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1
 2 An act relating to the Chief Financial Officer;
 3 creating s. 17.69, F.S.; creating the Federal Tax
 4 Liaison position within the Department of Financial
 5 Services; providing the duties and authority of the
 6 liaison; amending s. 20.121, F.S.; renaming a division
 7 in the department; removing provisions relating to
 8 duties of such division and to bureaus and offices in
 9 such division; removing a division; amending s.
 10 112.1816, F.S.; providing that, upon a diagnosis of
 11 cancer, firefighters are entitled to certain benefits
 12 under specified circumstances; amending s. 121.0515,
 13 F.S.; revising requirements for the Special Risk Class
 14 membership; amending s. 284.44, F.S.; removing
 15 provisions relating to certain quarterly reports
 16 prepared by the Division of Risk Management; amending
 17 s. 440.13, F.S.; providing the reimbursement schedule
 18 requirements for emergency services and care under
 19 workers' compensation under certain circumstances;
 20 providing rulemaking authority; amending s. 440.385,
 21 F.S.; providing requirements for certain contracts
 22 entered into and purchases made by the Florida Self-
 23 Insurers Guaranty Association, Incorporated; providing
 24 duties of the department and the association relating
 25 to such contracts and purchases; providing exemptions;

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26 | amending s. 497.101, F.S.; revising the requirements
 27 | for appointing and nominating members of the Board of
 28 | Funeral, Cemetery, and Consumer Services; revising the
 29 | members' terms; revising the authority to remove board
 30 | members; providing for vacancy appointments; providing
 31 | that board members are subject to the code of ethics;
 32 | providing requirements for board members' conduct;
 33 | prohibiting certain acts by the board; providing
 34 | penalties; providing requirements for board meetings,
 35 | books, and records; requiring notices of board
 36 | meetings; providing requirements for such notices;
 37 | amending s. 497.153, F.S.; authorizing services by
 38 | electronic mail of administrative complaints against
 39 | certain licensees under certain circumstances;
 40 | amending s. 497.155, F.S.; authorizing services of
 41 | citations by electronic mail under certain
 42 | circumstances; amending s. 497.172, F.S.; revising
 43 | circumstances under which the department may disclose
 44 | certain information that is confidential and exempt
 45 | from public records requirements; amending s. 497.386,
 46 | F.S.; authorizing the department to enter and secure
 47 | certain establishments, facilities, and morgues and
 48 | remove certain remains under specified circumstances;
 49 | requiring the department to make certain
 50 | determinations; prohibiting certain licensees and

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51 facilities from being held liable under certain
52 circumstances; providing penalties; creating s.
53 497.469, F.S.; authorizing preneed licensees to
54 withdraw certain amounts of money under certain
55 circumstances; providing documents that show that a
56 preneed contract has been fulfilled; providing
57 recordkeeping requirements; amending s. 624.307, F.S.;
58 requiring eligible surplus lines insurers to respond
59 to the department or the Office of Insurance
60 Regulation after receipt of requests for documents and
61 information concerning consumer complaints; providing
62 penalties for failure to comply; requiring authorized
63 insurers and eligible surplus lines insurers to file
64 e-mail addresses with the department and to designate
65 contact persons for specified purposes; authorizing
66 changes of designated contact information; amending s.
67 626.171, F.S.; requiring the department to make
68 provisions for certain insurance license applicants to
69 submit cellular telephone numbers for a specified
70 purpose; amending s. 626.221, F.S.; providing a
71 qualification for all-lines adjuster licenses;
72 amending s. 626.601, F.S.; revising construction;
73 amending s. 626.7351, F.S.; providing a qualification
74 for customer representative's licenses; amending s.
75 626.878, F.S.; providing duties and prohibited acts

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76 | for adjusters; amending s. 626.929, F.S.; specifying
 77 | that licensed and appointed general lines agents,
 78 | rather than general lines agents, may engage in
 79 | certain activities while also licensed and appointed
 80 | as surplus lines agents; authorizing general lines
 81 | agents that are also licensed as surplus lines agents
 82 | to make certain appointments; authorizing such agents
 83 | to originate specified businesses and accept specified
 84 | businesses; prohibiting such agents from being
 85 | appointed by or transacting certain insurance on
 86 | behalf of specified insurers; amending s. 627.351,
 87 | F.S.; providing requirements for certain contracts
 88 | entered into and purchases made by the Florida Joint
 89 | Underwriting Association; providing duties of the
 90 | department and the association associated with such
 91 | contracts and purchases; amending s. 631.59, F.S.;
 92 | providing requirements for certain contracts entered
 93 | into and purchases made by the Florida Insurance
 94 | Guaranty Association, Incorporated; providing duties
 95 | of the department and the association associated with
 96 | such contracts and purchases; providing
 97 | nonapplicability; amending ss. 631.722, 631.821, and
 98 | 631.921, F.S.; providing requirements for certain
 99 | contracts entered into and purchases made by the
 100 | Florida Life and Health Insurance Guaranty

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101 Association, the board of directors of the Florida
 102 Health Maintenance Organization Consumer Assistance
 103 Plan, and the board of directors of the Florida
 104 Workers' Compensation Insurance Guaranty Association,
 105 respectively; providing duties of the department and
 106 of the association and boards associated with such
 107 contracts and purchases; amending s. 633.124, F.S.;
 108 updating the edition of a manual for the use of
 109 pyrotechnics; amending s. 633.202, F.S.; revising the
 110 duties of the State Fire Marshal; amending s. 633.206,
 111 F.S.; revising the requirements for uniform firesafety
 112 standards established by the department; amending s.
 113 634.041, F.S.; specifying the conditions under which
 114 service agreement companies do not have to establish
 115 and maintain unearned premium reserves; amending s.
 116 634.081, F.S.; specifying the conditions under which
 117 service agreement companies' licenses are not
 118 suspended or revoked under certain circumstances;
 119 amending s. 634.3077, F.S.; specifying requirements
 120 for certain contractual liability insurance obtained
 121 by home warranty associations; providing that such
 122 associations are not required to establish unearned
 123 premium reserves or maintain contractual liability
 124 insurance; authorizing such associations to allow
 125 their premiums to exceed certain limitations under

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126 certain circumstances; amending s. 634.317, F.S.;

127 providing that certain entities, employees, and agents

128 are exempt from sales representative licenses and

129 appointments under certain circumstances; amending s.

130 648.25, F.S.; providing definitions; amending s.

131 648.26, F.S.; revising the types of investigatory

132 records of the department which are confidential and

133 exempt from public records requirements; revising the

134 circumstances under which investigatory records are

135 confidential and exempt from public records

136 requirements; revising construction; amending s.

137 648.30, F.S.; revising circumstances under which a

138 person or entity may act in the capacity of a bail

139 bond agent or bail bond agency and perform certain

140 functions, duties, and powers; amending s. 648.355,

141 F.S.; revising the requirements for limited surety

142 agents and professional bail bond agent license

143 applications; amending s. 655.0323, F.S.; providing

144 that certain actions are included as an unsafe and

145 unsound practice for financial institutions; making a

146 technical change; authorizing certain aggrieved

147 customers or members to make a complaint to the Office

148 of Financial Regulation on a specified form within a

149 specified timeframe; providing that complaints are

150 barred if not timely submitted; requiring the office

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151 to take certain actions, make certain determinations,
152 and begin an investigation within a specified
153 timeframe after receiving a complaint; requiring a
154 financial institution to provide certain information
155 to the office after being notified that a complaint
156 has been filed; requiring that certain claims be
157 handled in accordance with certain provisions;
158 requiring the office to take certain actions after an
159 investigation is completed or ceases to be active;
160 authorizing the Financial Services Commission to adopt
161 rules to administer this section; amending s. 280.02,
162 F.S.; conforming provisions to changes made by the
163 act; amending s. 717.101, F.S.; providing and revising
164 definitions; amending s. 717.102, F.S.; providing a
165 rebuttal to a presumption of unclaimed property;
166 providing requirements for such rebuttal; providing
167 circumstances under which a property is presumed
168 unclaimed; providing construction; amending s.
169 717.106, F.S.; conforming a cross-reference; creating
170 s. 717.1065, F.S.; providing circumstances under which
171 virtual currency held or owing by banking
172 organizations are not presumed unclaimed; prohibiting
173 virtual currency holders from deducting certain
174 charges from amounts of specified virtual currency
175 under certain circumstances; providing an exception;

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176 amending s. 717.1101, F.S.; revising the date on which
177 stocks and other equity interests in business
178 associations are presumed unclaimed; amending s.
179 717.112, F.S.; providing that certain intangible
180 property held by attorneys in fact and by agents in a
181 fiduciary capacity are presumed unclaimed under
182 certain circumstances; revising the requirements for
183 claiming such property; providing construction;
184 amending s. 717.1125, F.S.; providing construction;
185 amending s. 717.117, F.S.; removing the paper option
186 for reports by holders of unclaimed funds and
187 property; revising the requirements for reporting the
188 owners of unclaimed property and funds; authorizing
189 the department to extend reporting dates under certain
190 circumstances; revising the circumstances under which
191 the department may impose and collect penalties;
192 requiring holders of inactive accounts to notify
193 apparent owners; revising the manner of sending such
194 notices; providing requirements for such notices;
195 amending s. 717.119, F.S.; requiring certain virtual
196 currency to be remitted to the department; providing
197 requirements for the liquidation of such virtual
198 currency; providing that holders of such virtual
199 currency are relieved of all liability upon delivery
200 of the virtual currency to the department; prohibiting

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201 holders from assigning or transferring certain
 202 obligations or from complying with certain provisions;
 203 providing that certain entities are responsible for
 204 meeting holders' obligations and complying with
 205 certain provisions under certain circumstances;
 206 providing construction; amending s. 717.1201, F.S.;
 207 providing that the state assumes custody and
 208 responsibility for the safekeeping of unclaimed
 209 property upon good faith payments or deliveries of
 210 property to the department; providing that the
 211 department relieves holders of certain liability under
 212 specified circumstances; providing construction;
 213 requiring the department to defend holders against
 214 certain claims and indemnify holders against certain
 215 liability under specified circumstances; revising
 216 circumstances under which payments or deliveries of
 217 unclaimed property are considered to be made in good
 218 faith; authorizing the department to refund and
 219 redeliver certain money and property under certain
 220 circumstances; amending s. 727.1242, F.S.; revising
 221 legislative intent; amending s. 717.1243, F.S.;
 222 revising applicability of certain provisions relating
 223 to unclaimed small estate accounts; amending s.
 224 717.129, F.S.; revising the prohibition of department
 225 enforcement relating to duties of holders of unclaimed

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226 funds and property; revising the tolling for the
 227 periods of limitation relating to duties of holders of
 228 unclaimed funds and property; amending s. 717.1301,
 229 F.S.; revising the department's authorities on the
 230 disposition of unclaimed funds and property for
 231 specified purposes; prohibiting certain materials from
 232 being disclosed or made public under certain
 233 circumstances; revising the basis for the department's
 234 cost assessment against holders of unclaimed funds and
 235 property; amending s. 717.1311, F.S.; revising the
 236 recordkeeping requirements for funds and property
 237 holders; amending s. 717.1322, F.S.; revising acts
 238 that are violations of specified provisions and
 239 constitute grounds for administrative enforcement
 240 actions and civil enforcement by the department;
 241 providing that claimants' representatives, rather than
 242 registrants, are subject to civil enforcement and
 243 disciplinary actions for certain violations; amending
 244 s. 717.1333, F.S.; conforming provisions to changes
 245 made by the act; amending s. 717.134, F.S.; conforming
 246 a provision to changes made by the act; amending s.
 247 717.135, F.S.; revising the information that certain
 248 agreements relating to unclaimed property must
 249 disclose; removing a requirement for Unclaimed
 250 Property Purchase Agreement; providing

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251 nonapplicability; amending s. 717.1400, F.S.; removing
 252 a circumstance under which certain persons must
 253 register with the department; amending s. 766.302,
 254 F.S.; revising a definition; amending s. 766.314,
 255 F.S.; revising circumstances under which the Florida
 256 Birth-Related Neurological Injury Compensation Plan
 257 may not accept new claims; amending ss. 197.582 and
 258 717.1382, F.S.; conforming a cross-reference;
 259 providing a directive to the Division of Law Revision;
 260 providing reporting requirements for the Florida
 261 Birth-Related Neurological Injury Compensation
 262 Association; amending s. 17.57, F.S.; providing
 263 certain requirements for credit unions designated as
 264 qualified public depositories relating to the National
 265 Credit Union Share Insurance Fund; amending s. 17.68,
 266 F.S.; conforming provisions to changes made by the
 267 act; amending s. 280.02, F.S.; revising definitions;
 268 adding credit unions to a list of financial
 269 institutions that are eligible to be qualified public
 270 depositories; amending s. 280.025, F.S.; providing
 271 applicability of qualified public depository
 272 provisions to credit unions; amending s. 280.03, F.S.;
 273 conforming a provision to changes made by the act;
 274 creating s. 280.042, F.S.; prohibiting the Chief
 275 Financial Officer from designating credit unions as

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276 qualified public depositories unless certain
 277 conditions are met; requiring the Chief Financial
 278 Officer to withdraw from a collateral agreement with a
 279 credit union under certain circumstances; specifying a
 280 requirement for and a restriction on a credit union
 281 that is a party to a withdrawn collateral agreement;
 282 providing limits on public deposits held by credit
 283 unions; amending ss. 280.05, 280.052, 280.053, and
 284 280.055, F.S.; providing applicability of qualified
 285 public depository provisions to credit unions;
 286 amending s. 280.07, F.S.; specifying the losses
 287 against which certain solvent banks, savings banks,
 288 savings associations, and credit unions must guarantee
 289 public depositors; amending ss. 280.08 and 280.085,
 290 F.S.; conforming provisions to changes made by the
 291 act; amending s. 280.09, F.S.; requiring the Chief
 292 Financial Officer to segregate and separately account
 293 for proceeds, assessments, and administrative
 294 penalties attributable to a credit union from those
 295 attributable to other specified financial
 296 institutions; revising a condition for the payment of
 297 losses to public depositors; amending s. 280.10, F.S.;
 298 conforming provisions to changes made by the act;
 299 amending s. 280.13, F.S.; providing that a specified
 300 limit on securities eligible to be pledged as

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301 collateral applies to qualified public depositories,
 302 rather than to banks and savings associations;
 303 amending s. 280.17, F.S.; conforming a provision to
 304 changes made by the act; reenacting ss. 280.17(1)(a),
 305 24.114(1), 125.901(3)(e), 136.01, 159.608(11),
 306 175.301, 175.401(8), 185.30, 185.50(8), 190.007(3),
 307 191.006(16), 215.34(2), 218.415(16)(c), (17)(c), and
 308 (23)(a), 255.502(4)(h), 280.051(15), 280.18(1),
 309 331.309(1) and (2), 373.553(2), 631.221, and
 310 723.06115(3)(c), F.S., relating to requirements for
 311 public depositories; deposits and investments of state
 312 money; bank deposits and control of lottery
 313 transactions; children's services and independent
 314 special districts; county depositories; powers of
 315 housing finance authorities; depositories for pension
 316 funds; retiree health insurance subsidies;
 317 depositories for retirement funds; retiree health
 318 insurance subsidies; boards of supervisors; general
 319 powers; state funds and noncollectible items; local
 320 government investment policies; definitions; grounds
 321 for suspension or disqualification of a qualified
 322 public depository; protection of public depositories and
 323 liability of the state; treasurer, depositories, and
 324 fiscal agent for Space Florida; treasurer of the
 325 board, payment of funds, and depositories; deposit of

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326 moneys collected; and the Florida Mobile Home
 327 Relocation Trust Fund, respectively, to incorporate
 328 the amendments made by this act to s. 280.02, F.S., in
 329 references thereto; providing effective dates.

330

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

332

333 Section 1. Section 17.69, Florida Statutes, is created to
 334 read:

335 17.69 Federal Tax Liaison.—

336 (1) The Federal Tax Liaison position is created within the
 337 department. The purpose of the position is to assist the
 338 taxpayers of the state.

339 (2) The Chief Financial Officer shall appoint a Federal
 340 Tax Liaison. The Federal Tax Liaison reports directly to the
 341 Chief Financial Officer but is not otherwise under the authority
 342 of the department or of any employee of the department.

343 (3) The Federal Tax Liaison may:

344 (a) Assist taxpayers by answering taxpayer questions.

345 (b) Direct taxpayers to the proper division or office
 346 within the Internal Revenue Service in order to facilitate
 347 timely resolution to taxpayer issues.

348 (c) Prepare recommendations for the Internal Revenue
 349 Service of any actions that will help resolve problems
 350 encountered by taxpayers.

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351 (d) Provide information about the policies, practices, and
 352 procedures that the Internal Revenue Service uses to ensure
 353 compliance with the tax laws.

354 (e) With the consent of the taxpayer, request records from
 355 the Internal Revenue Service to assist the liaison in responding
 356 to taxpayer inquiries.

357 Section 2. Paragraphs (g) through (n) of subsection (2) of
 358 section 20.121, Florida Statutes, are redesignated as paragraphs
 359 (f) through (m), respectively, and paragraph (e) and present
 360 paragraph (f) of subsection (2) of that section are amended to
 361 read:

362 20.121 Department of Financial Services.—There is created
 363 a Department of Financial Services.

364 (2) DIVISIONS.—The Department of Financial Services shall
 365 consist of the following divisions and office:

366 (e) The Division of Criminal Investigations ~~Investigative~~
 367 ~~and Forensic Services~~, which shall function as a criminal
 368 justice agency for purposes of ss. 943.045-943.08. The division
 369 may initiate and conduct investigations into any matter under
 370 the jurisdiction of the Chief Financial Officer and Fire Marshal
 371 within or outside of this state as it deems necessary. ~~If,~~
 372 ~~during an investigation, the division has reason to believe that~~
 373 ~~any criminal law of this state or the United States has or may~~
 374 ~~have been violated, it shall refer any records tending to show~~
 375 ~~such violation to state law enforcement and, if applicable,~~

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376 ~~federal prosecutorial agencies and shall provide investigative~~
 377 ~~assistance to those agencies as appropriate. The division shall~~
 378 ~~include the following bureaus and office:~~

- 379 ~~1. The Bureau of Forensic Services;~~
- 380 ~~2. The Bureau of Fire, Arson, and Explosives~~
 381 ~~Investigations;~~
- 382 ~~3. The Office of Fiscal Integrity, which shall have a~~
 383 ~~separate budget;~~
- 384 ~~4. The Bureau of Insurance Fraud; and~~
- 385 ~~5. The Bureau of Workers' Compensation Fraud.~~

386 ~~(f) The Division of Public Assistance Fraud, which shall~~
 387 ~~function as a criminal justice agency for purposes of ss.~~
 388 ~~943.045-943.08. The division shall conduct investigations~~
 389 ~~pursuant to s. 414.411 within or outside of the state as it~~
 390 ~~deems necessary. If, during an investigation, the division has~~
 391 ~~reason to believe that any criminal law of the state has or may~~
 392 ~~have been violated, it shall refer any records supporting such~~
 393 ~~violation to state or federal law enforcement or prosecutorial~~
 394 ~~agencies and shall provide investigative assistance to those~~
 395 ~~agencies as required.~~

396 Section 3. Subsection (2) of section 112.1816, Florida
 397 Statutes, is amended to read:

398 112.1816 Firefighters; cancer diagnosis.—

399 (2) Upon a diagnosis of cancer, a firefighter is entitled
 400 to the following benefits, as an alternative to pursuing

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401 workers' compensation benefits under chapter 440, if the
402 firefighter has been employed by his or her employer for at
403 least 5 continuous years, has not used tobacco products for at
404 least the preceding 5 years, and has not been employed in any
405 other position in the preceding 5 years which is proven to
406 create a higher risk for any cancer:

407 (a) Cancer treatment covered within an employer-sponsored
408 health plan or through a group health insurance trust fund. The
409 employer must timely reimburse the firefighter for any out-of-
410 pocket deductible, copayment, or coinsurance costs incurred due
411 to the treatment of cancer.

412 (b) A one-time cash payout of \$25,000, upon the
413 firefighter's initial diagnosis of cancer.

414 (c) Leave time and employee retention benefits equivalent
415 to those provided for other injuries or illnesses incurred in
416 the line of duty.

417
418 If the firefighter elects to continue coverage in the employer-
419 sponsored health plan or group health insurance trust fund after
420 he or she terminates employment, the benefits specified in
421 paragraphs (a) and (b) must be made available by the former
422 employer of a firefighter for 10 years following the date on
423 which the firefighter terminates employment so long as the
424 firefighter otherwise met the criteria specified in this
425 subsection when he or she terminated employment and was not

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426 subsequently employed as a firefighter following that date. ~~For~~
 427 ~~purposes of determining leave time and employee retention~~
 428 ~~policies, the employer must consider a firefighter's cancer~~
 429 ~~diagnosis as an injury or illness incurred in the line of duty.~~

430 Section 4. Paragraph (f) of subsection (2) and paragraph
 431 (h) of subsection (3) of section 121.0515, Florida Statutes, are
 432 amended to read:

433 121.0515 Special Risk Class.—

434 (2) MEMBERSHIP.—

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

440 (3) CRITERIA.—A member, to be designated as a special risk
 441 member, must meet the following criteria:

442 (h) Effective July 1, 2008, the member must be employed by
 443 the Department of Law Enforcement in the crime laboratory or by
 444 the Department of Financial Services ~~Division of State Fire~~
 445 ~~Marshal~~ in the forensic laboratory in one of the following
 446 classes:

- 447 1. Forensic technologist (class code 8459);
- 448 2. Crime laboratory technician (class code 8461);
- 449 3. Crime laboratory analyst (class code 8463);
- 450 4. Senior crime laboratory analyst (class code 8464);

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- 451 5. Crime laboratory analyst supervisor (class code 8466);
- 452 6. Forensic chief (class code 9602); or
- 453 7. Forensic services quality manager (class code 9603);

454 Section 5. Subsection (6) of section 284.44, Florida
 455 Statutes, is amended to read:

456 284.44 Salary indemnification costs of state agencies.—

457 ~~(6) The Division of Risk Management shall prepare~~
 458 ~~quarterly reports to the Executive Office of the Governor and~~
 459 ~~the chairs of the legislative appropriations committees~~
 460 ~~indicating for each state agency the total amount of salary~~
 461 ~~indemnification benefits paid to claimants and the total amount~~
 462 ~~of reimbursements from state agencies to the State Risk~~
 463 ~~Management Trust Fund for initial costs for the previous~~
 464 ~~quarter. These reports shall also include information for each~~
 465 ~~state agency indicating the number of cases and amounts of~~
 466 ~~initial salary indemnification costs for which reimbursement~~
 467 ~~requirements were waived by the Executive Office of the Governor~~
 468 ~~pursuant to this section.~~

469 Section 6. Subsection (12) of section 440.13, Florida
 470 Statutes, is amended to read:

471 440.13 Medical services and supplies; penalty for
 472 violations; limitations.—

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

475 (a) A three-member panel is created, consisting of the

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476 Chief Financial Officer, or the Chief Financial Officer's
477 designee, and two members to be appointed by the Governor,
478 subject to confirmation by the Senate, one member who, on
479 account of present or previous vocation, employment, or
480 affiliation, shall be classified as a representative of
481 employers, the other member who, on account of previous
482 vocation, employment, or affiliation, shall be classified as a
483 representative of employees. The panel shall determine statewide
484 schedules of maximum reimbursement allowances for medically
485 necessary treatment, care, and attendance provided by hospitals
486 and ambulatory surgical centers. The maximum reimbursement
487 allowances for inpatient hospital care shall be based on a
488 schedule of per diem rates, to be approved by the three-member
489 panel no later than March 1, 1994, to be used in conjunction
490 with a precertification manual as determined by the department,
491 including maximum hours in which an outpatient may remain in
492 observation status, which shall not exceed 23 hours. All
493 compensable charges for hospital outpatient care shall be
494 reimbursed at 75 percent of usual and customary charges, except
495 as otherwise provided by this subsection. Annually, the three-
496 member panel shall adopt schedules of maximum reimbursement
497 allowances for hospital inpatient care, hospital outpatient
498 care, and ambulatory surgical centers. A hospital or an
499 ambulatory surgical center shall be reimbursed either the
500 agreed-upon contract price or the maximum reimbursement

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501 allowance in the appropriate schedule.

