3782 ~~(a) The applicant's Florida Board of Accountancy number.~~
3783 ~~(b) A legible copy of the applicant's current driver~~
3784 ~~license showing the full name and current address of such~~
3785 ~~person. If a current driver license is not available, another~~
3786 ~~form of identification showing the full name and current address~~
3787 ~~of such person or persons shall be filed with the department.~~
3788 ~~(c) The business address and telephone number of the~~
3789 ~~applicant's public accounting firm or employer.~~
3790 ~~(d) The names of agents or employees, if any, who are~~
3791 ~~designated to act on behalf of the Florida-certified public~~
3792 ~~accountant, together with a legible copy of their photo~~
3793 ~~identification issued by an agency of the United States, or a~~
3794 ~~state, or a political subdivision thereof.~~
3795 ~~(e) Sufficient information to enable the department to~~
3796 ~~disburse funds by electronic funds transfer.~~
3797 ~~(f) The tax identification number of the accountant's~~
3798 ~~public accounting firm employer.~~
3799 (3) ~~In order to file claims as a claimant's~~
3800 ~~representative, receive a distribution of fees and costs from~~

3801 ~~the department, and obtain unclaimed property dollar amounts and~~
3802 ~~numbers of reported shares of stock held by the department, an~~
3803 ~~attorney licensed to practice in this state must register with~~
3804 ~~the department on such form as the department prescribes by rule~~
3805 ~~and must be verified by the applicant. To register with the~~
3806 ~~department, such attorney must provide:~~

3807 ~~(a) The applicant's Florida Bar number.~~

3808 ~~(b) A legible copy of the applicant's current driver~~
3809 ~~license showing the full name and current address of such~~
3810 ~~person. If a current driver license is not available, another~~
3811 ~~form of identification showing the full name and current address~~
3812 ~~of such person or persons shall be filed with the department.~~

3813 ~~(c) The business address and telephone number of the~~
3814 ~~applicant's firm or employer.~~

3815 ~~(d) The names of agents or employees, if any, who are~~
3816 ~~designated to act on behalf of the attorney, together with a~~
3817 ~~legible copy of their photo identification issued by an agency~~
3818 ~~of the United States, or a state, or a political subdivision~~
3819 ~~thereof.~~

3820 ~~(e) Sufficient information to enable the department to~~
3821 ~~disburse funds by electronic funds transfer.~~

3822 ~~(f) The tax identification number of the attorney's firm~~
3823 ~~or employer.~~

3824 ~~(4)~~ Information and documents already on file with the
3825 department before the effective date of this provision need not

3826 | be resubmitted in order to complete the registration.

3827 | (4)~~(5)~~ If a material change in the status of a
3828 | registration occurs, the claimant representative ~~a registrant~~
3829 | must, within 30 days, provide the department with the updated
3830 | documentation and information in writing. Material changes
3831 | include, but are not limited to, the following, ~~a~~ a designated
3832 | agent or employee ceasing to act on behalf of the designating
3833 | person, a surrender, suspension, or revocation of a license, or
3834 | a license renewal.

3835 | (a) If a designated agent or employee ceases to act on
3836 | behalf of the person who has designated the agent or employee to
3837 | act on such person's behalf, the designating person must, within
3838 | 30 days, inform the department ~~the Division of Unclaimed~~
3839 | ~~Property~~ in writing of the termination of agency or employment.

3840 | (b) If a registrant surrenders the registrant's license or
3841 | the license is suspended or revoked, the registrant must, within
3842 | 30 days, inform the division in writing of the surrender,
3843 | suspension, or revocation.

3844 | (c) If a private investigator's Class "C" individual
3845 | license under chapter 493 or a private investigator's employer's
3846 | Class "A" business license under chapter 493 is renewed, the
3847 | private investigator must provide a copy of the renewed license
3848 | to the department within 30 days after the receipt of the
3849 | renewed license by the private investigator or the private
3850 | investigator's employer.

3851 (5)-(6) An applicant's claimant representative's A
3852 ~~registrant's~~ firm or employer may not have a name that might
3853 lead another person to conclude that the claimant
3854 representative's ~~registrant's~~ firm or employer is affiliated or
3855 associated with the United States, or an agency thereof, or a
3856 state or an agency or political subdivision of a state. The
3857 department shall deny an application for registration or revoke
3858 a registration if the applicant's or claimant representative's
3859 ~~registrant's~~ firm or employer has a name that might lead another
3860 person to conclude that the firm or employer is affiliated or
3861 associated with the United States, or an agency thereof, or a
3862 state or an agency or political subdivision of a state. Names
3863 that might lead another person to conclude that the firm or
3864 employer is affiliated or associated with the United States, or
3865 an agency thereof, or a state or an agency or political
3866 subdivision of a state, include, but are not limited to, the
3867 words United States, Florida, state, bureau, division,
3868 department, or government.