502 (b) Payments for outpatient physical, occupational, and
503 speech therapy provided by hospitals shall be the schedule of
504 maximum reimbursement allowances for these services which
505 applies to nonhospital providers.

506 (c) Payments for scheduled outpatient nonemergency
507 radiological and clinical laboratory services that are not
508 provided in conjunction with a surgical procedure shall be the
509 schedule of maximum reimbursement allowances for these services
510 which applies to nonhospital providers.

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

513 2. Reimbursement for emergency services and care as
514 defined in s. 395.002 which does not include a maximum
515 reimbursement allowance must be 250 percent of Medicare, unless
516 there is a contract, in which case the contract governs
517 reimbursement. Upon this subparagraph taking effect, the
518 department shall engage with an actuarial services firm to begin
519 development of maximum reimbursement allowances for services
520 subject to the reimbursement provisions of this subparagraph.
521 This subparagraph expires June 30, 2026.

522 (e)1. By July 1 of each year, the department shall notify
523 carriers and self-insurers of the physician and nonhospital
524 services schedule of maximum reimbursement allowances. The
525 notice must include publication of this schedule of maximum

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526 reimbursement allowances on the division's website. This
527 schedule is not subject to approval by the three-member panel
528 and does not include reimbursement for prescription medication.

529 2. Subparagraph 1. shall take effect January 1, following
530 the July 1, 2024, notice of the physician and nonhospital
531 services schedule of maximum reimbursement allowances that the
532 department provides to carriers and self-insurers.

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

538 (g) Maximum reimbursement for surgical procedures shall be
539 140 percent of the reimbursement allowed by Medicare or the
540 medical reimbursement level adopted by the three-member panel as
541 of January 1, 2003, whichever is greater.

542 (h) As to reimbursement for a prescription medication, the
543 reimbursement amount for a prescription shall be the average
544 wholesale price plus \$4.18 for the dispensing fee. For
545 repackaged or relabeled prescription medications dispensed by a
546 dispensing practitioner as provided in s. 465.0276, the fee
547 schedule for reimbursement shall be 112.5 percent of the average
548 wholesale price, plus \$8.00 for the dispensing fee. For purposes
549 of this subsection, the average wholesale price shall be
550 calculated by multiplying the number of units dispensed times

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551 the per-unit average wholesale price set by the original
 552 manufacturer of the underlying drug dispensed by the
 553 practitioner, based upon the published manufacturer's average
 554 wholesale price published in the Medi-Span Master Drug Database
 555 as of the date of dispensing. All pharmaceutical claims
 556 submitted for repackaged or relabeled prescription medications
 557 must include the National Drug Code of the original
 558 manufacturer. Fees for pharmaceuticals and pharmaceutical
 559 services shall be reimbursable at the applicable fee schedule
 560 amount except where the employer or carrier, or a service
 561 company, third party administrator, or any entity acting on
 562 behalf of the employer or carrier directly contracts with the
 563 provider seeking reimbursement for a lower amount.

564 (i) Reimbursement for all fees and other charges for such
 565 treatment, care, and attendance, including treatment, care, and
 566 attendance provided by any hospital or other health care
 567 provider, ambulatory surgical center, work-hardening program, or
 568 pain program, must not exceed the amounts provided by the
 569 uniform schedule of maximum reimbursement allowances as
 570 determined by the panel or as otherwise provided in this
 571 section. This subsection also applies to independent medical
 572 examinations performed by health care providers under this
 573 chapter. In determining the uniform schedule, the panel shall
 574 first approve the data which it finds representative of
 575 prevailing charges in the state for similar treatment, care, and

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576 attendance of injured persons. Each health care provider, health
577 care facility, ambulatory surgical center, work-hardening
578 program, or pain program receiving workers' compensation
579 payments shall maintain records verifying their usual charges.
580 In establishing the uniform schedule of maximum reimbursement
581 allowances, the panel must consider:

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

585 2. The impact upon cost to employers for providing a level
586 of reimbursement for treatment, care, and attendance which will
587 ensure the availability of treatment, care, and attendance
588 required by injured workers; and

589 3. The financial impact of the reimbursement allowances
590 upon health care providers and health care facilities, including
591 trauma centers as defined in s. 395.4001, and its effect upon
592 their ability to make available to injured workers such
593 medically necessary remedial treatment, care, and attendance.
594 The uniform schedule of maximum reimbursement allowances must be
595 reasonable, must promote health care cost containment and
596 efficiency with respect to the workers' compensation health care
597 delivery system, and must be sufficient to ensure availability
598 of such medically necessary remedial treatment, care, and
599 attendance to injured workers.

600 (j) In addition to establishing the uniform schedule of

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601 maximum reimbursement allowances, the panel shall:

602 1. Take testimony, receive records, and collect data to

603 evaluate the adequacy of the workers' compensation fee schedule,

604 nationally recognized fee schedules and alternative methods of

605 reimbursement to health care providers and health care

606 facilities for inpatient and outpatient treatment and care.

607 2. Survey health care providers and health care facilities

608 to determine the availability and accessibility of workers'

609 compensation health care delivery systems for injured workers.

610 3. Survey carriers to determine the estimated impact on

611 carrier costs and workers' compensation premium rates by

612 implementing changes to the carrier reimbursement schedule or

613 implementing alternative reimbursement methods.

614 4. Submit recommendations on or before January 15, 2017,

615 and biennially thereafter, to the President of the Senate and

616 the Speaker of the House of Representatives on methods to

617 improve the workers' compensation health care delivery system.

618

619 The department, as requested, shall provide data to the panel,

620 including, but not limited to, utilization trends in the

621 workers' compensation health care delivery system. The

622 department shall provide the panel with an annual report

623 regarding the resolution of medical reimbursement disputes and

624 any actions pursuant to subsection (8). The department shall

625 provide administrative support and service to the panel to the

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626 extent requested by the panel. The department may adopt rules
627 pursuant to ss. 120.536(1) and 120.54 to implement this
628 subsection. For prescription medication purchased under the
629 requirements of this subsection, a dispensing practitioner shall
630 not possess such medication unless payment has been made by the
631 practitioner, the practitioner's professional practice, or the
632 practitioner's practice management company or employer to the
633 supplying manufacturer, wholesaler, distributor, or drug
634 repackager within 60 days of the dispensing practitioner taking
635 possession of that medication.

636 Section 7. Subsections (9) through (13) of section
637 440.385, Florida Statutes, are renumbered as subsections (10)
638 through (14), respectively, and a new subsection (9) is added to
639 that section to read:

640 440.385 Florida Self-Insurers Guaranty Association,
641 Incorporated.—

642 (9) CONTRACTS AND PURCHASES.—

643 (a) After July 1, 2024, all contracts entered into, and
644 all purchases made by, the association pursuant to this section
645 which are valued at or more than \$100,000 must first be approved
646 by the department. The department has 10 days to approve or deny
647 the contract or purchase upon electronic receipt of the approval
648 request. The contract or purchase is automatically approved if
649 the department is nonresponsive.

650 (b) All contracts and purchases valued at or more than

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651 \$100,000 require competition through a formal bid solicitation
652 conducted by the association. The association must undergo a
653 formal bid solicitation process. The formal bid solicitation
654 process must include all of the following:

655 1. The time and date for the receipt of bids, the
656 proposals, and whether the association contemplates renewal of
657 the contract, including the price for each year for which the
658 contract may be renewed.

659 2. All the contractual terms and conditions applicable to
660 the procurement.

661 (c) Evaluation of bids by the association must include
662 consideration of the total cost for each year of the contract,
663 including renewal years, as submitted by the vendor. The
664 association must award the contract to the most responsible and
665 responsive vendor. Any formal bid solicitation conducted by the
666 association must be made available, upon request, to the
667 department via electronic delivery.

668 (d) Contracts that are required by law are exempt from
669 this section.

670 Section 8. Subsection (7) of section 497.101, Florida
671 Statutes, is renumbered as subsection (11), subsections (1)
672 through (4) are amended, and a new subsection (7) and
673 subsections (8), (9), and (10) are added to that section, to
674 read:

675 497.101 Board of Funeral, Cemetery, and Consumer Services;

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676 membership; appointment; terms.—

677 (1) The Board of Funeral, Cemetery, and Consumer Services
 678 is created within the Department of Financial Services and shall
 679 consist of 10 members, 9 of whom shall be appointed by ~~the~~
 680 ~~Governor from nominations made by~~ the Chief Financial Officer
 681 and confirmed by the Senate. ~~The Chief Financial Officer shall~~
 682 ~~nominate one to three persons for each of the nine vacancies on~~
 683 ~~the board, and the Governor shall fill each vacancy on the board~~
 684 ~~by appointing one of the persons nominated by the Chief~~
 685 ~~Financial Officer to fill that vacancy. If the Governor objects~~
 686 ~~to each of the nominations for a vacancy, she or he shall inform~~
 687 ~~the Chief Financial Officer in writing. Upon notification of an~~
 688 ~~objection by the Governor, the Chief Financial Officer shall~~
 689 ~~submit one to three additional nominations for that vacancy~~
 690 until the vacancy is filled. One member must be the State Health
 691 Officer or her or his designee.

692 (2) Two members of the board must be funeral directors
 693 licensed under part III of this chapter who are associated with
 694 a funeral establishment. One member of the board must be a
 695 funeral director licensed under part III of this chapter who is
 696 associated with a funeral establishment licensed under part III
 697 of this chapter which has a valid preneed license issued
 698 pursuant to this chapter ~~and who owns or operates a cinerator~~
 699 ~~facility approved under chapter 403 and licensed under part VI~~
 700 ~~of this chapter~~. Two members of the board must be persons whose

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701 primary occupation is associated with a cemetery company
 702 licensed pursuant to this chapter. Two members of the board must
 703 be consumers who are residents of this state, have never been
 704 licensed as funeral directors or embalmers, are not connected
 705 with a cemetery or cemetery company licensed pursuant to this
 706 chapter, and are not connected with the death care industry or
 707 the practice of embalming, funeral directing, or direct
 708 disposition. One of the two consumer members must be at least 60
 709 years of age. One member of the board must be a consumer who is
 710 a resident of this state; is licensed as a certified public
 711 accountant under chapter 473; has never been licensed as a
 712 funeral director or an embalmer; is not a principal or an
 713 employee of any licensee licensed under this chapter; and does
 714 not otherwise have control, as defined in s. 497.005, over any
 715 licensee licensed under this chapter. One member of the board
 716 must be a principal of a monument establishment licensed under
 717 this chapter as a monument builder. One member must be the State
 718 Health Officer or her or his designee. There may not be two or
 719 more board members who are principals or employees of the same
 720 company or partnership or group of companies or partnerships
 721 under common control.

722 (3) Board members shall be appointed for terms of 4 years
 723 and may be reappointed; however, a member may not serve for more
 724 than 8 consecutive years.~~and~~ The State Health Officer shall
 725 serve as long as that person holds that office. The designee of

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726 | the State Health Officer shall serve at the pleasure of the
 727 | Chief Financial Officer ~~Governor~~.

728 | (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
 729 | ~~the Senate~~ may remove any board member for malfeasance or
 730 | misfeasance, neglect of duty, incompetence, substantial
 731 | inability to perform official duties, commission of a crime, or
 732 | other substantial cause as determined by the Chief Financial
 733 | Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
 734 | fitness to sit on the board. A board member shall be deemed to
 735 | have resigned her or his board membership, and that position
 736 | shall be deemed vacant, upon the failure of the member to attend
 737 | three consecutive meetings of the board or at least half of the
 738 | meetings of the board during any 12-month period, unless the
 739 | Chief Financial Officer determines that there was good and
 740 | adequate justification for the absences and that such absences
 741 | are not likely to continue. Any vacancy so created shall be
 742 | filled as provided in subsection (1).

743 | (7) Members of the board are subject to the code of ethics
 744 | under part III of chapter 112. For purposes of applying part III
 745 | of chapter 112 to activities of the members of the board, those
 746 | persons are considered public officers, and the department is
 747 | considered their agency. A board member may not vote on any
 748 | measure that would inure to his or her special private gain or
 749 | loss and, in accordance with s. 112.3143(2), may not vote on any
 750 | measure that he or she knows would inure to the special private

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751 gain or loss of any principal by which he or she is retained,
 752 other than an agency as defined in s. 112.312; or that he or she
 753 knows would inure to the special private gain or loss of his or
 754 her relative or business associate. Before the vote is taken,
 755 such member shall publicly state to the board the nature of his
 756 or her interest in the matter from which he or she is abstaining
 757 from voting and, within 15 days after the vote occurs, disclose
 758 the nature of his or her interest as a public record in a
 759 memorandum filed with the person responsible for recording the
 760 minutes of the meeting, who shall incorporate the memorandum in
 761 the minutes.

762 (8) In accordance with ss. 112.3148 and 112.3149, a board
 763 member may not knowingly accept, directly or indirectly, any
 764 gift or expenditure from a person or entity, or an employee or
 765 representative of such person or entity, which has a contractual
 766 relationship with the department or the board, which is under
 767 consideration for a contract, or which is licensed by the
 768 department.

769 (9) A board member who fails to comply with subsection (7)
 770 or subsection (8) is subject to the penalties provided under ss.
 771 112.317 and 112.3173.

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

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776 (b) Except for emergency meetings, the department shall
 777 give notice of any board meeting by publication on the
 778 department's website at least 7 days before the meeting. The
 779 department shall publish a meeting agenda on its website at
 780 least 7 days before the meeting. The agenda must contain the
 781 items to be considered in order of presentation. After the
 782 agenda has been made available, a change may be made only for
 783 good cause, as determined by the person designated to preside,
 784 and must be stated in the record. Notification of such change
 785 must be at the earliest practicable time.

786 Section 9. Paragraph (a) of subsection (4) of section
 787 497.153, Florida Statutes, is amended to read:

788 497.153 Disciplinary procedures and penalties.—

789 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

790 (a) Service of an administrative complaint may be in
 791 person by department staff or any person authorized to make
 792 service of process under the Florida Rules of Civil Procedure.
 793 Service upon a licensee may in the alternative be made by
 794 certified mail, return receipt requested, to the last known
 795 address of record provided by the licensee to the department. If
 796 service by certified mail cannot be made at the last address
 797 provided by the licensee to the department, service may be made
 798 by e-mail, delivery receipt required, sent to the most recent e-
 799 mail address provided by the licensee to the department in
 800 accordance with s. 497.146.

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801 Section 10. Paragraph (e) of subsection (1) of section
802 497.155, Florida Statutes, is amended to read:

803 497.155 Disciplinary citations and minor violations.—

804 (1) CITATIONS.—

805 (e) Service of a citation may be made by personal service
806 or certified mail, restricted delivery, to the subject at the
807 subject's last known address in accordance with s. 497.146. If
808 service by certified mail cannot be made at the last address
809 provided by the subject to the department, service may be made
810 by e-mail, delivery receipt required, sent to the most recent e-
811 mail address provided by the subject to the department in
812 accordance with s. 497.146.

813 Section 11. Paragraph (d) of subsection (3) of section
814 497.172, Florida Statutes, is amended to read:

815 497.172 Public records exemptions; public meetings
816 exemptions.—

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

818 (d) Information made confidential and exempt pursuant to
819 this subsection may be disclosed by the department as follows:

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

822 2. To any law enforcement agency or other government
823 agency in the performance of its official duties and
824 responsibilities.

825 3. If the department uncovers information of immediate and

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826 | serious concern to the public health, safety, or welfare, it may
 827 | disseminate such information as it deems necessary for the
 828 | public health, safety, or welfare.

829 | 4. If the department issues an emergency order pursuant to
 830 | s. 497.156.

831 | Section 12. Section 497.386, Florida Statutes, is amended
 832 | to read:

833 | 497.386 Storage, preservation, and transportation of human
 834 | remains.—

835 | (1) A person may not store or maintain human remains at
 836 | any establishment or facility except an establishment or
 837 | facility licensed under this chapter or a health care facility,
 838 | medical examiner's facility, morgue, or cemetery holding
 839 | facility.

840 | (2) A dead human body may not be held in any place or in
 841 | transit over 24 hours after death or pending final disposition
 842 | unless the body is maintained under refrigeration at a
 843 | temperature of 40 degrees Fahrenheit or below or is embalmed or
 844 | otherwise preserved in a manner approved by the licensing
 845 | authority in accordance with the provisions of this chapter.

846 | (3) A dead human body transported by common carrier or any
 847 | agency or individual authorized to carry dead human bodies must
 848 | be placed in a carrying container adequate to prevent the
 849 | seepage of fluids and escape of offensive odors. A dead human
 850 | body may be transported only when accompanied by a properly

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851 completed burial-transit permit issued in accordance with the
852 provisions of chapter 382.

853 (4) The licensing authority shall establish by rule the
854 minimal standards of acceptable and prevailing practices for the
855 handling and storing of dead human bodies, provided that all
856 human remains transported or stored must be completely covered
857 and at all times treated with dignity and respect.

858 (5) In the event of an emergency situation, including the
859 abandonment of any establishments or facilities licensed under
860 this chapter or any medical examiner's facility, morgue, or
861 cemetery holding facility, the department may enter and secure
862 such establishment, facility, or morgue during or outside of
863 normal business hours and remove human remains and cremated
864 remains from the establishment, facility, or morgue. For
865 purposes of this subsection, the department shall determine if a
866 facility is abandoned and if there is an emergency situation. A
867 licensee or licensed facility that accepts transfer of human
868 remains and cremated remains from the department pursuant to
869 this subsection may not be held liable for the condition of any
870 human remains or cremated remains at the time of transfer.

871 (6)-(5) A person who violates subsection (1) or subsection
872 (3) any provision of this section commits a misdemeanor of the
873 first degree, punishable as provided in s. 775.082 or s.
874 775.083.

875 (7) A person who violates subsection (2) or subsection (4)

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876 commits a felony of the third degree, punishable as provided in
 877 s. 775.082, s. 775.083, or s. 775.084.

878 Section 13. Section 497.469, Florida Statutes, is created
 879 to read:

880 497.469 Fulfillment of preneed contracts.-

881 (1) Upon delivery of merchandise or performance of
 882 services in fulfillment of a preneed contract, either in part or
 883 in whole, a preneed licensee may withdraw the amount deposited
 884 in trust plus income earned on such amount for the merchandise
 885 delivered or services performed, when adequate documentation is
 886 submitted to the trustee.

887 (2) The following documentation is satisfactory evidence
 888 that a preneed contract has been fulfilled:

889 (a) A certified copy of death certificate;

890 (b) An invoice for merchandise which reflects the name of
 891 the purchaser or beneficiary and the contract number;

892 (c) An acknowledgment signed by the purchaser or legally
 893 authorized person, acknowledging that merchandise was delivered
 894 or services performed; or

895 (d) A burial permit or other documentation provided to
 896 another governmental agency.

897 (3) For purposes of fulfillment of a preneed cemetery
 898 contract, the documentation set forth in subsection (2) or a
 899 certificate signed by an officer, manager, or designee that the
 900 merchandise was delivered or services were performed is

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901 satisfactory evidence to show that a preneed cemetery contract
 902 has been fulfilled.

903 (4) The preneed licensee shall maintain documentation that
 904 supports fulfillment of a particular contract until such records
 905 are examined by the department.

906 Section 14. Paragraphs (c) and (d) subsection (10) of
 907 section 624.307, Florida Statutes, are redesignated as
 908 paragraphs (d) and (e), respectively, paragraph (b) is amended,
 909 and a new paragraph (c) is added to subsection (10) of that
 910 section, to read:

911 624.307 General powers; duties.—

912 (10)

913 (b) Any person licensed or issued a certificate of
 914 authority or made an eligible surplus lines insurer by the
 915 department or the office shall respond, in writing or
 916 electronically, to the division within 14 days after receipt of
 917 a written request for documents and information from the
 918 division concerning a consumer complaint. The response must
 919 address the issues and allegations raised in the complaint and
 920 include any requested documents concerning the consumer
 921 complaint not subject to attorney-client or work-product
 922 privilege. The division may impose an administrative penalty for
 923 failure to comply with this paragraph of up to \$5,000 per
 924 violation upon any entity licensed by the department or the
 925 office and up to \$1,000 per violation by any individual licensed

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926 | by the department or the office.

927 | (c) Each insurer issued a certificate of authority or made
 928 | an eligible surplus lines insurer shall file with the department
 929 | an e-mail address to which requests for response to consumer
 930 | complaints shall be directed pursuant to paragraph (b). Such
 931 | insurer shall also designate a contact person for escalated
 932 | complaint issues and shall provide the name, e-mail address, and
 933 | telephone number of such person. A licensee of the department,
 934 | including an agency or a firm, may elect to designated an e-mail
 935 | address to which requests for response to consumer complaints
 936 | shall be directed pursuant to paragraph (b). If a licensee,
 937 | including an agency or a firm, elects not to designate an e-mail
 938 | address, the department shall direct requests for response to
 939 | consumer complaints to the e-mail address of record for the
 940 | licensee in the department's licensing system. An insurer or a
 941 | licensee, including an agency or a firm, may change a designated
 942 | contact information at any time by submitting the new
 943 | information to the department using the method designated by
 944 | rule by the department.

945 | Section 15. Subsection (2) of section 626.171, Florida
 946 | Statutes, is amended to read:

947 | 626.171 Application for license as an agent, customer
 948 | representative, adjuster, service representative, or reinsurance
 949 | intermediary.—

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

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951 (a) His or her full name, age, social security number,
952 residence address, business address, mailing address, contact
953 telephone numbers, including a business telephone number, and e-
954 mail address.

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

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

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

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

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

970 (g) The applicant's native language.

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

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

975 (j) Such other or additional information as the department

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976 | may deem proper to enable it to determine the character,
 977 | experience, ability, and other qualifications of the applicant
 978 | to hold himself or herself out to the public as an insurance
 979 | representative.

980 |
 981 | However, the application must contain a statement that an
 982 | applicant is not required to disclose his or her race or
 983 | ethnicity, gender, or native language, that he or she will not
 984 | be penalized for not doing so, and that the department will use
 985 | this information exclusively for research and statistical
 986 | purposes and to improve the quality and fairness of the
 987 | examinations. The department shall make provisions for
 988 | applicants to submit cellular telephone numbers as part of the
 989 | application process on a voluntary basis only for the purpose of
 990 | two-factor authentication of secure login credentials only.

991 | Section 16. Paragraph (j) of subsection (2) of section
 992 | 626.221, Florida Statutes, is amended to read:

993 | 626.221 Examination requirement; exemptions.—

994 | (2) However, an examination is not necessary for any of
 995 | the following:

996 | (j) An applicant for license as an all-lines adjuster who
 997 | has the designation of Accredited Claims Adjuster (ACA) from a
 998 | regionally accredited postsecondary institution in this state;
 999 | Certified All Lines Adjuster (CALA) from Kaplan Financial
 1000 | Education; Associate in Claims (AIC) from the Insurance

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1001 Institute of America; Professional Claims Adjuster (PCA) from
 1002 the Professional Career Institute; Professional Property
 1003 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
 1004 Certified Adjuster (CA) from ALL LINES Training; Certified
 1005 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
 1006 Certified Professional (CACP) from WebCE, Inc.; Accredited
 1007 Insurance Claims Specialist (AICS) from Encore Claim Services;
 1008 Professional in Claims (PIC) from 2021 Training, LLC; Registered
 1009 Claims Adjuster (RCA) from American Insurance College; or
 1010 Universal Claims Certification (UCC) from Claims and Litigation
 1011 Management Alliance (CLM) whose curriculum has been approved by
 1012 the department and which includes comprehensive analysis of
 1013 basic property and casualty lines of insurance and testing at
 1014 least equal to that of standard department testing for the all-
 1015 lines adjuster license. The department shall adopt rules
 1016 establishing standards for the approval of curriculum.

1017 Section 17. Subsection (6) of section 626.601, Florida
 1018 Statutes, is amended to read:

1019 626.601 Improper conduct; inquiry; fingerprinting.—

1020 (6) The complaint and any information obtained pursuant to
 1021 the investigation by the department or office are confidential
 1022 and are exempt from s. 119.07 unless the department or office
 1023 files a formal administrative complaint, emergency order, or
 1024 consent order against the individual or entity. This subsection
 1025 does not prevent the department or office from disclosing the

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1026 | complaint or such information as it deems necessary to conduct
 1027 | the investigation, to update the complainant as to the status
 1028 | and outcome of the complaint, to review the details of the
 1029 | investigation with the individual or entity being investigated
 1030 | or their representative, or to share such information with any
 1031 | law enforcement agency or other regulatory body.

1032 | Section 18. Subsection (3) of section 626.7351, Florida
 1033 | Statutes, is amended to read:

1034 | 626.7351 Qualifications for customer representative's
 1035 | license.—The department shall not grant or issue a license as
 1036 | customer representative to any individual found by it to be
 1037 | untrustworthy or incompetent, or who does not meet each of the
 1038 | following qualifications:

1039 | (3) Within 4 years preceding the date that the application
 1040 | for license was filed with the department, the applicant has
 1041 | earned the designation of Accredited Advisor in Insurance (AAI),
 1042 | Associate in General Insurance (AINS), or Accredited Customer
 1043 | Service Representative (ACSR) from the Insurance Institute of
 1044 | America; the designation of Certified Insurance Counselor (CIC)
 1045 | from the Society of Certified Insurance Service Counselors; the
 1046 | designation of Certified Professional Service Representative
 1047 | (CPSR) from the National Foundation for CPSR; the designation of
 1048 | Certified Insurance Service Representative (CISR) from the
 1049 | Society of Certified Insurance Service Representatives; the
 1050 | designation of Certified Insurance Representative (CIR) from

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1051 All-Lines Training; the designation of Chartered Customer
 1052 Service Representative (CCSR) from American Insurance College;
 1053 the designation of Professional Customer Service Representative
 1054 (PCSR) from the Professional Career Institute; the designation
 1055 of Insurance Customer Service Representative (ICSR) from
 1056 Statewide Insurance Associates LLC; the designation of
 1057 Registered Customer Service Representative (RCSR) from a
 1058 regionally accredited postsecondary institution in the state
 1059 whose curriculum is approved by the department and includes
 1060 comprehensive analysis of basic property and casualty lines of
 1061 insurance and testing which demonstrates mastery of the subject;
 1062 or a degree from an accredited institution of higher learning
 1063 approved by the department when the degree includes a minimum of
 1064 9 credit hours of insurance instruction, including specific
 1065 instruction in the areas of property, casualty, and inland
 1066 marine insurance. The department shall adopt rules establishing
 1067 standards for the approval of curriculum.

1068 Section 19. Section 626.878, Florida Statutes, is amended
 1069 to read:

1070 626.878 Rules; code of ethics.—

1071 (1) An adjuster shall subscribe to the code of ethics
 1072 specified in the rules of the department. The rules shall
 1073 implement the provisions of this part and specify the terms and
 1074 conditions of contracts, including a right to cancel, and
 1075 require practices necessary to ensure fair dealing, prohibit

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1076 conflicts of interest, and ensure preservation of the rights of
 1077 the claimant to participate in the adjustment of claims.

1078 (2) A person licensed as an adjuster must identify himself
 1079 or herself in any advertisement, solicitation, or written
 1080 document based on the adjuster appointment type held.

1081 (3) An adjuster who has had his or her licensed revoked or
 1082 suspended may not participate in any part of an insurance claim
 1083 or in the insurance claims adjusting process, including
 1084 estimating, completing, filing, negotiating, appraising,
 1085 mediating, umpiring, or effecting settlement of a claim for loss
 1086 or damage covered under an insurance contract. A person who
 1087 provides these services while the person's license is revoked or
 1088 suspended acts as an unlicensed adjuster.

1089 Section 20. Subsection (1) of section 626.929, Florida
 1090 Statutes, is amended, and subsection (4) is added to that
 1091 section, to read:

1092 626.929 Origination, acceptance, placement of surplus
 1093 lines business.—

1094 (1) A licensed and appointed general lines agent while
 1095 also licensed and appointed as a surplus lines agent under this
 1096 part may originate surplus lines business and may accept surplus
 1097 lines business from any other originating Florida-licensed
 1098 general lines agent appointed and licensed as to the kinds of
 1099 insurance involved and may compensate such agent therefor.

1100 (4) A general lines agent while licensed as a surplus

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1101 lines agent under this part may appoint these licenses with a
 1102 single surplus license agent appointment pursuant to s. 624.501.
 1103 Such agent may only originate surplus lines business and accept
 1104 surplus lines business from other originating Florida-licensed
 1105 general lines agents appointed and licensed as to the kinds of
 1106 insurance involved and may compensate such agent therefor. Such
 1107 agent may not be appointed by or transact general lines
 1108 insurance on behalf of an admitted insurer.

1109 Section 21. Paragraph (j) is added to subsection (4) of
 1110 section 627.351, Florida Statutes, to read:

1111 627.351 Insurance risk apportionment plans.—

1112 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
 1113 CONTRACTS AND PURCHASES.—

1114 (j)1. After July 1, 2024, all contracts entered into, and
 1115 all purchases made by, the association pursuant to this
 1116 subsection which are valued at or more than \$100,000 must first
 1117 be approved by the department. The department has 10 days to
 1118 approve or deny a contract or purchase upon electronic receipt
 1119 of the approval request. The contract or purchase is
 1120 automatically approved if the department is nonresponsive.

1121 2. All contracts and purchases valued at or more than
 1122 \$100,000 require competition through a formal bid solicitation
 1123 conducted by the association. The association must undergo a
 1124 formal bid solicitation process by a minimum of three vendors.
 1125 The formal bid solicitation process must include all of the

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1126 following:

1127 a. The time and date for the receipt of bids, the
 1128 proposals, and whether the association contemplates renewal of
 1129 the contract, including the price for each year for which the
 1130 contract may be renewed.

1131 b. All the contractual terms and conditions applicable to
 1132 the procurement.

1133 3. Evaluation of bids by the association must include
 1134 consideration of the total cost for each year of the contract,
 1135 including renewal years, as submitted by the vendor. The
 1136 association must award the contract to the most responsible and
 1137 responsive vendor. Any formal bid solicitation conducted by the
 1138 association must be made available, upon request, to the
 1139 department by electronic delivery.

1140 Section 22. Subsection (5) is added to section 631.59,
 1141 Florida Statutes, to read:

1142 631.59 Duties and powers of department and office;
 1143 association contracts and purchases.-

1144 (5)(a) After July 1, 2024, all contracts entered into, and
 1145 all purchases made by, the association pursuant to this section
 1146 which are valued at or more than \$100,000 must first be approved
 1147 by the department. The department has 10 days to approve or deny
 1148 the contract or purchase upon electronic receipt of the approval
 1149 request. The contract or purchase is automatically approved if
 1150 the department is nonresponsive.

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1151 (b) All contracts and purchases valued at or more than
 1152 \$100,000 require competition through a formal bid solicitation
 1153 conducted by the association. The association must undergo a
 1154 formal bid solicitation process. The formal bid solicitation
 1155 process must include all of the following:

1156 1. The time and date for the receipt of bids, the
 1157 proposals, and whether the association contemplates renewal of
 1158 the contract, including the price for each year for which the
 1159 contract may be renewed.

1160 2. All the contractual terms and conditions applicable to
 1161 the procurement.

1162 (c) Evaluation of bids by the association must include
 1163 consideration of the total cost for each year of the contract,
 1164 including renewal years, as submitted by the vendor. The
 1165 association must award the contract to the most responsible and
 1166 responsive vendor. Any formal bid solicitation conducted by the
 1167 association must be made available, upon request, to the
 1168 department via electronic delivery.

1169 (d) Paragraphs (b) and (c) do not apply to claims defense
 1170 counsel or claims vendors if contracts with all vendors which
 1171 may exceed \$100,000 are provided to the department for prior
 1172 approval in accordance with paragraph (a).

1173 Section 23. Subsection (6) is added to section 631.722,
 1174 Florida Statutes, to read:

1175 631.722 Powers and duties of department and office;

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1176 association contracts and purchases.-

1177 (6) (a) After July 1, 2024, all contracts entered into, and
 1178 all purchases made by, the association pursuant to this section
 1179 which are valued at or more than \$100,000 must first be approved
 1180 by the department. The department has 10 days to approve or deny
 1181 the contract or purchase upon electronic receipt of the approval
 1182 request. The contract or purchase is automatically approved if
 1183 the department is nonresponsive.

1184 (b) All contracts and purchases valued at or more than
 1185 \$100,000 require competition through a formal bid solicitation
 1186 conducted by the association. The association must undergo a
 1187 formal bid solicitation process. The formal bid solicitation
 1188 process must include all of the following:

1189 1. The time and date for the receipt of bids, the
 1190 proposals, and whether the association contemplates renewal of
 1191 the contract, including the price for each year for which the
 1192 contract may be renewed.

1193 2. All the contractual terms and conditions applicable to
 1194 the procurement.

1195 (c) Evaluation of bids by the association must include
 1196 consideration of the total cost for each year of the contract,
 1197 including renewal years, as submitted by the vendor. The
 1198 association must award the contract to the most responsible and
 1199 responsive vendor. Any formal bid solicitation conducted by the
 1200 association must be made available, upon request, to the

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1201 department via electronic delivery.

1202 Section 24. Subsection (5) is added to section 631.821,
1203 Florida Statutes, to read:

1204 631.821 Powers and duties of the department; board
1205 contracts and purchases.—

1206 (5) (a) After July 1, 2024, all contracts entered into, and
1207 all purchases made by, the board pursuant to this section which
1208 are valued at or more than \$100,000 must first be approved by
1209 the department. The department has 10 days to approve or deny
1210 the contract or purchase upon electronic receipt of the approval
1211 request. The contract or purchase is automatically approved if
1212 the department is nonresponsive.

1213 (b) All contracts and purchases valued at or more than
1214 \$100,000 require competition through a formal bid solicitation
1215 conducted by the board. The board must undergo a formal bid
1216 solicitation process. The formal bid solicitation process must
1217 include all of the following:

1218 1. The time and date for the receipt of bids, the
1219 proposals, and whether the board contemplates renewal of the
1220 contract, including the price for each year for which the
1221 contract may be renewed.

1222 2. All the contractual terms and conditions applicable to
1223 the procurement.

1224 (c) Evaluation of bids by the board must include
1225 consideration of the total cost for each year of the contract,

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1226 including renewal years, as submitted by the vendor. The plan
 1227 must award the contract to the most responsible and responsive
 1228 vendor. Any formal bid solicitation conducted by the board must
 1229 be made available, upon request, to the department via
 1230 electronic delivery.

1231 Section 25. Section 631.921, Florida Statutes, is amended
 1232 to read:

1233 631.921 Department powers; board contracts and purchases.—

1234 (1) The corporation shall be subject to examination by the
 1235 department. By March 1 of each year, the board of directors
 1236 shall cause a financial report to be filed with the department
 1237 for the immediately preceding calendar year in a form approved
 1238 by the department.

1239 (2)(a) After July 1, 2024, all contracts entered into, and
 1240 all purchases made by, the board pursuant to this section which
 1241 are valued at or more than \$100,000 must first be approved by
 1242 the department. The department has 10 days to approve or deny
 1243 the contract or purchase upon electronic receipt of the approval
 1244 request. The contract or purchase is automatically approved if
 1245 the department is nonresponsive.

1246 (b) All contracts and purchases valued at or more than
 1247 \$100,000 require competition through a formal bid solicitation
 1248 conducted by the board. The board must undergo a formal bid
 1249 solicitation process. The formal bid solicitation process must
 1250 include all of the following:

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1251 1. The time and date for the receipt of bids, the
 1252 proposals, and whether the board contemplates renewal of the
 1253 contract, including the price for each year for which the
 1254 contract may be renewed.

1255 2. All the contractual terms and conditions applicable to
 1256 the procurement.

1257 (c) Evaluation of bids by the board must include
 1258 consideration of the total cost for each year of the contract,
 1259 including renewal years, as submitted by the vendor. The
 1260 association must award the contract to the most responsible and
 1261 responsive vendor. Any formal bid solicitation conducted by the
 1262 association must be made available, upon request, to the
 1263 department via electronic delivery.

1264 Section 26. Paragraph (b) of subsection (3) of section
 1265 633.124, Florida Statutes, is amended to read:

1266 633.124 Penalty for violation of law, rule, or order to
 1267 cease and desist or for failure to comply with corrective
 1268 order.—

1269 (3)

1270 (b) A person who initiates a pyrotechnic display within
 1271 any structure commits a felony of the third degree, punishable
 1272 as provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1273 1. The structure has a fire protection system installed in
 1274 compliance with s. 633.334.

1275 2. The owner of the structure has authorized in writing

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1276 | the pyrotechnic display.

1277 | 3. If the local jurisdiction requires a permit for the use
 1278 | of a pyrotechnic display in an occupied structure, such permit
 1279 | has been obtained and all conditions of the permit complied with
 1280 | or, if the local jurisdiction does not require a permit for the
 1281 | use of a pyrotechnic display in an occupied structure, the
 1282 | person initiating the display has complied with National Fire
 1283 | Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
 1284 | Standard for the Use of Pyrotechnics before a Proximate
 1285 | Audience.

1286 | Section 27. Subsection (2) of section 633.202, Florida
 1287 | Statutes, is amended to read:

1288 | 633.202 Florida Fire Prevention Code.—

1289 | (2) The State Fire Marshal shall adopt the current edition
 1290 | of the National Fire Protection Association's Standard 1, Fire
 1291 | Prevention Code but may not adopt a building, mechanical,
 1292 | accessibility, or plumbing code. The State Fire Marshal shall
 1293 | adopt the current edition of the Life Safety Code, NFPA 101,
 1294 | current editions, by reference. The State Fire Marshal may
 1295 | modify the selected codes and standards as needed to accommodate
 1296 | the specific needs of the state. Standards or criteria in the
 1297 | selected codes shall be similarly incorporated by reference. The
 1298 | State Fire Marshal shall incorporate within sections of the
 1299 | Florida Fire Prevention Code provisions that address uniform
 1300 | firesafety standards as established in s. 633.206. The State

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1301 Fire Marshal shall incorporate within sections of the Florida
 1302 Fire Prevention Code provisions addressing regional and local
 1303 concerns and variations.

1304 Section 28. Paragraph (b) of subsection (1) of section
 1305 633.206, Florida Statutes, is amended to read:

1306 633.206 Uniform firesafety standards.—The Legislature
 1307 hereby determines that to protect the public health, safety, and
 1308 welfare it is necessary to provide for firesafety standards
 1309 governing the construction and utilization of certain buildings
 1310 and structures. The Legislature further determines that certain
 1311 buildings or structures, due to their specialized use or to the
 1312 special characteristics of the person utilizing or occupying
 1313 these buildings or structures, should be subject to firesafety
 1314 standards reflecting these special needs as may be appropriate.

1315 (1) The department shall establish uniform firesafety
 1316 standards that apply to:

1317 (b) All new, existing, and proposed hospitals, nursing
 1318 homes, assisted living facilities, adult family-care homes,
 1319 correctional facilities, public schools, transient public
 1320 lodging establishments, public food service establishments,
 1321 mobile food dispensing vehicles, elevators, migrant labor camps,
 1322 mobile home parks, lodging parks, recreational vehicle parks,
 1323 recreational camps, residential and nonresidential child care
 1324 facilities, facilities for the developmentally disabled, motion
 1325 picture and television special effects productions, tunnels,

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1326 energy storage systems, and self-service gasoline stations, of
 1327 which standards the State Fire Marshal is the final
 1328 administrative interpreting authority.

1329
 1330 In the event there is a dispute between the owners of the
 1331 buildings specified in paragraph (b) and a local authority
 1332 requiring a more stringent uniform firesafety standard for
 1333 sprinkler systems, the State Fire Marshal shall be the final
 1334 administrative interpreting authority and the State Fire
 1335 Marshal's interpretation regarding the uniform firesafety
 1336 standards shall be considered final agency action.

1337 Section 29. Paragraph (b) of subsection (8) of section
 1338 634.041, Florida Statutes, is amended to read:

1339 634.041 Qualifications for license.—To qualify for and
 1340 hold a license to issue service agreements in this state, a
 1341 service agreement company must be in compliance with this part,
 1342 with applicable rules of the commission, with related sections
 1343 of the Florida Insurance Code, and with its charter powers and
 1344 must comply with the following:

1345 (8)

1346 (b) A service agreement company does not have to establish
 1347 and maintain an unearned premium reserve if it secures and
 1348 maintains contractual liability insurance in accordance with the
 1349 following:

1350 1. Coverage of 100 percent of the claim exposure is

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1351 obtained from an insurer or insurers approved by the office,
1352 which hold ~~holds~~ a certificate of authority under s. 624.401 to
1353 do business within this state, or secured through a risk
1354 retention groups ~~group~~, which are ~~is~~ authorized to do business
1355 within this state under s. 627.943 or s. 627.944. Such insurers
1356 ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus
1357 as regards policyholders of at least \$15 million.

1358 2. If the service agreement company does not meet its
1359 contractual obligations, the contractual liability insurance
1360 policy binds its issuer to pay or cause to be paid to the
1361 service agreement holder all legitimate claims and cancellation
1362 refunds for all service agreements issued by the service
1363 agreement company while the policy was in effect. This
1364 requirement also applies to those service agreements for which
1365 no premium has been remitted to the insurer.

1366 3. If the issuer of the contractual liability policy is
1367 fulfilling the service agreements covered by the contractual
1368 liability policy and the service agreement holder cancels the
1369 service agreement, the issuer must make a full refund of
1370 unearned premium to the consumer, subject to the cancellation
1371 fee provisions of s. 634.121(3). The sales representative and
1372 agent must refund to the contractual liability policy issuer
1373 their unearned pro rata commission.

1374 4. The policy may not be canceled, terminated, or
1375 nonrenewed by the insurer or the service agreement company

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1376 unless a 90-day written notice thereof has been given to the
 1377 office by the insurer before the date of the cancellation,
 1378 termination, or nonrenewal.

1379 5. The service agreement company must provide the office
 1380 with the claims statistics.

1381 6. A policy issued in compliance with this paragraph may
 1382 either pay 100 percent of claims as they are incurred, or pay
 1383 100 percent of claims due in the event of the failure of the
 1384 service agreement company to pay such claims when due.

1385
 1386 All funds or premiums remitted to an insurer by a motor vehicle
 1387 service agreement company under this part shall remain in the
 1388 care, custody, and control of the insurer and shall be counted
 1389 as an asset of the insurer; provided, however, this requirement
 1390 does not apply when the insurer and the motor vehicle service
 1391 agreement company are affiliated companies and members of an
 1392 insurance holding company system. If the motor vehicle service
 1393 agreement company chooses to comply with this paragraph but also
 1394 maintains a reserve to pay claims, such reserve shall only be
 1395 considered an asset of the covered motor vehicle service
 1396 agreement company and may not be simultaneously counted as an
 1397 asset of any other entity.

1398 Section 30. Subsection (5) of section 634.081, Florida
 1399 Statutes, is amended to read:

1400 634.081 Suspension or revocation of license; grounds.—

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1401 (5) The office shall suspend or revoke the license of a
 1402 company if it finds that the ratio of gross written premiums
 1403 written to net assets exceeds 10 to 1 unless the company has in
 1404 excess of \$750,000 in net assets and is utilizing contractual
 1405 liability insurance which cedes 100 percent of the service
 1406 agreement company's claims liabilities to the contractual
 1407 liability insurers ~~insurer~~ or is utilizing contractual liability
 1408 insurance which reimburses the service agreement company for 100
 1409 percent of its paid claims. However, if a service agreement
 1410 company has been licensed by the office in excess of 10 years,
 1411 is in compliance with all applicable provisions of this part,
 1412 and has net assets at all times in excess of \$3 million that
 1413 comply with the provisions of part II of chapter 625, such
 1414 company may not exceed a ratio of gross written premiums written
 1415 to net assets of 15 to 1.

1416 Section 31. Subsection (5) of section 634.3077, Florida
 1417 Statutes, is renumbered as subsection (6), subsection (3) is
 1418 amended, and a new subsection (5) is added to that section, to
 1419 read:

1420 634.3077 Financial requirements.—

1421 (3) An association may ~~shall~~ not be required to set up an
 1422 unearned premium reserve if it has purchased contractual
 1423 liability insurance which demonstrates to the satisfaction of
 1424 the office that 100 percent of its claim exposure is covered by
 1425 such insurance. Such contractual liability insurance shall be

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1426 | obtained from an insurer or insurers that hold ~~holds~~ a
1427 | certificate of authority to do business within the state or from
1428 | an insurer or insurers approved by the office as financially
1429 | capable of meeting the obligations incurred pursuant to the
1430 | policy. For purposes of this subsection, the contractual
1431 | liability policy shall contain the following provisions:

1432 | (a) In the event that the home warranty association is
1433 | unable to fulfill its obligation under its contracts issued in
1434 | this state for any reason, including insolvency, bankruptcy, or
1435 | dissolution, the contractual liability insurer will pay losses
1436 | and unearned premiums under such plans directly to persons
1437 | making claims under such contracts.

1438 | (b) The insurer issuing the policy shall assume full
1439 | responsibility for the administration of claims in the event of
1440 | the inability of the association to do so.

1441 | (c) The policy may not be canceled or not renewed by
1442 | ~~either~~ the insurer or the association unless 60 days' written
1443 | notice thereof has been given to the office by the insurer
1444 | before the date of such cancellation or nonrenewal.

1445 | (d) The contractual liability insurance policy shall
1446 | insure all home warranty contracts that were issued while the
1447 | policy was in effect whether or not the premium has been
1448 | remitted to the insurer.

1449 | (5) An association licensed under this part is not
1450 | required to establish an unearned premium reserve or maintain

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1451 contractual liability insurance and may allow its premiums to
1452 exceed the ratio to net assets limitation of this section if the
1453 association complies with the following:

1454 (a) The association or, if the association is a direct or
1455 indirect wholly owned subsidiary of a parent corporation, its
1456 parent corporation has, and maintains at all times, a minimum
1457 net worth of at least \$100 million and provides the office with
1458 the following:

1459 1. A copy of the association's annual audited financial
1460 statements or the audited consolidated financial statements of
1461 the association's parent corporation, prepared by an independent
1462 certified public accountant in accordance with generally
1463 accepted accounting principles, which clearly demonstrate the
1464 net worth of the association or its parent corporation to be
1465 \$100 million, and a quarterly written certification to the
1466 office that the association or its parent corporation continues
1467 to maintain the net worth required under this paragraph.

1468 2. The association's or its parent corporation's Form 10-
1469 K, Form 10-Q, or Form 20-F as filed with the United States
1470 Securities and Exchange Commission or such other documents
1471 required to be filed with a recognized stock exchange, which
1472 shall be provided on a quarterly and annual basis within 10 days
1473 after the last date each such report must be filed with the
1474 Securities and Exchange Commission, the National Association of
1475 Securities Dealers Automated Quotation system, or other

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1476 recognized stock exchange.

1477

1478 Failure to timely file the documents required under this
 1479 paragraph may, at the discretion of the office, subject the
 1480 association to suspension or revocation of its license under
 1481 this part.

1482 (b) If the net worth of a parent corporation is used to
 1483 satisfy the net worth provisions of paragraph (a), the following
 1484 provisions must be met:

1485 1. The parent corporation must guarantee all service
 1486 warranty obligations of the association, wherever written, on a
 1487 form approved in advance by the office. A cancellation,
 1488 termination, or modification of the guarantee does not become
 1489 effective unless the parent corporation provides the office
 1490 written notice at least 90 days before the effective date of the
 1491 cancellation, termination, or modification and the office
 1492 approves the request in writing. Before the effective date of
 1493 the cancellation, termination, or modification of the guarantee,
 1494 the association must demonstrate to the satisfaction of the
 1495 office compliance with all applicable provisions of this part,
 1496 including whether the association will meet the requirements of
 1497 this section by the purchase of contractual liability insurance,
 1498 establishing required reserves, or other method allowed under
 1499 this section. If the association or parent corporation does not
 1500 demonstrate to the satisfaction of the office compliance with

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1501 all applicable provisions of this part, the association or
 1502 parent association shall immediately cease writing new and
 1503 renewal business upon the effective date of the cancellation,
 1504 termination, or modification.