3869 (6)-(7) The licensing and other requirements of this
3870 section must be maintained as a condition of registration with
3871 the department.

3872 (7) To maintain active registration under this section, a
3873 claimant representative must file and obtain payment on at least
3874 10 claims per calendar year following the date of initial
3875 registration.

3876 (a) If a claimant representative fails to meet this
 3877 requirement, the department must notify the claimant
 3878 representative in writing and provide 30 days to demonstrate
 3879 compliance or good cause for noncompliance.

3880 (b) If the claimant representative does not cure the
 3881 deficiency or demonstrate good cause within the time provided,
 3882 the department must revoke the registration.

3883 (c) A claimant representative whose registration is
 3884 revoked under this subsection may not reapply for registration
 3885 under this section for a period of 1 year following the
 3886 effective date of the revocation.

3887 **Section 75. Paragraph (a) of subsection (2) of section**
 3888 **197.582, Florida Statutes, is amended to read:**

3889 197.582 Disbursement of proceeds of sale.—

3890 (2) (a) If the property is purchased for an amount in
 3891 excess of the statutory bid of the certificateholder, the
 3892 surplus must be paid over and disbursed by the clerk as set
 3893 forth in subsections (3), (5), and (6). If the opening bid
 3894 included the homestead assessment pursuant to s. 197.502(6) (c),
 3895 that amount must be treated as surplus and distributed in the
 3896 same manner. The clerk shall distribute the surplus to the
 3897 governmental units for the payment of any lien of record held by
 3898 a governmental unit against the property, including any tax
 3899 certificates not incorporated in the tax deed application and
 3900 omitted taxes, if any. If there remains a balance of

3901 undistributed funds, the balance must be retained by the clerk
 3902 for the benefit of persons described in s. 197.522(1)(a), except
 3903 those persons described in s. 197.502(4)(h), as their interests
 3904 may appear. The clerk shall mail notices to such persons
 3905 notifying them of the funds held for their benefit at the
 3906 addresses provided in s. 197.502(4). Such notice constitutes
 3907 compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~.
 3908 Any service charges and costs of mailing notices shall be paid
 3909 out of the excess balance held by the clerk. Notice must be
 3910 provided in substantially the following form:

3911
 3912 NOTICE OF SURPLUS FUNDS
 3913 FROM TAX DEED SALE

3914
 3915 CLERK OF COURT
 3916 COUNTY, FLORIDA

3917
 3918 Tax Deed #.....
 3919 Certificate #.....
 3920 Property Description:

3921 Pursuant to chapter 197, Florida Statutes, the above
 3922 property was sold at public sale on ...(date of sale)..., and a
 3923 surplus of \$...(amount)... (subject to change) will be held by
 3924 this office for 120 days beginning on the date of this notice to
 3925 benefit the persons having an interest in this property as

3926 described in section 197.502(4), Florida Statutes, as their
 3927 interests may appear (except for those persons described in
 3928 section 197.502(4)(h), Florida Statutes).

3929 To the extent possible, these funds will be used to satisfy
 3930 in full each claimant with a senior mortgage or lien in the
 3931 property before distribution of any funds to any junior mortgage
 3932 or lien claimant or to the former property owner. To be
 3933 considered for funds when they are distributed, you must file a
 3934 notarized statement of claim with this office within 120 days of
 3935 this notice. If you are a lienholder, your claim must include
 3936 the particulars of your lien and the amounts currently due. Any
 3937 lienholder claim that is not filed within the 120-day deadline
 3938 is barred.

3939 A copy of this notice must be attached to your statement of
 3940 claim. After the office examines the filed claim statements, it
 3941 will notify you if you are entitled to any payment.

3942 Dated:
 3943 Clerk of Court

3944 **Section 76. Paragraph (t) of subsection (1) of section**
 3945 **626.9541, Florida Statutes, is amended to read:**

3946 626.9541 Unfair methods of competition and unfair or
 3947 deceptive acts or practices defined.—

3948 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 3949 ACTS.—The following are defined as unfair methods of competition
 3950 and unfair or deceptive acts or practices:

3951 (t) *Certain life insurance relations with funeral*
 3952 *directors prohibited.*—

3953 1. No life insurer shall permit any funeral director or
 3954 direct disposer to act as its representative, adjuster, claim
 3955 agent, special claim agent, or agent for such insurer in
 3956 soliciting, negotiating, or effecting contracts of life
 3957 insurance on any plan or of any nature issued by such insurer or
 3958 in collecting premiums for holders of any such contracts except
 3959 as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

3960 2. No life insurer shall:

3961 a. Affix, or permit to be affixed, advertising matter of
 3962 any kind or character of any licensed funeral director or direct
 3963 disposer to such policies of insurance.