1505 2. The association must maintain at all times net assets
 1506 of at least \$750,000.

1507 Section 32. Section 634.317, Florida Statutes, is amended
 1508 to read:

1509 634.317 License and appointment required.—No person may
 1510 solicit, negotiate, or effectuate home warranty contracts for
 1511 remuneration in this state unless such person is licensed and
 1512 appointed as a sales representative. A licensed and appointed
 1513 sales representative shall be directly responsible and
 1514 accountable for all acts of the licensee's employees. A
 1515 municipality, a county government, a special district, an entity
 1516 operated by a municipality or county government, or an employee
 1517 or agent of a municipality, county government, special district,
 1518 or entity operated by a municipality or county government is
 1519 exempt from the licensing and appointing requirements under this
 1520 section.

1521 Section 33. Subsection (9) of section 648.25, Florida
 1522 Statutes, is renumbered as subsection (10), and a new subsection
 1523 (9) and subsection (11) are added to that section to read:

1524 648.25 Definitions.—As used in this chapter, the term:
 1525 (9) "Referring bail bond agent" is the limited surety

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1526 agent who is requesting the transfer bond. The referring bail
1527 bond agent is the agent held liable for the transfer bond, along
1528 with the issuing surety company.

1529 (11) "Transfer bond" means the appearance bond and power
1530 of attorney form posted by a limited surety agent who is
1531 registered in the county where the defendant is being held in
1532 custody.

1533 Section 34. Subsection (3) of section 648.26, Florida
1534 Statutes, is amended to read:

1535 648.26 Department of Financial Services; administration.-

1536 (3) The papers, documents, reports, or any other
1537 investigatory records of the department are confidential and
1538 exempt from s. 119.07(1) until such investigation is completed
1539 or ceases to be active, unless the department or office files a
1540 formal administrative complaint, emergency order, or consent
1541 order against the individual or entity. For the purpose of this
1542 section, an investigation is considered active while the
1543 investigation is being conducted by the department with a
1544 reasonable, good faith belief that it may lead to the filing of
1545 administrative, civil, or criminal proceedings. An investigation
1546 does not cease to be active if the department is proceeding with
1547 reasonable dispatch and there is good faith belief that action
1548 may be initiated by the department or other administrative or
1549 law enforcement agency. This subsection does not prevent the
1550 department or office from disclosing the content of a complaint

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1551 or such information as it deems necessary to conduct the
 1552 investigation, to update the complainant as to the status and
 1553 outcome of the complaint, to review the details of the
 1554 investigation with the subject or the subject's representative,
 1555 or to share such information with any law enforcement agency or
 1556 other regulatory body.

1557 Section 35. Paragraph (a) of subsection (1) of section
 1558 648.30, Florida Statutes, is amended to read:

1559 648.30 Licensure and appointment required; prohibited
 1560 acts; penalties.—

1561 (1)(a) A person or entity may not act in the capacity of a
 1562 bail bond agent or bail bond agency or perform any of the
 1563 functions, duties, or powers prescribed for bail bond agents or
 1564 bail bond agencies under this chapter unless that person or
 1565 entity is qualified, licensed, and appointed as provided in this
 1566 chapter ~~and employed by a bail bond agency.~~

1567 Section 36. Subsection (1) of section 648.355, Florida
 1568 Statutes, is amended to read:

1569 648.355 Limited surety agents and professional bail bond
 1570 agents; qualifications.—

1571 (1) The applicant shall furnish, with the application for
 1572 license, a complete set of the applicant's fingerprints in
 1573 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
 1574 ~~fullface photograph of the applicant.~~ The department may not
 1575 issue a license under this section until the department has

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1576 received a report from the Department of Law Enforcement and the
1577 Federal Bureau of Investigation relative to the existence or
1578 nonexistence of a criminal history report based on the
1579 applicant's fingerprints.

1580 Section 37. Effective July 1, 2024, section 655.0323,
1581 Florida Statutes, is amended to read:

1582 655.0323 Unsafe and unsound practices.—

1583 (1) Financial institutions must make determinations about
1584 the provision or denial of services based on an analysis of risk
1585 factors unique to each current or prospective customer or member
1586 and may not engage in an unsafe and unsound practice as provided
1587 in subsection (2). This subsection does not restrict a financial
1588 institution that claims a religious purpose from making such
1589 determinations based on the current or prospective customer's or
1590 member's religious beliefs, religious exercise, or religious
1591 affiliations.

1592 (2) It is an unsafe and unsound practice for a financial
1593 institution to deny, ~~or~~ cancel, suspend, or terminate its
1594 services to a person, or to otherwise discriminate against a
1595 person in making available such services, or in the terms or
1596 conditions of such services, on the basis of:

1597 (a) The person's political opinions, speech, or
1598 affiliations;

1599 (b) Except as provided in subsection (1), the person's
1600 religious beliefs, religious exercise, or religious

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1601 | affiliations;

1602 | (c) Any factor if it is not a quantitative, impartial, and

1603 | risk-based standard, including any such factor related to the

1604 | person's business sector; or

1605 | (d) The use of any rating, scoring, analysis, tabulation,

1606 | or action that considers a social credit score based on factors

1607 | including, but not limited to:

1608 | 1. The person's political opinions, speech, or

1609 | affiliations.

1610 | 2. The person's religious beliefs, religious exercise, or

1611 | religious affiliations.

1612 | 3. The person's lawful ownership of a firearm.

1613 | 4. The person's engagement in the lawful manufacture,

1614 | distribution, sale, purchase, or use of firearms or ammunition.

1615 | 5. The person's engagement in the exploration, production,

1616 | utilization, transportation, sale, or manufacture of fossil

1617 | fuel-based energy, timber, mining, or agriculture.

1618 | 6. The person's support of the state or Federal Government

1619 | in combating illegal immigration, drug trafficking, or human

1620 | trafficking.

1621 | 7. The person's engagement with, facilitation of,

1622 | employment by, support of, business relationship with,

1623 | representation of, or advocacy for any person described in this

1624 | paragraph.

1625 | 8. The person's failure to meet or commit to meet, or

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1626 expected failure to meet, any of the following as long as such
 1627 person is in compliance with applicable state or federal law:

1628 a. Environmental standards, including emissions standards,
 1629 benchmarks, requirements, or disclosures;

1630 b. Social governance standards, benchmarks, or
 1631 requirements, including, but not limited to, environmental or
 1632 social justice;

1633 c. Corporate board or company employment composition
 1634 standards, benchmarks, requirements, or disclosures based on
 1635 characteristics protected under the Florida Civil Rights Act of
 1636 1992; or

1637 d. Policies or procedures requiring or encouraging
 1638 employee participation in social justice programming, including,
 1639 but not limited to, diversity, equity, or inclusion training.

1640 (3) Beginning July 1, 2023, and by July 1 of each year
 1641 thereafter, financial institutions as defined in s. 655.005
 1642 ~~subject to the financial institutions codes~~ must attest, under
 1643 penalty of perjury, on a form prescribed by the commission
 1644 whether the entity is acting in compliance with subsections (1)
 1645 and (2).

1646 (4) If a person who is a customer or member of a financial
 1647 institution suspects that such financial institution has acted
 1648 in violation of subsection (2), the aggrieved customer or member
 1649 may submit a complaint to the office on a form prescribed by the
 1650 commission within 30 days after such action. A complaint is

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1651 barred if not timely submitted. The complaint must, at a
1652 minimum, contain the name and address of the customer or member;
1653 the name of the financial institution; and the facts upon which
1654 the customer or member bases his or her allegation.

1655 (5) After receipt of a customer's or member's complaint
1656 under subsection (4):

1657 (a) The office must notify the financial institution that
1658 a complaint has been filed.

1659 (b) Within 90 calendar days after receiving the notice
1660 from the office, the financial institution must file with the
1661 office a complaint response report containing such information
1662 as the commission requires by rule, unless precluded by law.

1663 (c) If the complaint response report indicates that the
1664 financial institution took action due to suspicious activity, as
1665 defined in s. 655.50(3), the initial investigation by the office
1666 must be handled in accordance with s. 655.50. If the office
1667 determines that the financial institution's action was taken
1668 without any basis under s. 655.50, the office must continue to
1669 investigate the financial institution's action and determine
1670 whether the financial institution has acted in violation of
1671 subsection (2).

1672 (d) Within 90 calendar days after receiving the complaint
1673 submitted pursuant to this subsection, the office shall begin an
1674 investigation of the alleged violation.

1675 (e) After the investigation is completed or ceases to be

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1676 active, the office shall:

1677 1. Within 30 calendar days after the completion or

1678 cessation of the investigation, create a report on the findings

1679 of the investigation. Such report, however, may not contain or

1680 must redact any information that remains confidential and exempt

1681 from s. 119.07(1). If the office determines that no violation of

1682 subsection (2) has occurred, the report must only:

1683 a. Identify the complaint for which the report is made;

1684 and

1685 b. State that a determination has been made that no

1686 violation of subsection (2) has occurred.

1687 2. Except as otherwise provided or prohibited by law,

1688 within 45 calendar days after the completion or cessation of the

1689 investigation, send such report to the customer or member who

1690 submitted the complaint pursuant to this subsection, via

1691 certified mail, return receipt requested, delivery restricted to

1692 the addressee; and to the subject financial institution.

1693 (f) Except as otherwise provided or prohibited by law, if

1694 the office determines that a violation of subsection (2) has

1695 occurred, the office must provide notice of such violation to

1696 the customer or member and to the Department of Financial

1697 Services and the enforcing authority, as defined in s.

1698 501.203(2), and provide a copy of the report created pursuant to

1699 this subsection.

1700 (6)-(4) Engaging in a practice described in subsection (2)

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1701 or failing to timely provide the attestation under subsection
 1702 (3) is a failure to comply with this chapter, constitutes a
 1703 violation of the financial institutions codes, and is subject to
 1704 the applicable sanctions and penalties provided for in the
 1705 financial institutions codes.

1706 (7)~~(5)~~ Notwithstanding ss. 501.211 and 501.212, a failure
 1707 to comply with subsection (1) or engaging in a practice
 1708 described in subsection (2) constitutes a violation of the
 1709 Florida Deceptive and Unfair Trade Practices Act under part II
 1710 of chapter 501. Violations must be enforced only by the
 1711 enforcing authority, as defined in s. 501.203(2), and subject
 1712 the violator to the sanctions and penalties provided for in that
 1713 part. If such action is successful, the enforcing authority is
 1714 entitled to reasonable attorney fees and costs.

1715 (8)~~(6)~~ The office and the commission may not exercise
 1716 authority pursuant to s. 655.061 in relation to this section.

1717 (9) The commission may adopt rules to administer this
 1718 section.

1719 Section 38. Paragraph (f) of subsection (26) of section
 1720 280.02, Florida Statutes, is amended to read:

1721 280.02 Definitions.—As used in this chapter, the term:

1722 (26) "Qualified public depository" means a bank, savings
 1723 bank, or savings association that:

1724 (f) Does not engage in the unsafe and unsound practice of
 1725 denying, ~~or~~ canceling, suspending, or terminating its services

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1726 to a person, or otherwise discriminating against a person in
 1727 making available such services or in the terms or conditions of
 1728 such services, on the basis of:

- 1729 1. The person's political opinions, speech, or
 1730 affiliations;
- 1731 2. Except as provided in paragraph (e), the person's
 1732 religious beliefs, religious exercise, or religious
 1733 affiliations;
- 1734 3. Any factor if it is not a quantitative, impartial, and
 1735 risk-based standard, including any such factor related to the
 1736 person's business sector; or
- 1737 4. The use of any rating, scoring, analysis, tabulation,
 1738 or action that considers a social credit score based on factors
 1739 including, but not limited to:
 - 1740 a. The person's political opinions, speech, or
 1741 affiliations.
 - 1742 b. The person's religious beliefs, religious exercise, or
 1743 religious affiliations.
 - 1744 c. The person's lawful ownership of a firearm.
 - 1745 d. The person's engagement in the lawful manufacture,
 1746 distribution, sale, purchase, or use of firearms or ammunition.
 - 1747 e. The person's engagement in the exploration, production,
 1748 utilization, transportation, sale, or manufacture of fossil
 1749 fuel-based energy, timber, mining, or agriculture.
 - 1750 f. The person's support of the state or Federal Government

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1751 in combating illegal immigration, drug trafficking, or human
 1752 trafficking.

1753 g. The person's engagement with, facilitation of,
 1754 employment by, support of, business relationship with,
 1755 representation of, or advocacy for any person described in this
 1756 subparagraph.

1757 h. The person's failure to meet or commit to meet, or
 1758 expected failure to meet, any of the following as long as such
 1759 person is in compliance with applicable state or federal law:

1760 (I) Environmental standards, including emissions
 1761 standards, benchmarks, requirements, or disclosures;

1762 (II) Social governance standards, benchmarks, or
 1763 requirements, including, but not limited to, environmental or
 1764 social justice;

1765 (III) Corporate board or company employment composition
 1766 standards, benchmarks, requirements, or disclosures based on
 1767 characteristics protected under the Florida Civil Rights Act of
 1768 1992; or

1769 (IV) Policies or procedures requiring or encouraging
 1770 employee participation in social justice programming, including,
 1771 but not limited to, diversity, equity, or inclusion training.

1772 Section 39. Section 717.101, Florida Statutes, is amended
 1773 to read:

1774 717.101 Definitions.—As used in this chapter, unless the
 1775 context otherwise requires:

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1776 (1) "Aggregate" means the amounts reported for owners of
 1777 unclaimed property of less than \$10 ~~\$50~~ or where there is no
 1778 name for the individual or entity listed on the holder's
 1779 records, regardless of the amount to be reported.

1780 (2) "Apparent owner" means the person whose name appears
 1781 on the records of the holder as the person entitled to property
 1782 held, issued, or owing by the holder.

1783 (3) "Audit" means an action or proceeding to examine and
 1784 verify a person's records, books, accounts, and other documents
 1785 to ascertain and determine compliance with this chapter.

1786 (4) "Audit agent" means a person with whom the department
 1787 enters into a contract with to conduct an audit or examination.
 1788 The term includes an independent contractor of the person and
 1789 each individual participating in the audit on behalf of the
 1790 person or contractor.

1791 (5) ~~(3)~~ "Banking organization" means any and all banks,
 1792 trust companies, private bankers, savings banks, industrial
 1793 banks, safe-deposit companies, savings and loan associations,
 1794 credit unions, and investment companies in this state, organized
 1795 under or subject to the laws of this state or of the United
 1796 States, including entities organized under 12 U.S.C. s. 611, but
 1797 does not include federal reserve banks. The term also includes
 1798 any corporation, business association, or other organization
 1799 that:

1800 (a) Is a wholly or partially owned subsidiary of any

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1801 banking, banking corporation, or bank holding company that
 1802 performs any or all of the functions of a banking organization;
 1803 or

1804 (b) Performs functions pursuant to the terms of a contract
 1805 with any banking organization state or national bank,
 1806 international banking entity or similar entity, trust company,
 1807 savings bank, industrial savings bank, land bank, safe-deposit
 1808 company, private bank, or any organization otherwise defined by
 1809 law as a bank or banking organization.

1810 (6)-(4) "Business association" means any for-profit or
 1811 nonprofit corporation other than a public corporation; joint
 1812 stock company; investment company; unincorporated association or
 1813 association of two or more individuals for business purposes,
 1814 whether or not for profit; partnership; joint venture; limited
 1815 liability company; sole proprietorship; business trust; trust
 1816 company; land bank; safe-deposit company; safekeeping
 1817 depository; financial organization; insurance company; federally
 1818 chartered entity; utility company; or other business entity,
 1819 whether or not for profit corporation (other than a public
 1820 corporation), joint stock company, investment company, business
 1821 trust, partnership, limited liability company, or association of
 1822 two or more individuals for business purposes, whether for
 1823 profit or not for profit.

1824 (7)-(5) "Claimant" means the person on whose behalf a claim
 1825 is filed.

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1826 (8) "Claimant's representative" means an attorney who is a
 1827 member in good standing of The Florida Bar, a certified public
 1828 accountant licensed in this state, or private investigator who
 1829 is duly licensed to do business in the state, registered with
 1830 the department, and authorized by the claimant to claim
 1831 unclaimed property on the claimant's behalf. The term does not
 1832 include a person acting in a representative capacity, such as a
 1833 personal representative, guardian, trustee, or attorney, whose
 1834 representation is not contingent upon the discovery or location
 1835 of unclaimed property; provided, however, that any agreement
 1836 entered into for the purpose of evading s. 717.135 is invalid
 1837 and unenforceable.

1838 (9)~~(6)~~ "Credit balance" means an account balance in the
 1839 customer's favor.

1840 (10)~~(7)~~ "Department" means the Department of Financial
 1841 Services.

1842 (11)~~(8)~~ "Domicile" means the state of incorporation for a
 1843 corporation; the state of filing for a business association,
 1844 other than a corporation, whose formation or organization
 1845 requires a filing with a state; the state of organization for a
 1846 business association, other than a corporation, whose formation
 1847 or organization does not require a filing with a state; the
 1848 state of home office for a federally chartered entity ~~incorporated~~
 1849 ~~under the laws of a state, or, for an unincorporated business~~
 1850 ~~association, the state where the business association is~~

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1851 ~~organized.~~

1852 (12)~~(9)~~ "Due diligence" means the use of reasonable and
 1853 prudent methods under particular circumstances to locate
 1854 apparent owners of inactive accounts using the taxpayer
 1855 identification number or social security number, if known, which
 1856 may include, but are not limited to, using a nationwide
 1857 database, cross-indexing with other records of the holder,
 1858 mailing to the last known address unless the last known address
 1859 is known to be inaccurate, providing written notice as described
 1860 in this chapter by electronic mail if an apparent owner has
 1861 elected such delivery, or engaging a licensed agency or company
 1862 capable of conducting such search and providing updated
 1863 addresses.

1864 (13) "Electronic" means relating to technology having
 1865 electrical, digital, magnetic, wireless, optical,
 1866 electromagnetic, or similar capabilities.

1867 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~
 1868 savings association, savings and loan association, savings bank,
 1869 industrial bank, bank, banking organization, trust company,
 1870 international bank agency, cooperative bank, building and loan
 1871 association, or credit union.

1872 (15)~~(11)~~ "Health care provider" means any state-licensed
 1873 entity that provides and receives payment for health care
 1874 services. These entities include, but are not limited to,
 1875 hospitals, outpatient centers, physician practices, and skilled

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1876 nursing facilities.

1877 (16)~~(12)~~ "Holder" means:

1878 (a) A person, ~~wherever organized or domiciled,~~ who is in
 1879 possession or control or has custody of property or the rights
 1880 to property belonging to another; is indebted to another on an
 1881 obligation; or is obligated to hold for the account of, or to
 1882 deliver or pay to, the owner, property subject to this chapter;
 1883 or÷

1884 ~~(a) In possession of property belonging to another;~~

1885 ~~(b) A trustee in case of a trust; or~~

1886 ~~(c) Indebted to another on an obligation.~~

1887 (17)~~(13)~~ "Insurance company" means an association,
 1888 corporation, or fraternal or mutual benefit organization,
 1889 whether for profit or not for profit, which is engaged in
 1890 providing insurance coverage.

1891 (18)~~(14)~~ "Intangible property" includes, by way of
 1892 illustration and not limitation:

1893 (a) Moneys, checks, virtual currency, drafts, deposits,
 1894 interest, dividends, and income.

1895 (b) Credit balances, customer overpayments, security
 1896 deposits and other instruments as defined by chapter 679,
 1897 refunds, unpaid wages, unused airline tickets, and unidentified
 1898 remittances.

1899 (c) Stocks, and other intangible ownership interests in
 1900 business associations.

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1901 (d) Moneys deposited to redeem stocks, bonds, bearer
 1902 bonds, original issue discount bonds, coupons, and other
 1903 securities, or to make distributions.

1904 (e) Amounts due and payable under the terms of insurance
 1905 policies.

1906 (f) Amounts distributable from a trust or custodial fund
 1907 established under a plan to provide any health, welfare,
 1908 pension, vacation, severance, retirement, death, stock purchase,
 1909 profit sharing, employee savings, supplemental unemployment
 1910 insurance, or similar benefit.

1911 (19)~~(15)~~ "Last known address" means a description of the
 1912 location of the apparent owner sufficient for the purpose of the
 1913 delivery of mail. For the purposes of identifying, reporting,
 1914 and remitting property to the department which is presumed to be
 1915 unclaimed, "last known address" includes any partial description
 1916 of the location of the apparent owner sufficient to establish
 1917 the apparent owner was a resident of this state at the time of
 1918 last contact with the apparent owner or at the time the property
 1919 became due and payable.

1920 (20)~~(16)~~ "Lawful charges" means charges against dormant
 1921 accounts that are authorized by statute for the purpose of
 1922 offsetting the costs of maintaining the dormant account.

1923 (21)~~(17)~~ "Managed care payor" means a health care plan
 1924 that has a defined system of selecting and limiting health care
 1925 providers as evidenced by a managed care contract with the

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1926 health care providers. These plans include, but are not limited
 1927 to, managed care health insurance companies and health
 1928 maintenance organizations.

1929 (22) ~~(18)~~ "Owner" means a person, or the person's legal
 1930 representative, entitled to receive or having a legal or
 1931 equitable interest in or claim against property subject to this
 1932 chapter; a depositor in the case of a deposit; a beneficiary in
 1933 the case of a trust or a deposit in trust; or a payee in the
 1934 case of a negotiable instrument or other intangible property a
 1935 ~~depositor in the case of a deposit, a beneficiary in the case of~~
 1936 ~~a trust or a deposit in trust, or a payee in the case of other~~
 1937 ~~intangible property, or a person having a legal or equitable~~
 1938 ~~interest in property subject to this chapter or his or her legal~~
 1939 ~~representative.~~

1940 (23) "Person" means an individual; estate; business
 1941 association; corporation; firm; association; joint adventure;
 1942 partnership; government or governmental subdivision, agency, or
 1943 instrumentality; or any other legal or commercial entity.

1944 (24) ~~(19)~~ "Public corporation" means a corporation created
 1945 by the state, founded and owned in the public interest,
 1946 supported by public funds, and governed by those deriving their
 1947 power from the state.

1948 (25) "Record" means information that is inscribed on a
 1949 tangible medium or that is stored in an electronic or other
 1950 medium and is retrievable in perceivable form.

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1951 (26)~~(20)~~ "Reportable period" means the calendar year
 1952 ending December 31 of each year.

1953 (27)~~(21)~~ "State," when applied to a part of the United
 1954 States, includes any state, district, commonwealth, territory,
 1955 insular possession, and any other area subject to the
 1956 legislative authority of the United States.

1957 (28)~~(22)~~ "Trust instrument" means a trust instrument as
 1958 defined in s. 736.0103.

1959 ~~(23) "Ultimate equitable owner" means a natural person
 1960 who, directly or indirectly, owns or controls an ownership
 1961 interest in a corporation, a foreign corporation, an alien
 1962 business organization, or any other form of business
 1963 organization, regardless of whether such natural person owns or
 1964 controls such ownership interest through one or more natural
 1965 persons or one or more proxies, powers of attorney, nominees,
 1966 corporations, associations, partnerships, trusts, joint stock
 1967 companies, or other entities or devices, or any combination
 1968 thereof.~~

1969 (29) "Unclaimed Property Purchase Agreement" means the
 1970 form adopted by the department pursuant to s. 717.135 which must
 1971 be used, without modification or amendment, by a claimant's
 1972 representative to purchase unclaimed property from an owner.

1973 (30) "Unclaimed Property Recovery Agreement" means the
 1974 form adopted by the department pursuant to s. 717.135 which must
 1975 be used, without modification or amendment, by a claimant's

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1976 representative to obtain an owner's consent and authority to
 1977 recover unclaimed property on the owner's behalf.

1978 ~~(31)-(24)~~ "United States" means any state, district,
 1979 commonwealth, territory, insular possession, and any other area
 1980 subject to the legislative authority of the United States of
 1981 America.

1982 ~~(32)-(25)~~ "Utility" means a person who owns or operates,
 1983 for public use, any plant, equipment, property, franchise, or
 1984 license for the transmission of communications or the
 1985 production, storage, transmission, sale, delivery, or furnishing
 1986 of electricity, water, steam, or gas.

1987 (33) (a) "Virtual currency" means digital units of exchange
 1988 that:

- 1989 1. Have a centralized repository or administrator;
- 1990 2. Are decentralized and have no centralized repository or
 1991 administrator; or
- 1992 3. May be created or obtained by computing or
 1993 manufacturing effort.

1994 (b) The term does not include any of the following:

- 1995 1. Digital units that:
- 1996 a. Are used solely within online gaming platforms;
- 1997 b. Have no market or application outside of the online
 1998 gaming platforms in sub-subparagraph a.;

1999 c. Cannot be converted into, or redeemed for, fiat
 2000 currency or virtual currency; and

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2001 d. Can or cannot be redeemed for real-world goods,
 2002 services, discounts, or purchases.
 2003 2. Digital units that can be redeemed for:
 2004 a. Real-world goods, services, discounts, or purchases as
 2005 part of a customer affinity or rewards program with the issuer
 2006 or other designated merchants; or
 2007 b. Digital units in another customer affinity or rewards
 2008 program, but cannot be converted into, or redeemed for, fiat
 2009 currency or virtual currency.
 2010 3. Digital units used as part of prepaid cards.
 2011 Section 40. Subsections (3) and (4) are added to section
 2012 717.102, Florida Statutes, to read:
 2013 717.102 Property presumed unclaimed; general rule.—
 2014 (3) A presumption that property is unclaimed is rebutted
 2015 by an apparent owner's expression of interest in the property.
 2016 An owner's expression of interest in property includes:
 2017 (a) A record communicated by the apparent owner to the
 2018 holder or agent of the holder concerning the property or the
 2019 account in which the property is held;
 2020 (b) An oral communication by the apparent owner to the
 2021 holder or agent of the holder concerning the property or the
 2022 account in which the property is held, if the holder or its
 2023 agent contemporaneously makes and preserves a record of the fact
 2024 of the apparent owner's communication;
 2025 (c) Presentment of a check or other instrument of payment

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2026 of a dividend, interest payment, or other distribution, with
 2027 respect to an account, underlying security, or interest in a
 2028 business association;

2029 (d) Activity directed by an apparent owner in the account
 2030 in which the property is held, including accessing the account
 2031 or information concerning the account, or a direction by the
 2032 apparent owner to increase, decrease, or otherwise change the
 2033 amount or type of property held in the account;

2034 (e) A deposit into or withdrawal from an account at a
 2035 financial organization, excluding an automatic deposit or
 2036 withdrawal previously authorized by the apparent owner or an
 2037 automatic reinvestment of dividends or interest, which does not
 2038 constitute an expression of interest; or

2039 (f) Any other action by the apparent owner which
 2040 reasonably demonstrates to the holder that the apparent owner
 2041 knows that the property exists.

2042 (4) If a holder learns or receives confirmation of an
 2043 apparent owner's death, the property shall be presumed unclaimed
 2044 2 years after the date of death, unless a fiduciary appointed to
 2045 represent the estate of the apparent owner has made an
 2046 expression of interest in the property before the expiration of
 2047 the 2-year period. This subsection may not be construed to
 2048 extend the otherwise applicable dormancy period prescribed by
 2049 this chapter.

2050 Section 41. Subsection (5) of section 717.106, Florida

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2051 Statutes, is amended to read:

2052 717.106 Bank deposits and funds in financial
2053 organizations.—

2054 (5) If the documents establishing a deposit described in
2055 subsection (1) state the address of a beneficiary of the
2056 deposit, and the account has a value of at least \$50, notice
2057 shall be given to the beneficiary as provided for notice to the
2058 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This
2059 subsection shall apply to accounts opened on or after October 1,
2060 1990.

2061 Section 42. Section 717.1065, Florida Statutes, is created
2062 to read:

2063 717.1065 Virtual currency.—

2064 (1) Any virtual currency held or owing by a banking
2065 organization, corporation, custodian, exchange, or other entity
2066 engaged in virtual currency business activity is presumed
2067 unclaimed unless the owner, within 5 years, has communicated in
2068 writing with the banking organization, corporation, custodian,
2069 exchange, or other entity engaged in virtual currency business
2070 activity concerning the virtual currency or otherwise indicated
2071 an interest as evidenced by a memorandum or other record on file
2072 with the banking organization, corporation, custodian, exchange,
2073 or other entity engaged in virtual currency business activity.

2074 (2) A holder may not deduct from the amount of any virtual
2075 currency subject to this section any charges imposed by reason

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2076 of the virtual currency unless there is a valid and enforceable
 2077 written contract between the holder and the owner of the virtual
 2078 currency pursuant to which the holder may impose those charges
 2079 and the holder does not regularly reverse or otherwise cancel
 2080 those charges with respect to the virtual currency.

2081 Section 43. Paragraph (a) of subsection (1) of section
 2082 717.1101, Florida Statutes, is amended to read:

2083 717.1101 Unclaimed equity and debt of business
 2084 associations.—

2085 (1)(a) Stock or other equity interest in a business
 2086 association is presumed unclaimed on the date of ~~3 years after~~
 2087 the earliest of the following:

2088 1. Three years after ~~The date of~~ the most recent of any
 2089 owner-generated activity or communication related to the
 2090 account, as recorded and maintained in the holder's database and
 2091 records systems sufficient enough to demonstrate the owners
 2092 continued awareness or interest in the property dividend, stock
 2093 split, or other distribution unclaimed by the apparent owner;

2094 2. Three years after the date of the death of the owner,
 2095 as evidenced by: ~~The date of a statement of account or other~~
 2096 ~~notification or communication that was returned as~~
 2097 ~~undeliverable; or~~

2098 a. Notice to the holder of the owner's death by an
 2099 administrator, beneficiary, relative, or trustee, or by a
 2100 personal representative or other legal representative of the

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2101 owner's estate;
 2102 b. Receipt by the holder of a copy of the death
 2103 certificate of the owner;
 2104 c. Confirmation by the holder of the owner's death though
 2105 other means; or
 2106 d. Other evidence from which the holder may reasonably
 2107 conclude that the owner is deceased; or
 2108 3. One year after the date on which the holder receives
 2109 notice under subparagraph 2. if the notice is received 2 years
 2110 or less after the owner's death and the holder lacked knowledge
 2111 of the owner's death during that period of 2 years or less ~~The~~
 2112 ~~date the holder discontinued mailings, notifications, or~~
 2113 ~~communications to the apparent owner.~~
 2114 Section 44. Subsection (1) of section 717.112, Florida
 2115 Statutes, is amended, and subsection (6) is added to that
 2116 section, to read:
 2117 717.112 Property held by agents and fiduciaries.—
 2118 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
 2119 intangible property and any income or increment thereon held in
 2120 a fiduciary capacity for the benefit of another person,
 2121 including property held by an attorney in fact or an agent,
 2122 except as provided in ss. 717.1125 and 733.816, is presumed
 2123 unclaimed unless the owner has within 5 years after it has
 2124 become payable or distributable increased or decreased the
 2125 principal, accepted payment of principal or income, communicated

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2126 | in writing concerning the property, or otherwise indicated an
 2127 | interest as evidenced by a memorandum or other record on file
 2128 | with the fiduciary.

2129 | (6) This section does not relieve a fiduciary of his or
 2130 | her duties under applicable general law.

2131 | Section 45. Section 717.1125, Florida Statutes, is amended
 2132 | to read:

2133 | 717.1125 Property held by fiduciaries under trust
 2134 | instruments.—All intangible property and any income or increment
 2135 | thereon held in a fiduciary capacity for the benefit of another
 2136 | person under a trust instrument is presumed unclaimed unless the
 2137 | owner has, within 2 years after it has become payable or
 2138 | distributable, increased or decreased the principal, accepted
 2139 | payment of principal or income, communicated concerning the
 2140 | property, or otherwise indicated an interest as evidenced by a
 2141 | memorandum or other record on file with the fiduciary. This
 2142 | section does not relieve a fiduciary of his or her duties under
 2143 | the Florida Trust Code.

2144 | Section 46. Effective January 1, 2025, section 717.117,
 2145 | Florida Statutes, is amended to read:

2146 | 717.117 Report of unclaimed property.—

2147 | (1) Every person holding funds or other property, tangible
 2148 | or intangible, presumed unclaimed and subject to custody as
 2149 | unclaimed property under this chapter shall report to the
 2150 | department ~~on such forms as the department may prescribe by~~

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2151 ~~rule. In lieu of forms, a report identifying 25 or more~~
2152 ~~different apparent owners must be submitted by the holder via~~
2153 electronic medium as the department may prescribe by rule. The
2154 report must include:

2155 (a) Except for traveler's checks and money orders, the
2156 name, social security number or taxpayer identification number,
2157 ~~and~~ date of birth, if known, and last known address, if any, of
2158 each person appearing from the records of the holder to be the
2159 owner of any property which is presumed unclaimed and which has
2160 a value of \$10 ~~\$50~~ or more.

2161 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
2162 or more held or owing under any life or endowment insurance
2163 policy or annuity contract, the identifying information provided
2164 in paragraph (a) for both ~~full name, taxpayer identification~~
2165 ~~number or social security number, date of birth, if known, and~~
2166 ~~last known address of~~ the insured or annuitant and ~~of~~ the
2167 beneficiary according to records of the insurance company
2168 holding or owing the funds.

2169 (c) For all tangible property held in a safe-deposit box
2170 or other safekeeping repository, a description of the property
2171 and the place where the property is held and may be inspected by
2172 the department, and any amounts owing to the holder. Contents of
2173 a safe-deposit box or other safekeeping repository which consist
2174 of documents or writings of a private nature and which have
2175 little or no apparent value shall not be presumed unclaimed.

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2176 (d) The nature or type of property, any accounting or ~~and~~
 2177 identifying number associated with the property, a if any, or
 2178 description of the property, and the amount appearing from the
 2179 records to be due. Items of value of less than \$10 ~~under \$50~~
 2180 each may be reported in the aggregate.

2181 (e) The date the property became payable, demandable, or
 2182 returnable, and the date of the last transaction with the
 2183 apparent owner with respect to the property.

2184 (f) Any other information the department may prescribe by
 2185 rule as necessary for the administration of this chapter.

2186 (2) If the total value of all presumed unclaimed property,
 2187 whether tangible or intangible, held by a person is less than
 2188 \$10, a zero balance report may be filed for that reporting
 2189 period.

2190 ~~(f) Any person or business association or public~~
 2191 ~~corporation holding funds presumed unclaimed and having a total~~
 2192 ~~value of \$10 or less may file a zero balance report for that~~
 2193 ~~reporting period. The balance brought forward to the new~~
 2194 ~~reporting period is zero.~~

2195 ~~(g) Such other information as the department may prescribe~~
 2196 ~~by rule as necessary for the administration of this chapter.~~

2197 (3)-(h) Credit balances, customer overpayments, security
 2198 deposits, and refunds having a value of less than \$10 shall not
 2199 be presumed unclaimed.

2200 (4)-(2) If the holder of property presumed unclaimed and

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2201 subject to custody as unclaimed property is a successor holder
 2202 or if the holder has changed the holder's name while in
 2203 possession of the property, the holder shall file with the
 2204 holder's report all known names and addresses of each prior
 2205 holder of the property. Compliance with this subsection means
 2206 the holder exercises reasonable and prudent efforts to determine
 2207 the names of all prior holders.

2208 (5)-(3) The report must be filed before May 1 of each year.
 2209 The report applies ~~shall apply~~ to the preceding calendar year.
 2210 Upon written request by any person required to file a report,
 2211 and upon a showing of good cause, the department may extend the
 2212 reporting date. The department may impose and collect a penalty
 2213 of \$10 per day up to a maximum of \$500 for the failure to timely
 2214 report, if an extension was not provided or if the holder of the
 2215 property failed the failure to include in a report information
 2216 required by this chapter which was in the holder's possession at
 2217 the time of reporting. The penalty shall be remitted to the
 2218 department within 30 days after the date of the notification to
 2219 the holder that the penalty is due and owing. As necessary for
 2220 proper administration of this chapter, the department may waive
 2221 any penalty due with appropriate justification. ~~On written~~
 2222 ~~request by any person required to file a report and upon a~~
 2223 ~~showing of good cause, the department may postpone the reporting~~
 2224 ~~date.~~ The department must provide information contained in a
 2225 report filed with the department to any person requesting a copy

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2226 of the report or information contained in a report, to the
 2227 extent the information requested is not confidential, within 45
 2228 days after the department determines that the report ~~has been~~
 2229 ~~processed and added to the unclaimed property database~~
 2230 ~~subsequent to a determination that the report is accurate and~~
 2231 acceptable and that the reported property is the same as the
 2232 remitted property.

2233 (6)-(4) Holders of inactive accounts having a value of \$50
 2234 or more shall use due diligence to locate and notify apparent
 2235 owners that the entity is holding unclaimed property available
 2236 for them to recover. Not more than 120 days and not less than 60
 2237 days prior to filing the report required by this section, the
 2238 holder in possession of property presumed unclaimed and subject
 2239 to custody as unclaimed property under this chapter shall send
 2240 written notice by first-class United States mail to the apparent
 2241 owner at the apparent owner's last known address from the
 2242 holder's records or from other available sources, or via
 2243 electronic mail if the apparent owner has elected this method of
 2244 delivery, informing the apparent owner that the holder is in
 2245 possession of property subject to this chapter, if the holder
 2246 has in its records a mailing or electronic ~~an~~ address for the
 2247 apparent owner which the holder's records do not disclose to be
 2248 inaccurate. These two means of contact are not mutually
 2249 exclusive; if the mailing address is determined to be
 2250 inaccurate, electronic mail may be used if so elected by the

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2251 apparent owner.

2252 (7) The written notice to the apparent owner required

2253 under this section must:

2254 (a) Contain a heading that reads substantially as follows:

2255 "Notice. The State of Florida requires us to notify you that

2256 your property may be transferred to the custody of the Florida

2257 Department of Financial Services if you do not contact us before

2258 (insert date that is at least 30 days after the date of

2259 notice)."

2260 (b) Identify the type, nature, and, except for property

2261 that does not have a fixed value, value of the property that is

2262 the subject of the notice.

2263 (c) State that the property will be turned over to the

2264 custody of the department as unclaimed property if no response

2265 to this letter is received.

2266 (d) State that any property that is not legal tender of

2267 the United States may be sold or liquidated by the department.

2268 (e) State that after the property is turned over to the

2269 department, an apparent owner seeking return of the property may

2270 file a claim with the department.

2271 (f) State that the property is currently with a holder and

2272 provide instructions that the apparent owner must follow to

2273 prevent the holder from reporting and paying for the property or

2274 from delivering the property to the department.

2275 (8)-(5) Any holder of intangible property may file with the

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2276 department a petition for determination that the property is
 2277 unclaimed requesting the department to accept custody of the
 2278 property. The petition shall state any special circumstances
 2279 that exist, contain the information required by subsection (4)
 2280 ~~(2)~~, and show that a diligent search has been made to locate the
 2281 owner. If the department finds that the proof of diligent search
 2282 is satisfactory, it shall give notice as provided in s. 717.118
 2283 and accept custody of the property.

2284 (9)~~(6)~~ Upon written request by any entity or person
 2285 required to file a report, stating such entity's or person's
 2286 justification for such action, the department may place that
 2287 entity or person in an inactive status as an unclaimed property
 2288 "holder."

2289 (10)~~(7)~~(a) This section does not apply to the unclaimed
 2290 patronage refunds as provided for by contract or through bylaw
 2291 provisions of entities organized under chapter 425 or that are
 2292 exempt from ad valorem taxation pursuant to s. 196.2002.

2293 (b) This section does not apply to intangible property
 2294 held, issued, or owing by a business association subject to the
 2295 jurisdiction of the United States Surface Transportation Board
 2296 or its successor federal agency if the apparent owner of such
 2297 intangible property is a business association. The holder of
 2298 such property does not have any obligation to report, to pay, or
 2299 to deliver such property to the department.

2300 (c) This section does not apply to credit balances,

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2301 overpayments, refunds, or outstanding checks owed by a health
 2302 care provider to a managed care payor with whom the health care
 2303 provider has a managed care contract, provided that the credit
 2304 balances, overpayments, refunds, or outstanding checks become
 2305 due and owing pursuant to the managed care contract.

2306 (11)~~(8)~~(a) As used in this subsection, the term "property
 2307 identifier" means the descriptor used by the holder to identify
 2308 the unclaimed property.

2309 (b) Social security numbers and property identifiers
 2310 contained in reports required under this section, held by the
 2311 department, are confidential and exempt from s. 119.07(1) and s.
 2312 24(a), Art. I of the State Constitution.

2313 (c) This exemption applies to social security numbers and
 2314 property identifiers held by the department before, on, or after
 2315 the effective date of this exemption.

2316 Section 47. Subsections (4), (5), and (6) of section
 2317 717.119, Florida Statutes, are renumbered as subsections (5),
 2318 (6), and (7), respectively, and a new subsection (4) and
 2319 subsection (8) are added to that section, to read:

2320 717.119 Payment or delivery of unclaimed property.—

2321 (4) All virtual currency reported under this chapter on
 2322 the annual report filing required in s. 717.117 shall be
 2323 remitted to the department with the report. The holder shall
 2324 liquidate the virtual currency and remit the proceeds to the
 2325 department. The liquidation must occur within 30 days before the

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2326 filing of the report. Upon delivery of the virtual currency
 2327 proceeds to the department, the holder is relieved of all
 2328 liability of every kind in accordance with the provisions of s.
 2329 717.1201 to every person for any losses or damages resulting to
 2330 the person by the delivery to the department of the virtual
 2331 currency proceeds.

2332 (8) A holder may not assign or otherwise transfer its
 2333 obligation to report, pay, or deliver property or to comply with
 2334 the provisions of this chapter, other than to a parent,
 2335 subsidiary, or affiliate of the holder.

2336 (a) Unless otherwise agreed to by the parties to a
 2337 transaction, the holder's successor by merger or consolidation,
 2338 or any person or entity that acquires all or substantially all
 2339 of the holder's capital stock or assets, is responsible for
 2340 fulfilling the holder's obligation to report, pay, or deliver
 2341 property or to comply with the duties of this chapter regarding
 2342 the transfer of property owed to the holder's successor and
 2343 being held for an owner resulting from the merger,
 2344 consolidation, or acquisition.

2345 (b) This subsection does not prohibit a holder from
 2346 contracting with a third party for the reporting of unclaimed
 2347 property, but the holder remains responsible to the department
 2348 for the complete, accurate, and timely reporting of the
 2349 property.

2350 Section 48. Section 717.1201, Florida Statutes, is amended

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2351 to read:

2352 717.1201 Custody by state; holder ~~relieved from~~ liability;
 2353 reimbursement of holder paying claim; reclaiming for owner;
 2354 ~~defense of holder;~~ payment of safe-deposit box or repository
 2355 charges.—

2356 (1) Upon the good faith payment or delivery of unclaimed
 2357 property to the department, the state assumes custody and
 2358 responsibility for the safekeeping of the property. Any person
 2359 who pays or delivers unclaimed property to the department in
 2360 good faith is relieved of all liability to the extent of the
 2361 value of the property paid or delivered for any claim then
 2362 existing or which thereafter may arise or be made in respect to
 2363 the property.

2364 (a) A holder's substantial compliance with s. 717.117(6)
 2365 and good faith payment or delivery of unclaimed property to the
 2366 department releases the holder from liability that may arise
 2367 from such payment or delivery, and such delivery and payment may
 2368 be plead as a defense in any suit or action brought by reason of
 2369 such delivery or payment. This section does not relieve a
 2370 fiduciary of his or her duties under the Florida Trust Code or
 2371 Florida Probate Code.

2372 (b) If the holder pays or delivers property to the
 2373 department in good faith and thereafter any other person claims
 2374 the property from the holder paying or delivering, or another
 2375 state claims the money or property under that state's laws

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2376 relating to escheat or abandoned or unclaimed property, the
 2377 department, upon written notice of the claim, shall defend the
 2378 holder against the claim and indemnify the holder against any
 2379 liability on the claim, except that a holder may not be
 2380 indemnified against penalties imposed by another state.

2381 (2) For the purposes of this section, a payment or
 2382 delivery of unclaimed property is made in good faith if:

2383 (a) The payment or delivery was made in conjunction with
 2384 an accurate and acceptable report.

2385 (b) The payment or delivery was made in a reasonable
 2386 attempt to comply with this chapter and other applicable general
 2387 law.

2388 (c) The holder had a reasonable basis for believing, based
 2389 on the facts then known, that the property was unclaimed and
 2390 subject to this chapter.

2391 (d) There is no showing that the records pursuant to which
 2392 the delivery was made did not meet reasonable commercial
 2393 standards of practice in the industry.

2394 (3)~~(2)~~ Any holder who has paid money to the department
 2395 pursuant to this chapter may make payment to any person
 2396 appearing to be entitled to payment and, upon filing proof that
 2397 the payee is entitled thereto, the department shall forthwith
 2398 repay the holder without deduction of any fee or other charges.
 2399 If repayment is sought for a payment made on a negotiable
 2400 instrument, including a traveler's check or money order, the

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2401 holder must be repaid under this subsection upon filing proof
 2402 that the instrument was duly presented and that the payee is
 2403 entitled to payment. The holder shall be repaid for payment made
 2404 under this subsection even if the payment was made to a person
 2405 whose claim was barred under s. 717.129(1).

2406 (4)~~(3)~~ Any holder who has delivered property, including a
 2407 certificate of any interest in a business association, other
 2408 than money to the department pursuant to this chapter may
 2409 reclaim the property if still in the possession of the
 2410 department, without payment of any fee or other charges, upon
 2411 filing proof that the owner has claimed the property from the
 2412 holder.

2413 (5)~~(4)~~ The department may accept an affidavit of the
 2414 holder stating the facts that entitle the holder to recover
 2415 money and property under this section as sufficient proof.

2416 ~~(5) If the holder pays or delivers property to the
 2417 department in good faith and thereafter any other person claims
 2418 the property from the holder paying or delivering, or another
 2419 state claims the money or property under that state's laws
 2420 relating to escheat or abandoned or unclaimed property, the
 2421 department, upon written notice of the claim, shall defend the
 2422 holder against the claim and indemnify the holder against any
 2423 liability on the claim.~~

2424 ~~(6) For the purposes of this section, "good faith" means
 2425 that:~~

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2426 ~~(a) Payment or delivery was made in a reasonable attempt~~
 2427 ~~to comply with this chapter.~~

2428 ~~(b) The person delivering the property was not a fiduciary~~
 2429 ~~then in breach of trust in respect to the property and had a~~
 2430 ~~reasonable basis for believing, based on the facts then known to~~
 2431 ~~that person, that the property was unclaimed for the purposes of~~
 2432 ~~this chapter.~~

2433 ~~(c) There is no showing that the records pursuant to which~~
 2434 ~~the delivery was made did not meet reasonable commercial~~
 2435 ~~standards of practice in the industry.~~

2436 (6) ~~(7)~~ Property removed from a safe-deposit box or other
 2437 safekeeping repository is received by the department subject to
 2438 the holder's right under this subsection to be reimbursed for
 2439 the actual cost of the opening and to any valid lien or contract
 2440 providing for the holder to be reimbursed for unpaid rent or
 2441 storage charges. The department shall make the reimbursement to
 2442 the holder out of the proceeds remaining after the deduction of
 2443 the department's selling cost.

2444 (7) If it appears to the satisfaction of the department
 2445 that, because of some mistake of fact, error in calculation, or
 2446 erroneous interpretation of a statute, a person has paid or
 2447 delivered to the department pursuant to any provision of this
 2448 chapter any money or other property not required by this chapter
 2449 to be so paid or delivered, the department may, within 5 years
 2450 after such erroneous payment or delivery, refund or redeliver

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2451 such money or other property to the person, provided that such
 2452 money or property has not been paid or delivered to a claimant
 2453 or otherwise disposed of in accordance with this chapter.