3964 b. Circulate, or permit to be circulated, any such
 3965 advertising matter with such insurance policies.

3966 c. Attempt in any manner or form to influence
 3967 policyholders of the insurer to employ the services of any
 3968 particular licensed funeral director or direct disposer.

3969 3. No such insurer shall maintain, or permit its agent to
 3970 maintain, an office or place of business in the office,
 3971 establishment, or place of business of any funeral director or
 3972 direct disposer in this state.

3973 **Section 77. For the purpose of incorporating the amendment**
 3974 **made by this act to section 717.101, Florida Statutes, in a**
 3975 **reference thereto, paragraph (a) of subsection (6) of section**

3976 **772.13, Florida Statutes, is reenacted to read:**

3977 772.13 Civil remedy for terrorism or facilitating or
3978 furthering terrorism.—

3979 (6) (a) In any postjudgment execution proceedings to
3980 enforce a judgment entered against a terrorist party under this
3981 section or under 18 U.S.C. s. 2333 or a substantially similar
3982 law of the United States or of any state or territory of the
3983 United States, including postjudgment execution proceedings
3984 against any agency or instrumentality of the terrorist party not
3985 named in the judgment pursuant to s. 201(a) of the Terrorism
3986 Risk Insurance Act, 28 U.S.C. s. 1610:

3987 1. There is no right to a jury trial under s. 56.18 or s.
3988 77.08;

3989 2. A defendant or a person may not use the resources of
3990 the courts of this state in furtherance of a defense or an
3991 objection to postjudgment collection proceedings if the
3992 defendant or person purposely leaves the jurisdiction of this
3993 state or the United States, declines to enter or reenter this
3994 state or the United States to submit to its jurisdiction, or
3995 otherwise evades the jurisdiction of the court in which a
3996 criminal case is pending against the defendant or person. This
3997 subparagraph applies to any entity that is owned or controlled
3998 by a person to whom this paragraph applies;

3999 3. Creditor process issued under chapter 56 or chapter 77
4000 may be served upon any person or entity over whom the court has

4001 personal jurisdiction. Writs of garnishment issued under s.
4002 77.01 and proceedings supplementary under s. 56.29 apply to
4003 intangible assets wherever located, without territorial
4004 limitation, including bank accounts as defined in s.
4005 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
4006 other intangible property as defined in s. 717.101. The situs of
4007 any intangible assets held or maintained by or in the
4008 possession, custody, or control of a person or entity so served
4009 shall be deemed to be in this state for the purposes of a
4010 proceeding under chapter 56 or chapter 77. Service of a writ or
4011 notice to appear under this section shall provide the court with
4012 in rem jurisdiction over any intangible assets regardless of the
4013 location of the assets;

4014 4. Notwithstanding s. 678.1121, the interest of a debtor
4015 in a financial asset or security entitlement may be reached by a
4016 creditor by legal process upon the securities intermediary with
4017 whom the debtor's securities account is maintained, or, if that
4018 is a foreign entity, legal process under chapter 56 or chapter
4019 77 may be served upon the United States securities custodian or
4020 intermediary that has reported holding, maintaining, possessing,
4021 or controlling the blocked financial assets or security
4022 entitlements to the Office of Foreign Assets Control of the
4023 United States Department of the Treasury, and such financial
4024 assets or security entitlements shall be subject to execution,
4025 garnishment, and turnover by the United States securities

4026 | custodian or intermediary; and

4027 | 5. Notwithstanding s. 670.502(4), when an electronic funds
4028 | transfer is not completed within 5 banking days and is canceled
4029 | pursuant to s. 670.211(4) because a United States intermediary
4030 | financial institution has blocked the transaction in compliance
4031 | with a United States sanctions program, and a terrorist party or
4032 | any agency or instrumentality thereof was either the originator
4033 | or the intended beneficiary, then the blocked funds shall be
4034 | deemed owned by the terrorist party or its agency or
4035 | instrumentality and shall be subject to execution and
4036 | garnishment.

4037 | **Section 78.** This act shall take effect upon becoming a
4038 | law.