2454 Section 49. Subsection (1) of section 717.1242, Florida
 2455 Statutes, is amended to read:

2456 717.1242 Restatement of jurisdiction of the circuit court
 2457 sitting in probate and the department.—

2458 (1) It is and has been the intent of the Legislature that,
 2459 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
 2460 proceedings relating to the settlement of the estates of
 2461 decedents and other jurisdiction usually pertaining to courts of
 2462 probate. It is and has been the intent of the Legislature that,
 2463 pursuant to this chapter ~~s. 717.124~~, the department determines
 2464 the merits of claims and entitlement to unclaimed ~~for~~ property
 2465 paid or delivered to the department under this chapter.
 2466 Consistent with this legislative intent, any ~~estate or~~
 2467 beneficiary, devisee, heir, personal representative, or other
 2468 interested person, as those terms are defined in the Florida
 2469 Probate Code and the Florida Trust Code ~~s. 731.201~~, of an estate
 2470 seeking to obtain property paid or delivered to the department
 2471 under this chapter must file a claim with the department as
 2472 provided in s. 717.124.

2473 Section 50. Subsection (4) of section 717.1243, Florida
 2474 Statutes, is amended to read:

2475 717.1243 Small estate accounts.—

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2476 (4) This section ~~only~~ applies only if all of the unclaimed
 2477 property held by the department on behalf of the owner has an
 2478 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
 2479 proceeding is pending.

2480 Section 51. Subsection (2) of section 717.129, Florida
 2481 Statutes, is amended to read:

2482 717.129 Periods of limitation.—

2483 (2) The department may not commence an ~~No~~ action or
 2484 proceeding to enforce this chapter with respect to the
 2485 reporting, payment, or delivery of property or any other duty of
 2486 a holder under this chapter ~~may be commenced by the department~~
 2487 ~~with respect to any duty of a holder under this chapter~~ more
 2488 than 10 years after the duty arose. The period of limitation
 2489 established under this subsection is tolled by the earlier of
 2490 the department's or audit agent's delivery of a notice that a
 2491 holder is subject to an audit or examination under s. 717.1301
 2492 or the holder's written election to enter into an unclaimed
 2493 property voluntary disclosure agreement.

2494 Section 52. Section 717.1301, Florida Statutes, is amended
 2495 to read:

2496 717.1301 Investigations; examinations; subpoenas.—

2497 (1) To carry out the chapter's purpose of protecting the
 2498 interest of missing owners through the safeguarding of their
 2499 property and to administer and enforce this chapter, the
 2500 department may:

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2501 (a) Investigate, examine, inspect, request, or otherwise
 2502 gather information or evidence on, claim documents from a
 2503 claimant or a claimant's representative during its review of a
 2504 claim.

2505 (b) Audit the records of a person or the records in the
 2506 possession of an agent, representative, subsidiary, or affiliate
 2507 of the person subject to this chapter to determine whether the
 2508 person complied with this chapter. Such records may include
 2509 information to verify the completeness or accuracy of the
 2510 records provided, even if such records may not identify property
 2511 reportable to the department.

2512 (c) Take testimony of a person, including the person's
 2513 employee, agent, representative, subsidiary, or affiliate, to
 2514 determine whether the person complied with this chapter.

2515 (d) Issue an administrative subpoena to require that the
 2516 records specified in paragraph (b) be made available for
 2517 examination or audit and that the testimony specified in
 2518 paragraph (c) be provided.

2519 (e) Bring an action in a court of competent jurisdiction
 2520 seeking enforcement of an administrative subpoena issued under
 2521 this section, which the court shall consider under procedures
 2522 that will lead to an expeditious resolution of the action.

2523 (f) Bring an administrative action or an action in a court
 2524 of competent jurisdiction to enforce this chapter.

2525 (2) If a person is subject to reporting property under

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2526 this chapter, the department may require the person to file a
2527 verified report in a form prescribed by the department. The
2528 verified report must:

2529 (a) State whether the person is holding property
2530 reportable under this chapter;

2531 (b) Describe the property not previously reported, the
2532 property about which the department has inquired, or the
2533 property that is in dispute as to whether it is reportable under
2534 this chapter; and

2535 (c) State the amount or value of the property.

2536 (3) The department may authorize a compliance review of a
2537 report for a specified reporting year. The review must be
2538 limited to the contents of the report filed, as required by s.
2539 717.117 and subsection (2), and all supporting documents related
2540 to the reports. If the review results in a finding of a
2541 deficiency in unclaimed property due and payable to the
2542 department, the department shall notify the holder in writing of
2543 the amount of deficiency within 1 year after the authorization
2544 of the compliance review. If the holder fails to pay the
2545 deficiency within 90 days, the department may seek to enforce
2546 the assessment under subsection (1). The department is not
2547 required to conduct a review under this section before
2548 initiating an audit.

2549 (4) Notwithstanding any other provision of law, in a
2550 contract providing for the location or collection of unclaimed

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2551 property, the department may authorize the contractor to deduct
2552 its fees and expenses for services provided under the contract
2553 from the unclaimed property that the contractor has recovered or
2554 collected under the contract. The department shall annually
2555 report to the Chief Financial Officer the total amount collected
2556 or recovered by each contractor during the previous fiscal year
2557 and the total fees and expenses deducted by each contractor.

2558 ~~(1) The department may make investigations and~~
2559 ~~examinations within or outside this state of claims, reports,~~
2560 ~~and other records as it deems necessary to administer and~~
2561 ~~enforce the provisions of this chapter. In such investigations~~
2562 ~~and examinations the department may administer oaths, examine~~
2563 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2564 ~~department may request any person who has not filed a report~~
2565 ~~under s. 717.117 to file a verified report stating whether or~~
2566 ~~not the person is holding any unclaimed property reportable or~~
2567 ~~deliverable under this chapter.~~

2568 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2569 ~~material to any investigation or examination under this section~~
2570 ~~may be issued by the department under seal of the department, or~~
2571 ~~by any court of competent jurisdiction, commanding such~~
2572 ~~witnesses to appear before the department at a time and place~~
2573 ~~named and to bring such books, records, and documents as may be~~
2574 ~~specified or to submit such books, records, and documents to~~
2575 ~~inspection. Such subpoenas may be served by an authorized~~

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2576 ~~representative of the department.~~

2577 ~~(3) If any person shall refuse to testify, produce books,~~
2578 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2579 ~~issued under this section, the department may present its~~
2580 ~~petition to a court of competent jurisdiction in or for the~~
2581 ~~county in which such person resides or has its principal place~~
2582 ~~of business, whereupon the court shall issue its rule nisi~~
2583 ~~requiring such person to obey forthwith the subpoena issued by~~
2584 ~~the department or show cause for failing to obey said subpoena.~~
2585 ~~Unless said person shows sufficient cause for failing to obey~~
2586 ~~the subpoena, the court shall forthwith direct such person to~~
2587 ~~obey the same subject to such punishment as the court may direct~~
2588 ~~including, but not limited to, the restraint, by injunction or~~
2589 ~~by appointment of a receiver, of any transfer, pledge,~~
2590 ~~assignment, or other disposition of such person's assets or any~~
2591 ~~concealment, alteration, destruction, or other disposition of~~
2592 ~~subpoenaed books, records, or documents as the court deems~~
2593 ~~appropriate, until such person has fully complied with such~~
2594 ~~subpoena and the department has completed its investigation or~~
2595 ~~examination. The department is entitled to the summary procedure~~
2596 ~~provided in s. 51.011, and the court shall advance the cause on~~
2597 ~~its calendar. Costs incurred by the department to obtain an~~
2598 ~~order granting, in whole or in part, its petition shall be taxed~~
2599 ~~against the subpoenaed person, and failure to comply with such~~
2600 ~~order shall be a contempt of court.~~

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2601 ~~(4) Witnesses shall be entitled to the same fees and~~
 2602 ~~mileage as they may be entitled by law for attending as~~
 2603 ~~witnesses in the circuit court, except where such examination or~~
 2604 ~~investigation is held at the place of business or residence of~~
 2605 ~~the witness.~~

2606 (5) The material compiled by the department in an
 2607 investigation or examination under this chapter is confidential
 2608 until the investigation or examination is complete. If any such
 2609 material contains a holder's financial or proprietary
 2610 information, it may not be disclosed or made public by the
 2611 department after the investigation or audit is completed, except
 2612 as required by a court of competent jurisdiction in the course
 2613 of a judicial proceeding in which the state is a party, or
 2614 pursuant to an agreement with another state allowing joint
 2615 audits. Such material may be considered trade secret and exempt
 2616 from s. 119.07(1) as provided for in s. 119.0715. The records,
 2617 data, and information gathered ~~material compiled~~ by the
 2618 department in an investigation or audit ~~examination~~ under this
 2619 chapter remain ~~remains~~ confidential ~~after the department's~~
 2620 ~~investigation or examination is complete~~ if the department has
 2621 submitted the material or any part of it to any law enforcement
 2622 agency or other administrative agency for further investigation
 2623 or for the filing of a criminal or civil prosecution and such
 2624 investigation has not been completed or become inactive.

2625 (6) If an investigation or an audit ~~examination~~ of the

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2626 records of any person results in the disclosure of property
2627 reportable and deliverable under this chapter, the department
2628 may assess the cost of the investigation or audit ~~the~~
2629 ~~examination~~ against the holder at the rate of ~~\$100 per 8-hour~~
2630 ~~day for each investigator or examiner. Such fee shall be~~
2631 ~~calculated on an hourly basis and shall be rounded to the~~
2632 ~~nearest hour. The person shall also pay the travel expense and~~
2633 ~~per diem subsistence allowance provided for state employees in~~
2634 ~~s. 112.061. The person shall not be required to pay a per diem~~
2635 ~~fee and expenses of an examination or investigation which shall~~
2636 ~~consume more than 30 worker-days in any one year unless such~~
2637 ~~examination or investigation is due to fraudulent practices of~~
2638 ~~the person, in which case such person shall be required to pay~~
2639 ~~the entire cost regardless of time consumed. The fee for the~~
2640 costs of the investigation or audit shall be remitted to the
2641 department within 30 days after the date of the notification
2642 that the fee is due and owing. Any person who fails to pay the
2643 fee within 30 days after the date of the notification that the
2644 fee is due and owing shall pay to the department interest at the
2645 rate of 12 percent per annum on such fee from the date of the
2646 notification.

2647 Section 53. Subsection (1) of section 717.1311, Florida
2648 Statutes, is amended to read:

2649 717.1311 Retention of records.—

2650 (1) Every holder required to file a report under s.

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2651 717.117 shall maintain a record of the specific type of
 2652 property, amount, name, and last known address of the owner for
 2653 10 ~~5~~ years after the property becomes reportable, except to the
 2654 extent that a shorter time is provided in subsection (2) or by
 2655 rule of the department.

2656 Section 54. Paragraph (j) of subsection (1) and subsection
 2657 (3) of section 717.1322, Florida Statutes, are amended to read:

2658 717.1322 Administrative and civil enforcement.—

2659 (1) The following acts are violations of this chapter and
 2660 constitute grounds for an administrative enforcement action by
 2661 the department in accordance with the requirements of chapter
 2662 120 and for civil enforcement by the department in a court of
 2663 competent jurisdiction:

2664 (j) Requesting or receiving compensation for notifying a
 2665 person of his or her unclaimed property or assisting another
 2666 person in filing a claim for unclaimed property, unless the
 2667 person is an attorney licensed to practice law in this state, a
 2668 Florida-certified public accountant, or a private investigator
 2669 licensed under chapter 493, or entering into, or making a
 2670 solicitation to enter into, an agreement to file a claim for
 2671 unclaimed property owned by another, ~~or a contract or agreement~~
 2672 ~~to purchase unclaimed property,~~ unless such person is registered
 2673 with the department under this chapter and an attorney licensed
 2674 to practice law in this state in the regular practice of her or
 2675 his profession, a Florida-certified public accountant who is

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2676 acting within the scope of the practice of public accounting as
 2677 defined in chapter 473, or a private investigator licensed under
 2678 chapter 493. This paragraph does not apply to a person who has
 2679 been granted a durable power of attorney to convey and receive
 2680 all of the real and personal property of the owner, is the
 2681 court-appointed guardian of the owner, has been employed as an
 2682 attorney or qualified representative to contest the department's
 2683 denial of a claim, or has been employed as an attorney to
 2684 probate the estate of the owner or an heir or legatee of the
 2685 owner.

2686 (3) A claimant's representative ~~registrant~~ is subject to
 2687 civil enforcement and the disciplinary actions specified in
 2688 subsection (2) for violations of subsection (1) by an agent or
 2689 employee of the registrant's employer if the claimant's
 2690 representative ~~registrant~~ knew or should have known that such
 2691 agent or employee was violating any provision of this chapter.

2692 Section 55. Subsection (1) of section 717.1333, Florida
 2693 Statutes, is amended to read:

2694 717.1333 Evidence; estimations; audit reports and
 2695 worksheets, investigator ~~examiner's worksheets, investigative~~
 2696 reports and worksheets, other related documents.—

2697 (1) In any proceeding involving a holder under ss. 120.569
 2698 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
 2699 investigator acting under authority of this chapter is available
 2700 for cross-examination, any official written report, worksheet,

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2701 or other related paper, or copy thereof, compiled, prepared,
 2702 drafted, or otherwise made or received by the audit agent
 2703 ~~auditor, examiner,~~ or investigator, after being duly
 2704 authenticated by the audit agent ~~auditor, examiner,~~ or
 2705 investigator, may be admitted as competent evidence upon the
 2706 oath of the audit agent ~~auditor, examiner,~~ or investigator that
 2707 the report, worksheet, or related paper was prepared or received
 2708 as a result of an audit, examination, or investigation of the
 2709 books and records of the person audited, examined, or
 2710 investigated, or the agent thereof.

2711 Section 56. Subsections (1) and (2) of section 717.134,
 2712 Florida Statutes, are amended to read:

2713 717.134 Penalties and interest.—

2714 (1) For any person who willfully fails to render any
 2715 report required under this chapter, the department may impose
 2716 and collect a penalty of \$500 per day up to a maximum of \$5,000
 2717 and 25 percent of the value of property not reported until an
 2718 appropriate a report is provided ~~rendered for any person who~~
 2719 ~~willfully fails to render any report required under this~~
 2720 ~~chapter.~~ Upon a holder's showing of good cause, the department
 2721 may waive said penalty or any portion thereof. If the holder
 2722 acted in good faith and without negligence, the department shall
 2723 waive the penalty provided herein.

2724 (2) For any person who willfully refuses to pay or deliver
 2725 unclaimed property to the department as required under this

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2726 chapter, the department may impose and collect a penalty of \$500
 2727 per day up to a maximum of \$5,000 and 25 percent of the value of
 2728 property not paid or delivered until the property is paid or
 2729 ~~delivered for any person who willfully refuses to pay or deliver~~
 2730 ~~abandoned property to the department as required under this~~
 2731 ~~chapter.~~

2732 Section 57. Section 717.135, Florida Statutes, is amended
 2733 to read:

2734 717.135 Recovery agreements and purchase agreements for
 2735 claims filed by a claimant's representative; fees and costs, or
 2736 total net gain.-

2737 (1) In order to protect the interests of owners of
 2738 unclaimed property, the department shall adopt by rule a form
 2739 entitled "Unclaimed Property Recovery Agreement" and a form
 2740 entitled "Unclaimed Property Purchase Agreement."

2741 (2) The Unclaimed Property Recovery Agreement and the
 2742 Unclaimed Property Purchase Agreement must include and disclose
 2743 all of the following:

2744 (a) The total dollar amount of unclaimed property accounts
 2745 claimed or sold.

2746 (b) The total percentage of all authorized fees and costs
 2747 to be paid to the claimant's representative or the percentage of
 2748 the value of the property to be paid as net gain to the
 2749 purchasing claimant's representative.

2750 (c) The total dollar amount to be deducted and received

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2751 from the claimant as fees and costs by the claimant's
 2752 representative or the total net dollar amount to be received by
 2753 the purchasing claimant's representative.

2754 (d) The net dollar amount to be received by the claimant
 2755 or the seller.

2756 (e) For each account claimed, the unclaimed property
 2757 account number.

2758 (f) For the Unclaimed Property Purchase Agreement, a
 2759 statement that the amount of the purchase price will be remitted
 2760 to the seller by the purchaser within 30 days after the
 2761 execution of the agreement by the seller.

2762 (g) The name, address, e-mail address, phone number, and
 2763 license number of the claimant's representative.

2764 (h)1. The manual signature of the claimant or seller and
 2765 the date signed, affixed on the agreement by the claimant or
 2766 seller.

2767 2. Notwithstanding any other provision of this chapter to
 2768 the contrary, the department may allow an apparent owner, who is
 2769 also the claimant or seller, to sign the agreement
 2770 electronically ~~for claims of \$2,000 or less~~. All electronic
 2771 signatures on the Unclaimed Property Recovery Agreement and the
 2772 Unclaimed Property Purchase Agreement must be affixed on the
 2773 agreement by the claimant or seller using the specific,
 2774 exclusive eSignature product and protocol authorized by the
 2775 department.

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2776 (i) The social security number or taxpayer identification
2777 number of the claimant or seller, if a number has been issued to
2778 the claimant or seller.

2779 (j) The total fees and costs, or the total discount in the
2780 case of a purchase agreement, which may not exceed 30 percent of
2781 the claimed amount. In the case of a recovery agreement, if the
2782 total fees and costs exceed 30 percent, the fees and costs shall
2783 be reduced to 30 percent and the net balance shall be remitted
2784 directly by the department to the claimant. In the case of a
2785 purchase agreement, if the total net gain of the claimant's
2786 representative exceeds 30 percent, the claim will be denied.

2787 (3) For an Unclaimed Property Purchase Agreement form,
2788 proof that the purchaser has made payment must be filed with the
2789 department along with the claim. If proof of payment is not
2790 provided, the claim is void.

2791 (4) A claimant's representative must use the Unclaimed
2792 Property Recovery Agreement or the Unclaimed Property Purchase
2793 Agreement as the exclusive means of entering into an agreement
2794 or a contract with a claimant or seller to file a claim with the
2795 department.

2796 (5) Fees and costs may be owed or paid to, or received by,
2797 a claimant's representative only after a filed claim has been
2798 approved and if the claimant's representative used an agreement
2799 authorized by this section.

2800 (6) A claimant's representative may not use or distribute

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2801 any other agreement of any type, conveyed by any method, with
2802 respect to the claimant or seller which relates, directly or
2803 indirectly, to unclaimed property accounts held by the
2804 department or the Chief Financial Officer other than the
2805 agreements authorized by this section. Any engagement,
2806 authorization, recovery, or fee agreement that is not authorized
2807 by this section is void. A claimant's representative is subject
2808 to administrative and civil enforcement under s. 717.1322 if he
2809 or she uses an agreement that is not authorized by this section
2810 and if the agreement is used to apply, directly or indirectly,
2811 to unclaimed property held by this state. This subsection does
2812 not prohibit lawful nonagreement, noncontractual, or advertising
2813 communications between or among the parties.

2814 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2815 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2816 that makes the agreement irrevocable or that creates an
2817 assignment of any portion of unclaimed property held by the
2818 department.

2819 (8) When a claim is approved, the department may pay any
2820 additional account that is owned by the claimant but has not
2821 been claimed at the time of approval, provided that a subsequent
2822 claim has not been filed or is not pending for the claimant at
2823 the time of approval.

2824 (9) This section does not supersede s. 717.1241.

2825 (10) This section does not apply to the sale and purchase

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2826 of Florida-held unclaimed property accounts through a bankruptcy
2827 estate representative or other person or entity authorized
2828 pursuant to Title XI of the United States Code or an order of a
2829 bankruptcy court to act on behalf or for the benefit of the
2830 debtor, its creditors, and its bankruptcy estate.

2831 Section 58. Subsections (1), (2), and (3) of section
2832 717.1400, Florida Statutes, are amended to read:

2833 717.1400 Registration.—

2834 (1) In order to file claims as a claimant's
2835 representative, ~~acquire ownership of or entitlement to unclaimed~~
2836 ~~property,~~ receive a distribution of fees and costs from the
2837 department, and obtain unclaimed property dollar amounts and
2838 numbers of reported shares of stock held by the department, a
2839 private investigator holding a Class "C" individual license
2840 under chapter 493 must register with the department on such form
2841 as the department prescribes by rule and must be verified by the
2842 applicant. To register with the department, a private
2843 investigator must provide:

2844 (a) A legible copy of the applicant's Class "A" business
2845 license under chapter 493 or that of the applicant's firm or
2846 employer which holds a Class "A" business license under chapter
2847 493.

2848 (b) A legible copy of the applicant's Class "C" individual
2849 license issued under chapter 493.

2850 (c) The business address and telephone number of the

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2851 applicant's private investigative firm or employer.

2852 (d) The names of agents or employees, if any, who are
 2853 designated to act on behalf of the private investigator,
 2854 together with a legible copy of their photo identification
 2855 issued by an agency of the United States, or a state, or a
 2856 political subdivision thereof.

2857 (e) Sufficient information to enable the department to
 2858 disburse funds by electronic funds transfer.

2859 (f) The tax identification number of the private
 2860 investigator's firm or employer which holds a Class "A" business
 2861 license under chapter 493.

2862 (2) In order to file claims as a claimant's
 2863 representative, ~~acquire ownership of or entitlement to unclaimed~~
 2864 ~~property,~~ receive a distribution of fees and costs from the
 2865 department, and obtain unclaimed property dollar amounts and
 2866 numbers of reported shares of stock held by the department, a
 2867 Florida-certified public accountant must register with the
 2868 department on such form as the department prescribes by rule and
 2869 must be verified by the applicant. To register with the
 2870 department, a Florida-certified public accountant must provide:

2871 (a) The applicant's Florida Board of Accountancy number.

2872 (b) A legible copy of the applicant's current driver
 2873 license showing the full name and current address of such
 2874 person. If a current driver license is not available, another
 2875 form of identification showing the full name and current address

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2876 of such person or persons shall be filed with the department.

2877 (c) The business address and telephone number of the
 2878 applicant's public accounting firm or employer.

2879 (d) The names of agents or employees, if any, who are
 2880 designated to act on behalf of the Florida-certified public
 2881 accountant, together with a legible copy of their photo
 2882 identification issued by an agency of the United States, or a
 2883 state, or a political subdivision thereof.

2884 (e) Sufficient information to enable the department to
 2885 disburse funds by electronic funds transfer.

2886 (f) The tax identification number of the accountant's
 2887 public accounting firm employer.

2888 (3) In order to file claims as a claimant's
 2889 representative, ~~acquire ownership of or entitlement to unclaimed~~
 2890 ~~property,~~ receive a distribution of fees and costs from the
 2891 department, and obtain unclaimed property dollar amounts and
 2892 numbers of reported shares of stock held by the department, an
 2893 attorney licensed to practice in this state must register with
 2894 the department on such form as the department prescribes by rule
 2895 and must be verified by the applicant. To register with the
 2896 department, such attorney must provide:

2897 (a) The applicant's Florida Bar number.

2898 (b) A legible copy of the applicant's current driver
 2899 license showing the full name and current address of such
 2900 person. If a current driver license is not available, another

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2901 form of identification showing the full name and current address
 2902 of such person or persons shall be filed with the department.

2903 (c) The business address and telephone number of the
 2904 applicant's firm or employer.

2905 (d) The names of agents or employees, if any, who are
 2906 designated to act on behalf of the attorney, together with a
 2907 legible copy of their photo identification issued by an agency
 2908 of the United States, or a state, or a political subdivision
 2909 thereof.

2910 (e) Sufficient information to enable the department to
 2911 disburse funds by electronic funds transfer.

2912 (f) The tax identification number of the attorney's firm
 2913 or employer.

2914 Section 59. Paragraph (c) of subsection (10) of section
 2915 766.302, Florida Statutes, is amended to read:

2916 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
 2917 766.301-766.316, the term:

2918 (10) "Family residential or custodial care" means care
 2919 normally rendered by trained professional attendants which is
 2920 beyond the scope of child care duties, but which is provided by
 2921 family members. Family members who provide nonprofessional
 2922 residential or custodial care may not be compensated under this
 2923 act for care that falls within the scope of child care duties
 2924 and other services normally and gratuitously provided by family
 2925 members. Family residential or custodial care shall be performed

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2926 only at the direction and control of a physician when such care
 2927 is medically necessary. Reasonable charges for expenses for
 2928 family residential or custodial care provided by a family member
 2929 shall be determined as follows:

2930 ~~(c) The award of family residential or custodial care as~~
 2931 ~~defined in this section shall not be included in the current~~
 2932 ~~estimates for purposes of s. 766.314(9)(c).~~

2933 Section 60. Paragraph (c) of subsection (9) of section
 2934 766.314, Florida Statutes, is amended to read:

2935 766.314 Assessments; plan of operation.—
 2936 (9)

2937 (c) If the total of all current estimates equals or
 2938 exceeds 100 ~~80~~ percent of the funds on hand and the funds that
 2939 will become available to the association within the next 12
 2940 months from all sources described in subsection ~~subsections~~ (4)
 2941 ~~and (5)~~ and paragraph (5)(a) ~~(7)(a)~~, the association may not
 2942 accept any new claims without express authority from the
 2943 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~
 2944 the association from accepting any claim if the injury occurred
 2945 18 months or more before the effective date of this suspension.
 2946 Within 30 days after the effective date of this suspension, the
 2947 association shall notify the Governor, the Speaker of the House
 2948 of Representatives, the President of the Senate, the Office of
 2949 Insurance Regulation, the Agency for Health Care Administration,
 2950 and the Department of Health of this suspension.

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2951 Section 61. Paragraph (a) of subsection (2) of section
 2952 197.582, Florida Statutes, is amended to read:
 2953 197.582 Disbursement of proceeds of sale.—
 2954 (2)(a) If the property is purchased for an amount in
 2955 excess of the statutory bid of the certificateholder, the
 2956 surplus must be paid over and disbursed by the clerk as set
 2957 forth in subsections (3), (5), and (6). If the opening bid
 2958 included the homestead assessment pursuant to s. 197.502(6)(c),
 2959 that amount must be treated as surplus and distributed in the
 2960 same manner. The clerk shall distribute the surplus to the
 2961 governmental units for the payment of any lien of record held by
 2962 a governmental unit against the property, including any tax
 2963 certificates not incorporated in the tax deed application and
 2964 omitted taxes, if any. If there remains a balance of
 2965 undistributed funds, the balance must be retained by the clerk
 2966 for the benefit of persons described in s. 197.522(1)(a), except
 2967 those persons described in s. 197.502(4)(h), as their interests
 2968 may appear. The clerk shall mail notices to such persons
 2969 notifying them of the funds held for their benefit at the
 2970 addresses provided in s. 197.502(4). Such notice constitutes
 2971 compliance with the requirements of s. 717.117(6) ~~s. 717.117(4)~~.
 2972 Any service charges and costs of mailing notices shall be paid
 2973 out of the excess balance held by the clerk. Notice must be
 2974 provided in substantially the following form:

2975 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

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2976 CLERK OF COURT
 2977 COUNTY, FLORIDA
 2978 Tax Deed #.....
 2979 Certificate #.....
 2980 Property Description:

2981 Pursuant to chapter 197, Florida Statutes, the above
 2982 property was sold at public sale on ...(date of sale)..., and a
 2983 surplus of \$...(amount)... (subject to change) will be held by
 2984 this office for 120 days beginning on the date of this notice to
 2985 benefit the persons having an interest in this property as
 2986 described in section 197.502(4), Florida Statutes, as their
 2987 interests may appear (except for those persons described in
 2988 section 197.502(4)(h), Florida Statutes).

2989 To the extent possible, these funds will be used to satisfy
 2990 in full each claimant with a senior mortgage or lien in the
 2991 property before distribution of any funds to any junior mortgage
 2992 or lien claimant or to the former property owner. To be
 2993 considered for funds when they are distributed, you must file a
 2994 notarized statement of claim with this office within 120 days of
 2995 this notice. If you are a lienholder, your claim must include
 2996 the particulars of your lien and the amounts currently due. Any
 2997 lienholder claim that is not filed within the 120-day deadline
 2998 is barred.

2999 A copy of this notice must be attached to your statement of
 3000 claim. After the office examines the filed claim statements, it

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3001 will notify you if you are entitled to any payment.

3002 Dated:

3003 Clerk of Court

3004 Section 62. Subsection (1) of section 717.1382, Florida
 3005 Statutes, is amended to read:

3006 717.1382 United States savings bond; unclaimed property;
 3007 escheatment; procedure.—

3008 (1) Notwithstanding any other provision of law, a United
 3009 States savings bond in possession of the department or
 3010 registered to a person with a last known address in the state,
 3011 including a bond that is lost, stolen, or destroyed, is presumed
 3012 abandoned and unclaimed 5 years after the bond reaches maturity
 3013 and no longer earns interest and shall be reported and remitted
 3014 to the department by the financial institution or other holder
 3015 in accordance with ss. 717.117(1) and (5) ~~(3)~~ and 717.119, if
 3016 the department is not in possession of the bond.

3017 Section 63. The Division of Law Revision is directed to
 3018 prepare a reviser's bill for the 2025 Regular Session of the
 3019 Legislature to change the term "Division of Investigative and
 3020 Forensic Services" wherever the term appears in the Florida
 3021 Statutes to "Division of Criminal Investigations."

3022 Section 64. By September 1, 2024, the Florida Birth-
 3023 Related Neurological Injury Compensation Association shall, in
 3024 consultation with the Office of Insurance Regulation and the
 3025 Agency for Health Care Administration, submit a report to the

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3026 Governor, the Chief Financial Officer, the President of the
 3027 Senate, and the Speaker of the House of Representatives which
 3028 must include, but is not limited to, the following:

3029 (1) Recommendations for defining actuarial soundness for
 3030 the association, including options for phase-in, if appropriate.

3031 (2) Recommendations for timing of reporting actuarial
 3032 soundness and to whom the soundness should be reported.

3033 (3) Recommendations for ensuring a revenue level to
 3034 maintain actuarial soundness, including options for phase-in, if
 3035 appropriate.

3036 Section 65. Effective July 1, 2024, paragraph (b) of
 3037 subsection (1) and subsection (7) of section 17.57, Florida
 3038 Statutes, are amended to read:

3039 17.57 Deposits and investments of state money.—

3040 (1)(b) The Chief Financial Officer, or other parties with
 3041 the permission of the Chief Financial Officer, shall deposit the
 3042 money of the state or any money in the State Treasury in such
 3043 qualified public depositories of the state as will offer
 3044 satisfactory collateral security for such deposits, pursuant to
 3045 chapter 280. It is the duty of the Chief Financial Officer,
 3046 consistent with the cash requirements of the state, to keep such
 3047 money fully invested or deposited as provided herein in order
 3048 that the state may realize maximum earnings and benefits.

3049 Nothing in this section shall preclude credit unions designated
 3050 as public depositories from participation.

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3051 (7) In addition to the deposits authorized under this
 3052 section and notwithstanding any other provisions of law, funds
 3053 that are not needed to meet the disbursement needs of the state
 3054 may be deposited by the Chief Financial Officer in accordance
 3055 with the following conditions:

3056 (a) The funds are initially deposited in a qualified
 3057 public depository, as defined in s. 280.02, selected by the
 3058 Chief Financial Officer.

3059 (b) The selected depository arranges for depositing the
 3060 funds in financial deposit instruments insured by:

3061 1. The Federal Deposit Insurance Corporation in one or
 3062 more federally insured banks or savings and loan associations,
 3063 wherever located, for the account of the state.

3064 2. For credit unions designated as qualified public
 3065 depositories, the National Credit Union Share Insurance Fund.

3066 (c) The full amount of the principal and accrued interest
 3067 of each financial deposit instrument is insured by the Federal
 3068 Deposit Insurance Corporation or, for credit unions designated
 3069 as qualified public depositories, the National Credit Union
 3070 Share Insurance Fund.

3071 (d) The selected depository acts as custodian for the
 3072 state with respect to each financial deposit instrument issued
 3073 for its account.

3074 Section 66. Effective July 1, 2024, subsection (4) of
 3075 section 17.68, Florida Statutes, is amended to read:

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3076 17.68 Financial Literacy Program for Individuals with
 3077 Developmental Disabilities.—

3078 (4) Within 90 days after the department establishes the
 3079 website clearinghouse and publishes the brochure, each bank,
 3080 credit union, savings association, and savings bank that is a
 3081 qualified public depository as defined in s. 280.02 shall:

3082 (a) Make copies of the department's brochures available,
 3083 upon the request of the consumer, at its principal place of
 3084 business and each branch office located in this state which has
 3085 in-person teller services by having copies of the brochure
 3086 available or having the capability to print a copy of the
 3087 brochure from the department's website. Upon request, the
 3088 department shall provide copies of the brochure to a bank,
 3089 credit union, savings association, or savings bank.

3090 (b) Provide on its website a hyperlink to the department's
 3091 website clearinghouse. If the department changes the website
 3092 address for the clearinghouse, the bank, credit union, savings
 3093 association, or savings bank must update the hyperlink within 90
 3094 days after notification by the department of such change.

3095 Section 67. Effective July 1, 2024, subsections (6), (10),
 3096 (21), (23), and (26) of section 280.02, Florida Statutes, are
 3097 amended to read:

3098 280.02 Definitions.—As used in this chapter, the term:

3099 (6) "Capital account" or "tangible equity capital" means
 3100 total equity capital, as defined on the balance-sheet portion of

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3101 the Consolidated Reports of Condition and Income (call report),
 3102 or net worth, as described in the National Credit Union
 3103 Administration 5300 Call Report, less intangible assets, as
 3104 submitted to the regulatory financial ~~banking~~ authority.

3105 (10) "Custodian" means the Chief Financial Officer or a
 3106 bank, credit union, savings association, or trust company that:

3107 (a) Is organized and existing under the laws of this
 3108 state, any other state, or the United States;

3109 (b) Has executed all forms required under this chapter or
 3110 any rule adopted hereunder;

3111 (c) Agrees to be subject to the jurisdiction of the courts
 3112 of this state, or of the courts of the United States which are
 3113 located within this state, for the purpose of any litigation
 3114 arising out of this chapter; and

3115 (d) Has been approved by the Chief Financial Officer to
 3116 act as a custodian.

3117 (21) "Pool figure" means the total average monthly
 3118 balances of public deposits held by all banks, savings banks, or
 3119 savings associations or held separately by all credit unions
 3120 ~~qualified public depositories~~ during the immediately preceding
 3121 12-month period.

3122 (23) "Public deposit" means the moneys of the state or of
 3123 any state university, county, school district, community college
 3124 district, special district, metropolitan government, or
 3125 municipality, including agencies, boards, bureaus, commissions,

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3126 and institutions of any of the foregoing, or of any court, and
 3127 includes the moneys of all county officers, including
 3128 constitutional officers, which are placed on deposit in a bank,
 3129 credit union, savings bank, or savings association. This
 3130 includes, but is not limited to, time deposit accounts, demand
 3131 deposit accounts, and nonnegotiable certificates of deposit.
 3132 Moneys in deposit notes and in other nondeposit accounts such as
 3133 repurchase or reverse repurchase operations are not public
 3134 deposits. Securities, mutual funds, and similar types of
 3135 investments are not public deposits and are not subject to this
 3136 chapter.

3137 (26) "Qualified public depository" means a bank, credit
 3138 union, savings bank, or savings association that:

3139 (a) Is organized and exists under the laws of the United
 3140 States, ~~or~~ the laws of this state, or the laws of any other
 3141 state or territory of the United States.

3142 (b) Has its principal place of business in this state or
 3143 has a branch office in this state which is authorized under the
 3144 laws of this state or of the United States to receive deposits
 3145 in this state.

3146 (c) Is insured by the Federal Deposit Insurance
 3147 Corporation or the National Credit Union Share Insurance Fund
 3148 ~~Has deposit insurance pursuant to the Federal Deposit Insurance~~
 3149 ~~Act, as amended, 12 U.S.C. ss. 1811 et seq.~~

3150 (d) Has procedures and practices for accurate

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3151 identification, classification, reporting, and collateralization
3152 of public deposits.

3153 (e) Makes determinations about the provision of services
3154 or the denial of services based on an analysis of risk factors
3155 unique to each customer or member. This paragraph does not
3156 restrict a qualified public depository that claims a religious
3157 purpose from making such determinations based on the religious
3158 beliefs, religious exercise, or religious affiliations of a
3159 customer or member.

3160 (f) Does not engage in the unsafe and unsound practice of
3161 denying or canceling its services to a person, or otherwise
3162 discriminating against a person in making available such
3163 services or in the terms or conditions of such services, on the
3164 basis of:

3165 1. The person's political opinions, speech, or
3166 affiliations;

3167 2. Except as provided in paragraph (e), the person's
3168 religious beliefs, religious exercise, or religious
3169 affiliations;

3170 3. Any factor if it is not a quantitative, impartial, and
3171 risk-based standard, including any such factor related to the
3172 person's business sector; or

3173 4. The use of any rating, scoring, analysis, tabulation,
3174 or action that considers a social credit score based on factors
3175 including, but not limited to:

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- 3176 a. The person's political opinions, speech, or
 3177 affiliations.
- 3178 b. The person's religious beliefs, religious exercise, or
 3179 religious affiliations.
- 3180 c. The person's lawful ownership of a firearm.
- 3181 d. The person's engagement in the lawful manufacture,
 3182 distribution, sale, purchase, or use of firearms or ammunition.
- 3183 e. The person's engagement in the exploration, production,
 3184 utilization, transportation, sale, or manufacture of fossil
 3185 fuel-based energy, timber, mining, or agriculture.
- 3186 f. The person's support of the state or Federal Government
 3187 in combating illegal immigration, drug trafficking, or human
 3188 trafficking.
- 3189 g. The person's engagement with, facilitation of,
 3190 employment by, support of, business relationship with,
 3191 representation of, or advocacy for any person described in this
 3192 subparagraph.
- 3193 h. The person's failure to meet or commit to meet, or
 3194 expected failure to meet, any of the following as long as such
 3195 person is in compliance with applicable state or federal law:
- 3196 (I) Environmental standards, including emissions
 3197 standards, benchmarks, requirements, or disclosures;
- 3198 (II) Social governance standards, benchmarks, or
 3199 requirements, including, but not limited to, environmental or
 3200 social justice;

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3201 (III) Corporate board or company employment composition
 3202 standards, benchmarks, requirements, or disclosures based on
 3203 characteristics protected under the Florida Civil Rights Act of
 3204 1992; or

3205 (IV) Policies or procedures requiring or encouraging
 3206 employee participation in social justice programming, including,
 3207 but not limited to, diversity, equity, or inclusion training.

3208 (g) Meets all the requirements of this chapter.

3209 (h) Has been designated by the Chief Financial Officer as
 3210 a qualified public depository.

3211 Section 68. Effective July 1, 2024, subsection (1) of
 3212 section 280.025, Florida Statutes, is amended to read:

3213 280.025 Attestation required.—

3214 (1) Beginning July 1, 2024 ~~2023~~, the following entities
 3215 must attest, under penalty of perjury, on a form prescribed by
 3216 the Chief Financial Officer, whether the entity is in compliance
 3217 with s. 280.02(26)(e) and (f):

3218 (a) A bank, savings bank, credit union, or savings
 3219 association, upon application or reapplication for designation
 3220 as a qualified public depository.

3221 (b) A qualified public depository, upon filing the report
 3222 required by s. 280.16(1)(d).

3223 Section 69. Effective July 1, 2024, paragraph (a) of
 3224 subsection (3) of section 280.03, Florida Statutes, is amended
 3225 to read:

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3226 280.03 Public deposits to be secured; prohibitions;
 3227 exemptions.—

3228 (3) The following are exempt from the requirements of, and
 3229 protection under, this chapter:

3230 (a) Public deposits deposited in a bank, credit union, or
 3231 savings association by a trust department or trust company which
 3232 are fully secured under trust business laws.

3233 Section 70. Effective July 1, 2024, section 280.042,
 3234 Florida Statutes, is created to read:

3235 280.042 Credit union designations as qualified public
 3236 depositories; withdrawal by the Chief Financial Officer from
 3237 collateral agreements; limits on public deposits.—

3238 (1) The Chief Financial Officer may not designate a credit
 3239 union as a qualified public depository unless, at the time the
 3240 credit union submits its agreement of contingent liability and
 3241 its collateral agreement. The credit union submits a signed
 3242 statement from a public depositor indicating that if the credit
 3243 union is designated as a qualified public depository, the public
 3244 depositor intends to deposit public funds with the credit union.

3245 (2) Within 10 business days after the Chief Financial
 3246 Officer notifies the credit union that the Chief Financial
 3247 Officer has withdrawn from the collateral agreement, the credit
 3248 union must return all public deposits that the credit union
 3249 holds to the public depositor who deposited the funds. The
 3250 notice provided for in this subsection may be sent to a credit

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3251 union by regular mail or by e-mail.

3252 (3)(a) All credit unions designated as qualified public
 3253 depositories may hold only the following public deposits:

3254 1. A total combined amount of not more than 7 percent of
 3255 the total funds held in the state treasury.

3256 2. A total combined amount of not more than 7 percent of
 3257 all public deposits of any state university or any state
 3258 college.

3259 (b) A credit union may not hold public deposits of more
 3260 than 10 percent of its total institution's assets.

3261 Section 71. Effective July 1, 2024, subsection (11) of
 3262 section 280.05, Florida Statutes, is amended to read:

3263 280.05 Powers and duties of the Chief Financial Officer.—
 3264 In fulfilling the requirements of this act, the Chief Financial
 3265 Officer has the power to take the following actions he or she
 3266 deems necessary to protect the integrity of the public deposits
 3267 program:

3268 (11) Sell securities for the purpose of paying losses to
 3269 public depositors not covered by deposit or share insurance.

3270 Section 72. Effective July 1, 2024, subsection (1) of
 3271 section 280.052, Florida Statutes, is amended to read:

3272 280.052 Order of suspension or disqualification;
 3273 procedure.—

3274 (1) The suspension or disqualification of a bank, credit
 3275 union, or savings association as a qualified public depository

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3276 must be by order of the Chief Financial Officer and must be
 3277 mailed to the qualified public depository by registered or
 3278 certified mail.

3279 Section 73. Effective July 1, 2024, paragraph (c) of
 3280 subsection (1) and paragraph (c) of subsection (2) of section
 3281 280.053, Florida Statutes, are amended to read:

3282 280.053 Period of suspension or disqualification;
 3283 obligations during period; reinstatement.—

3284 (1)

3285 (c) Upon expiration of the suspension period, the bank,
 3286 credit union, or savings association may, by order of the Chief
 3287 Financial Officer, be reinstated as a qualified public
 3288 depository, unless the cause of the suspension has not been
 3289 corrected or the bank, credit union, or savings association is
 3290 otherwise not in compliance with this chapter or any rule
 3291 adopted pursuant to this chapter.

3292 (2)

3293 (c) Upon expiration of the disqualification period, the
 3294 bank, credit union, or savings association may reapply for
 3295 qualification as a qualified public depository. If a
 3296 disqualified bank, credit union, or savings association is
 3297 purchased or otherwise acquired by new owners, it may reapply to
 3298 the Chief Financial Officer to be a qualified public depository
 3299 before ~~prior to~~ the expiration date of the disqualification
 3300 period. Redesignation as a qualified public depository may occur

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3301 only after the Chief Financial Officer has determined that all
 3302 requirements for holding public deposits under the law have been
 3303 met.

3304 Section 74. Effective July 1, 2024, section 280.055,
 3305 Florida Statutes, is amended to read:

3306 280.055 Cease and desist order; corrective order;
 3307 administrative penalty.—

3308 (1) The Chief Financial Officer may issue a cease and
 3309 desist order and a corrective order upon determining that:

3310 (a) A qualified public depository has requested and
 3311 obtained a release of pledged collateral without approval of the
 3312 Chief Financial Officer;

3313 (b) A bank, credit union, savings association, or other
 3314 financial institution is holding public deposits without a
 3315 certificate of qualification issued by the Chief Financial
 3316 Officer;

3317 (c) A qualified public depository pledges, deposits, or
 3318 arranges for the issuance of unacceptable collateral;

3319 (d) A custodian has released pledged collateral without
 3320 approval of the Chief Financial Officer;

3321 (e) A qualified public depository or a custodian has not
 3322 furnished to the Chief Financial Officer, when the Chief
 3323 Financial Officer requested, a power of attorney or bond power
 3324 or bond assignment form required by the bond agent or bond
 3325 trustee for each issue of registered certificated securities

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3326 pledged and registered in the name, or nominee name, of the
 3327 qualified public depository or custodian;

3328 (f) A qualified public depository; a bank, credit union,
 3329 savings association, or other financial institution; or a
 3330 custodian has committed any other violation of this chapter or
 3331 any rule adopted pursuant to this chapter that the Chief
 3332 Financial Officer determines may be remedied by a cease and
 3333 desist order or corrective order; or

3334 (g) A qualified public depository no longer meets the
 3335 definition of a qualified public depository under s. 280.02.

3336 (2) Any qualified public depository or other bank, credit
 3337 union, savings association, or financial institution or
 3338 custodian that violates a cease and desist order or corrective
 3339 order of the Chief Financial Officer is subject to an
 3340 administrative penalty not exceeding \$1,000 for each violation
 3341 of the order. Each day the violation of the order continues
 3342 constitutes a separate violation.

3343 Section 75. Effective July 1, 2024, section 280.07,
 3344 Florida Statutes, is amended to read:

3345 280.07 Mutual responsibility and contingent liability.—

3346 (1) A ~~Any~~ bank, savings bank, or savings association that
 3347 is designated as a qualified public depository and that is not
 3348 insolvent shall guarantee public depositors against loss caused
 3349 by the default or insolvency of other banks, savings banks, or
 3350 savings associations that are designated as qualified public

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3351 depositories.

3352 (2) A credit union that is designated as a qualified
 3353 public depository and that is not insolvent shall guarantee
 3354 public depositors against loss caused by the default or
 3355 insolvency of other credit unions that are designated as
 3356 qualified public depositories.

3357
 3358 Each qualified public depository shall execute a form prescribed
 3359 by the Chief Financial Officer for such guarantee which must
 3360 ~~shall~~ be approved by the board of directors and must ~~shall~~
 3361 become an official record of the institution.

3362 Section 76. Effective July 1, 2024, subsections (1) and
 3363 (3) of section 280.08, Florida Statutes, are amended to read:

3364 280.08 Procedure for payment of losses.—When the Chief
 3365 Financial Officer determines that a default or insolvency has
 3366 occurred, he or she shall provide notice as required in s.
 3367 280.085 and implement the following procedures:

3368 (1) The Division of Treasury, in cooperation with the
 3369 Office of Financial Regulation of the Financial Services
 3370 Commission or the receiver of the qualified public depository in
 3371 default, shall ascertain the amount of funds of each public
 3372 depositor on deposit at such depository and the amount of
 3373 deposit or share insurance applicable to such deposits.

3374 (3)(a) The loss to public depositors shall be satisfied,
 3375 insofar as possible, first through any applicable deposit or

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3376 | share insurance and then through demanding payment under letters
 3377 | of credit or the sale of collateral pledged or deposited by the
 3378 | defaulting depository. The Chief Financial Officer may assess
 3379 | qualified public depositories as provided in paragraph (b) ,
 3380 | subject to the segregation of contingent liability in s. 280.07,
 3381 | for the total loss if the demand for payment or sale of
 3382 | collateral cannot be accomplished within 7 business days.

3383 | (b) The Chief Financial Officer shall provide coverage of
 3384 | any remaining loss by assessment against the other qualified
 3385 | public depositories. The Chief Financial Officer shall determine
 3386 | such assessment for each qualified public depository by
 3387 | multiplying the total amount of any remaining loss to all public
 3388 | depositors by a percentage which represents the average monthly
 3389 | balance of public deposits held by each qualified public
 3390 | depository during the previous 12 months divided by the total
 3391 | average monthly balances of public deposits held by all
 3392 | qualified public depositories, excluding the defaulting
 3393 | depository, during the same period. The assessment calculation
 3394 | must ~~shall~~ be computed to six decimal places.

3395 | Section 77. Effective July 1, 2024, subsection (4) of
 3396 | section 280.085, Florida Statutes, is amended, and subsection
 3397 | (1) of that section is republished, to read:

3398 | 280.085 Notice to claimants.—

3399 | (1) Upon determining the default or insolvency of a
 3400 | qualified public depository, the Chief Financial Officer shall

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3401 notify, by first-class mail, all public depositors that have
 3402 complied with s. 280.17 of such default or insolvency. The
 3403 notice must direct all public depositors having claims or
 3404 demands against the Public Deposits Trust Fund occasioned by the
 3405 default or insolvency to file their claims with the Chief
 3406 Financial Officer within 30 days after the date of the notice.

3407 (4) The notice required in subsection (1) is not required
 3408 if the default or insolvency of a qualified public depository is
 3409 resolved in a manner in which all Florida public deposits are
 3410 acquired by another insured bank, credit union, savings bank, or
 3411 savings association.

3412 Section 78. Effective July 1, 2024, section 280.09,
 3413 Florida Statutes, is amended to read:

3414 280.09 Public Deposits Trust Fund.—

3415 (1) In order to facilitate the administration of this
 3416 chapter, there is created the Public Deposits Trust Fund,
 3417 hereafter in this section designated "the fund." The proceeds
 3418 from the sale of securities or draw on letters of credit held as
 3419 collateral or from any assessment pursuant to s. 280.08 must
 3420 ~~shall~~ be deposited into the fund. The Chief Financial Officer
 3421 must segregate and separately account for any collateral
 3422 proceeds, assessments, or administrative penalties attributable
 3423 to a credit union from any collateral proceeds, assessments, or
 3424 administrative penalties attributable to any bank, savings bank,
 3425 or savings association. Any administrative penalty collected

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3426 | pursuant to this chapter shall be deposited into the Treasury
3427 | Administrative and Investment Trust Fund.

3428 | (2) The Chief Financial Officer is authorized to pay any
3429 | losses to public depositors from the fund, subject to the
3430 | limitations provided in subsection (1), and there are hereby
3431 | appropriated from the fund such sums as may be necessary from
3432 | time to time to pay the losses. The term "losses," for purposes
3433 | of this chapter, must ~~shall~~ also include losses of interest or
3434 | other accumulations to the public depositor as a result of
3435 | penalties for early withdrawal required by Depository
3436 | Institution Deregulatory Commission Regulations or applicable
3437 | successor federal laws or regulations because of suspension or
3438 | disqualification of a qualified public depository by the Chief
3439 | Financial Officer pursuant to s. 280.05 or because of withdrawal
3440 | from the public deposits program pursuant to s. 280.11. In that
3441 | event, the Chief Financial Officer is authorized to assess
3442 | against the suspended, disqualified, or withdrawing public
3443 | depository, in addition to any amount authorized by any other
3444 | provision of this chapter, an administrative penalty equal to
3445 | the amount of the early withdrawal penalty and to pay that
3446 | amount over to the public depositor as reimbursement for such
3447 | loss. Any money in the fund estimated not to be needed for
3448 | immediate cash requirements shall be invested pursuant to s.
3449 | 17.61.

3450 | Section 79. Effective July 1, 2024, subsections (1) and

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3451 (3) of section 280.10, Florida Statutes, are amended to read:
 3452 280.10 Effect of merger, acquisition, or consolidation;
 3453 change of name or address.—

3454 (1) When a qualified public depository is merged into,
 3455 acquired by, or consolidated with a bank, credit union, savings
 3456 bank, or savings association that is not a qualified public
 3457 depository:

3458 (a) The resulting institution shall automatically become a
 3459 qualified public depository subject to the requirements of the
 3460 public deposits program.

3461 (b) The contingent liability of the former institution
 3462 shall be a liability of the resulting institution.

3463 (c) The public deposits and associated collateral of the
 3464 former institution shall be public deposits and collateral of
 3465 the resulting institution.

3466 (d) The resulting institution shall, within 90 calendar
 3467 days after the effective date of the merger, acquisition, or
 3468 consolidation, deliver to the Chief Financial Officer:

3469 1. Documentation in its name as required for participation
 3470 in the public deposits program; or

3471 2. Written notice of intent to withdraw from the program
 3472 as provided in s. 280.11 and a proposed effective date of
 3473 withdrawal which shall be within 180 days after the effective
 3474 date of the acquisition, merger, or consolidation of the former
 3475 institution.

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3476 (e) If the resulting institution does not meet
 3477 qualifications to become a qualified public depository or does
 3478 not submit required documentation within 90 calendar days after
 3479 the effective date of the merger, acquisition, or consolidation,
 3480 the Chief Financial Officer shall initiate mandatory withdrawal
 3481 actions as provided in s. 280.11 and shall set an effective date
 3482 of withdrawal that is within 180 days after the effective date
 3483 of the acquisition, merger, or consolidation of the former
 3484 institution.

3485 (3) If the default or insolvency of a qualified public
 3486 depository results in acquisition of all or part of its Florida
 3487 public deposits by a bank, credit union, savings bank, or
 3488 savings association that is not a qualified public depository,
 3489 the bank, credit union, savings bank, or savings association
 3490 acquiring the Florida public deposits is subject to subsection
 3491 (1).

3492 Section 80. Effective July 1, 2024, subsection (1) of
 3493 section 280.13, Florida Statutes, is amended to read:

3494 280.13 Eligible collateral.—

3495 (1) Securities eligible to be pledged as collateral by
 3496 qualified public depositories ~~banks and savings associations~~
 3497 shall be limited to:

3498 (a) Direct obligations of the United States Government.

3499 (b) Obligations of any federal agency that are fully
 3500 guaranteed as to payment of principal and interest by the United

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3501 States Government.

3502 (c) Obligations of the following federal agencies:

3503 1. Farm credit banks.

3504 2. Federal land banks.

3505 3. The Federal Home Loan Bank and its district banks.

3506 4. Federal intermediate credit banks.

3507 5. The Federal Home Loan Mortgage Corporation.

3508 6. The Federal National Mortgage Association.

3509 7. Obligations guaranteed by the Government National

3510 Mortgage Association.

3511 (d) General obligations of a state of the United States,

3512 or of Puerto Rico, or of a political subdivision or municipality

3513 thereof.

3514 (e) Obligations issued by the Florida State Board of

3515 Education under authority of the State Constitution or

3516 applicable statutes.

3517 (f) Tax anticipation certificates or warrants of counties

3518 or municipalities having maturities not exceeding 1 year.

3519 (g) Public housing authority obligations.

3520 (h) Revenue bonds or certificates of a state of the United

3521 States or of a political subdivision or municipality thereof.

3522 (i) Corporate bonds of any corporation that is not an

3523 affiliate or subsidiary of the qualified public depository.

3524 Section 81. Effective July 1, 2024, paragraph (b) of

3525 subsection (4) of section 280.17, Florida Statutes, is amended,

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3526 and paragraph (a) of subsection (1) of that section is
 3527 reenacted, to read:

3528 280.17 Requirements for public depositors; notice to
 3529 public depositors and governmental units; loss of protection.—In
 3530 addition to any other requirement specified in this chapter,
 3531 public depositors shall comply with the following:

3532 (1)(a) Each official custodian of moneys that meet the
 3533 definition of a public deposit under s. 280.02 shall ensure such
 3534 moneys are placed in a qualified public depository unless the
 3535 moneys are exempt under the laws of this state.

3536 (4) If public deposits are in a qualified public
 3537 depository that has been declared to be in default or insolvent,
 3538 each public depositor shall:

3539 (b) Submit to the Chief Financial Officer for each public
 3540 deposit, within 30 days after the date of official notification
 3541 from the Chief Financial Officer, the following:

3542 1. A claim form and agreement, as prescribed by the Chief
 3543 Financial Officer, executed under oath, accompanied by proof of
 3544 authority to execute the form on behalf of the public depositor.

3545 2. A completed public deposit identification and
 3546 acknowledgment form, as described in subsection (2).

3547 3. Evidence of the insurance afforded the deposit pursuant
 3548 to the Federal Deposit Insurance Act or the Federal Credit Union
 3549 Act, as appropriate.

3550 Section 82. Effective July 1, 2024, for the purpose of

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3551 incorporating the amendment made by this act to section 280.02,
 3552 Florida Statutes, in a reference thereto, subsection (1) of
 3553 section 24.114, Florida Statutes, is reenacted to read:

3554 24.114 Bank deposits and control of lottery transactions.—

3555 (1) All moneys received by each retailer from the
 3556 operation of the state lottery, including, but not limited to,
 3557 all ticket sales, interest, gifts, and donations, less the
 3558 amount retained as compensation for the sale of the tickets and
 3559 the amount paid out as prizes, shall be remitted to the
 3560 department or deposited in a qualified public depository, as
 3561 defined in s. 280.02, as directed by the department. The
 3562 department shall have the responsibility for all administrative
 3563 functions related to the receipt of funds. The department may
 3564 also require each retailer to file with the department reports
 3565 of the retailer's receipts and transactions in the sale of
 3566 lottery tickets in such form and containing such information as
 3567 the department may require. The department may require any
 3568 person, including a qualified public depository, to perform any
 3569 function, activity, or service in connection with the operation
 3570 of the lottery as it may deem advisable pursuant to this act and
 3571 rules of the department, and such functions, activities, or
 3572 services shall constitute lawful functions, activities, and
 3573 services of such person.

3574 Section 83. Effective July 1, 2024, for the purpose of
 3575 incorporating the amendment made by this act to section 280.02,

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3576 Florida Statutes, in a reference thereto, paragraph (e) of
 3577 subsection (3) of section 125.901, Florida Statutes, is
 3578 reenacted to read:

3579 125.901 Children's services; independent special district;
 3580 council; powers, duties, and functions; public records
 3581 exemption.—

3582 (3)

3583 (e)1. All moneys received by the council on children's
 3584 services shall be deposited in qualified public depositories, as
 3585 defined in s. 280.02, with separate and distinguishable accounts
 3586 established specifically for the council and shall be withdrawn
 3587 only by checks signed by the chair of the council and
 3588 countersigned by either one other member of the council on
 3589 children's services or by a chief executive officer who shall be
 3590 so authorized by the council.

3591 2. Upon entering the duties of office, the chair and the
 3592 other member of the council or chief executive officer who signs
 3593 its checks shall each give a surety bond in the sum of at least
 3594 \$1,000 for each \$1 million or portion thereof of the council's
 3595 annual budget, which bond shall be conditioned that each shall
 3596 faithfully discharge the duties of his or her office. The
 3597 premium on such bond may be paid by the district as part of the
 3598 expense of the council. No other member of the council shall be
 3599 required to give bond or other security.

3600 3. No funds of the district shall be expended except by

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3601 check as aforesaid, except expenditures from a petty cash
3602 account which shall not at any time exceed \$100. All
3603 expenditures from petty cash shall be recorded on the books and
3604 records of the council on children's services. No funds of the
3605 council on children's services, excepting expenditures from
3606 petty cash, shall be expended without prior approval of the
3607 council, in addition to the budgeting thereof.

3608 Section 84. Effective July 1, 2024, for the purpose of
3609 incorporating the amendment made by this act to section 280.02,
3610 Florida Statutes, in a reference thereto, section 136.01,
3611 Florida Statutes, is reenacted to read:

3612 136.01 County depositories.—Each county depository shall
3613 be a qualified public depository as defined in s. 280.02 for the
3614 following funds: county funds; funds of all county officers,
3615 including constitutional officers; funds of the school board;
3616 and funds of the community college district board of trustees.
3617 This enumeration of funds is made not by way of limitation, but
3618 of illustration; and it is the intent hereof that all funds of
3619 the county, the board of county commissioners or the several
3620 county officers, the school board, or the community college
3621 district board of trustees be included.

3622 Section 85. Effective July 1, 2024, for the purpose of
3623 incorporating the amendment made by this act to section 280.02,
3624 Florida Statutes, in a reference thereto, subsection (11) of
3625 section 159.608, Florida Statutes, is reenacted to read:

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3626 159.608 Powers of housing finance authorities.—A housing
 3627 finance authority shall constitute a public body corporate and
 3628 politic, exercising the public and essential governmental
 3629 functions set forth in this act, and shall exercise its power to
 3630 borrow only for the purpose as provided herein:

3631 (11) To invest and reinvest surplus funds of the housing
 3632 finance authority in accordance with s. 218.415. However, in
 3633 addition to the investments expressly authorized in s.
 3634 218.415(16)(a)-(g) and (17)(a)-(d), a housing finance authority
 3635 may invest surplus funds in interest-bearing time deposits or
 3636 savings accounts that are fully insured by the Federal Deposit
 3637 Insurance Corporation regardless of whether the bank or
 3638 financial institution in which the deposit or investment is made
 3639 is a qualified public depository as defined in s. 280.02. This
 3640 subsection is supplementary to and may not be construed as
 3641 limiting any powers of a housing finance authority or providing
 3642 or implying a limiting construction of any other statutory
 3643 provision.

3644 Section 86. Effective July 1, 2024, for the purpose of
 3645 incorporating the amendment made by this act to section 280.02,
 3646 Florida Statutes, in a reference thereto, section 175.301,
 3647 Florida Statutes, is reenacted to read:

3648 175.301 Depository for pension funds.—For any
 3649 municipality, special fire control district, chapter plan, local
 3650 law municipality, local law special fire control district, or

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3651 local law plan under this chapter, all funds of the
 3652 firefighters' pension trust fund of any chapter plan or local
 3653 law plan under this chapter may be deposited by the board of
 3654 trustees with the treasurer of the municipality or special fire
 3655 control district, acting in a ministerial capacity only, who
 3656 shall be liable in the same manner and to the same extent as he
 3657 or she is liable for the safekeeping of funds for the
 3658 municipality or special fire control district. However, any
 3659 funds so deposited with the treasurer of the municipality or
 3660 special fire control district shall be kept in a separate fund
 3661 by the treasurer or clearly identified as such funds of the
 3662 firefighters' pension trust fund. In lieu thereof, the board of
 3663 trustees shall deposit the funds of the firefighters' pension
 3664 trust fund in a qualified public depository as defined in s.
 3665 280.02, which depository with regard to such funds shall conform
 3666 to and be bound by all of the provisions of chapter 280.

3667 Section 87. Effective July 1, 2024, for the purpose of
 3668 incorporating the amendment made by this act to section 280.02,
 3669 Florida Statutes, in references thereto, subsection (8) of
 3670 section 175.401, Florida Statutes, is reenacted to read:

3671 175.401 Retiree health insurance subsidy.—For any
 3672 municipality, special fire control district, chapter plan, local
 3673 law municipality, local law special fire control district, or
 3674 local law plan under this chapter, under the broad grant of home
 3675 rule powers under the State Constitution and chapter 166,

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3676 municipalities have the authority to establish and administer
3677 locally funded health insurance subsidy programs. In addition,
3678 special fire control districts may, by resolution, establish and
3679 administer locally funded health insurance subsidy programs.

3680 Pursuant thereto:

3681 (8) DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.—All funds
3682 of the health insurance subsidy fund may be deposited by the
3683 board of trustees with the treasurer of the municipality or
3684 special fire control district, acting in a ministerial capacity
3685 only, who shall be liable in the same manner and to the same
3686 extent as he or she is liable for the safekeeping of funds for
3687 the municipality or special fire control district. Any funds so
3688 deposited shall be segregated by the treasurer in a separate
3689 fund, clearly identified as funds of the health insurance
3690 subsidy fund. In lieu thereof, the board of trustees shall
3691 deposit the funds of the health insurance subsidy fund in a
3692 qualified public depository as defined in s. 280.02, which shall
3693 conform to and be bound by the provisions of chapter 280 with
3694 regard to such funds. In no case shall the funds of the health
3695 insurance subsidy fund be deposited in any financial
3696 institution, brokerage house trust company, or other entity that
3697 is not a public depository as provided by s. 280.02.

3698 Section 88. Effective July 1, 2024, for the purpose of
3699 incorporating the amendment made by this act to section 280.02,
3700 Florida Statutes, in a reference thereto, section 185.30,

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3701 Florida Statutes, is reenacted to read:
 3702 185.30 Depository for retirement fund.—For any
 3703 municipality, chapter plan, local law municipality, or local law
 3704 plan under this chapter, all funds of the municipal police
 3705 officers' retirement trust fund of any municipality, chapter
 3706 plan, local law municipality, or local law plan under this
 3707 chapter may be deposited by the board of trustees with the
 3708 treasurer of the municipality acting in a ministerial capacity
 3709 only, who shall be liable in the same manner and to the same
 3710 extent as he or she is liable for the safekeeping of funds for
 3711 the municipality. However, any funds so deposited with the
 3712 treasurer of the municipality shall be kept in a separate fund
 3713 by the municipal treasurer or clearly identified as such funds
 3714 of the municipal police officers' retirement trust fund. In lieu
 3715 thereof, the board of trustees shall deposit the funds of the
 3716 municipal police officers' retirement trust fund in a qualified
 3717 public depository as defined in s. 280.02, which depository with
 3718 regard to such funds shall conform to and be bound by all of the
 3719 provisions of chapter 280.

3720 Section 89. Effective July 1, 2024, for the purpose of
 3721 incorporating the amendment made by this act to section 280.02,
 3722 Florida Statutes, in references thereto, subsection (8) of
 3723 section 185.50, Florida Statutes, is reenacted to read:

3724 185.50 Retiree health insurance subsidy.—For any
 3725 municipality, chapter plan, local law municipality, or local law

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3726 | plan under this chapter, under the broad grant of home rule
 3727 | powers under the State Constitution and chapter 166,
 3728 | municipalities have the authority to establish and administer
 3729 | locally funded health insurance subsidy programs. Pursuant
 3730 | thereto:

3731 | (8) DEPOSIT OF PENSION FUNDS.—All funds of the health
 3732 | insurance subsidy fund may be deposited by the board of trustees
 3733 | with the treasurer of the municipality, acting in a ministerial
 3734 | capacity only, who shall be liable in the same manner and to the
 3735 | same extent as he or she is liable for the safekeeping of funds
 3736 | for the municipality. Any funds so deposited shall be segregated
 3737 | by said treasurer in a separate fund, clearly identified as
 3738 | funds of the health insurance subsidy fund. In lieu thereof, the
 3739 | board of trustees shall deposit the funds of the health
 3740 | insurance subsidy fund in a qualified public depository as
 3741 | defined in s. 280.02, which shall conform to and be bound by the
 3742 | provisions of chapter 280 with regard to such funds. In no case
 3743 | shall the funds of the health insurance subsidy fund be
 3744 | deposited in any financial institution, brokerage house trust
 3745 | company, or other entity that is not a public depository as
 3746 | provided by s. 280.02.

3747 | Section 90. Effective July 1, 2024, for the purpose of
 3748 | incorporating the amendment made by this act to section 280.02,
 3749 | Florida Statutes, in a reference thereto, subsection (3) of
 3750 | section 190.007, Florida Statutes, is reenacted to read:

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3751 190.007 Board of supervisors; general duties.—
 3752 (3) The board is authorized to select as a depository for
 3753 its funds any qualified public depository as defined in s.
 3754 280.02 which meets all the requirements of chapter 280 and has
 3755 been designated by the Chief Financial Officer as a qualified
 3756 public depository, upon such terms and conditions as to the
 3757 payment of interest by such depository upon the funds so
 3758 deposited as the board may deem just and reasonable.

3759 Section 91. Effective July 1, 2024, for the purpose of
 3760 incorporating the amendment made by this act to section 280.02,
 3761 Florida Statutes, in a reference thereto, subsection (16) of
 3762 section 191.006, Florida Statutes, is reenacted to read:

3763 191.006 General powers.—The district shall have, and the
 3764 board may exercise by majority vote, the following powers:

3765 (16) To select as a depository for its funds any qualified
 3766 public depository as defined in s. 280.02 which meets all the
 3767 requirements of chapter 280 and has been designated by the Chief
 3768 Financial Officer as a qualified public depository, upon such
 3769 terms and conditions as to the payment of interest upon the
 3770 funds deposited as the board deems just and reasonable.

3771 Section 92. Effective July 1, 2024, for the purpose of
 3772 incorporating the amendment made by this act to section 280.02,
 3773 Florida Statutes, in a reference thereto, subsection (2) of
 3774 section 215.34, Florida Statutes, is reenacted to read:

3775 215.34 State funds; noncollectible items; procedure.—

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3776 (2) Whenever a check, draft, or other order for the
3777 payment of money is returned by the Chief Financial Officer, or
3778 by a qualified public depository as defined in s. 280.02, to a
3779 state officer, a state agency, or the judicial branch for
3780 collection, the officer, agency, or judicial branch shall add to
3781 the amount due a service fee of \$15 or 5 percent of the face
3782 amount of the check, draft, or order, whichever is greater. An
3783 agency or the judicial branch may adopt a rule which prescribes
3784 a lesser maximum service fee, which shall be added to the amount
3785 due for the dishonored check, draft, or other order tendered for
3786 a particular service, license, tax, fee, or other charge, but in
3787 no event shall the fee be less than \$15. The service fee shall
3788 be in addition to all other penalties imposed by law, except
3789 that when other charges or penalties are imposed by an agency
3790 related to a noncollectible item, the amount of the service fee
3791 shall not exceed \$150. Proceeds from this fee shall be deposited
3792 in the same fund as the collected item. Nothing in this section
3793 shall be construed as authorization to deposit moneys outside
3794 the State Treasury unless specifically authorized by law.

3795 Section 93. Effective July 1, 2024, for the purpose of
3796 incorporating the amendment made by this act to section 280.02,
3797 Florida Statutes, in references thereto, paragraph (c) of
3798 subsection (16), paragraph (c) of subsection (17), and paragraph
3799 (a) of subsection (23) of section 218.415, Florida Statutes, are
3800 reenacted to read:

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3801 218.415 Local government investment policies.—Investment
 3802 activity by a unit of local government must be consistent with a
 3803 written investment plan adopted by the governing body, or in the
 3804 absence of the existence of a governing body, the respective
 3805 principal officer of the unit of local government and maintained
 3806 by the unit of local government or, in the alternative, such
 3807 activity must be conducted in accordance with subsection (17).
 3808 Any such unit of local government shall have an investment
 3809 policy for any public funds in excess of the amounts needed to
 3810 meet current expenses as provided in subsections (1)-(16), or
 3811 shall meet the alternative investment guidelines contained in
 3812 subsection (17). Such policies shall be structured to place the
 3813 highest priority on the safety of principal and liquidity of
 3814 funds. The optimization of investment returns shall be secondary
 3815 to the requirements for safety and liquidity. Each unit of local
 3816 government shall adopt policies that are commensurate with the
 3817 nature and size of the public funds within its custody.

3818 (16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—
 3819 Those units of local government electing to adopt a written
 3820 investment policy as provided in subsections (1)-(15) may by
 3821 resolution invest and reinvest any surplus public funds in their
 3822 control or possession in:

3823 (c) Interest-bearing time deposits or savings accounts in
 3824 qualified public depositories as defined in s. 280.02.

3825 (17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT

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3826 POLICY.—Those units of local government electing not to adopt a
 3827 written investment policy in accordance with investment policies
 3828 developed as provided in subsections (1)-(15) may invest or
 3829 reinvest any surplus public funds in their control or possession
 3830 in:

3831 (c) Interest-bearing time deposits or savings accounts in
 3832 qualified public depositories, as defined in s. 280.02.

3833
 3834 The securities listed in paragraphs (c) and (d) shall be
 3835 invested to provide sufficient liquidity to pay obligations as
 3836 they come due.

3837 (23) AUTHORIZED DEPOSITS.—In addition to the investments
 3838 authorized for local governments in subsections (16) and (17)
 3839 and notwithstanding any other provisions of law, a unit of local
 3840 government may deposit any portion of surplus public funds in
 3841 its control or possession in accordance with the following
 3842 conditions:

3843 (a) The funds are initially deposited in a qualified
 3844 public depository, as defined in s. 280.02, selected by the unit
 3845 of local government.

3846 Section 94. Effective July 1, 2024, for the purpose of
 3847 incorporating the amendment made by this act to section 280.02,
 3848 Florida Statutes, in a reference thereto, paragraph (h) of
 3849 subsection (4) of section 255.502, Florida Statutes, is
 3850 reenacted to read:

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3851 255.502 Definitions; ss. 255.501-255.525.—As used in this
 3852 act, the following words and terms shall have the following
 3853 meanings unless the context otherwise requires:

3854 (4) "Authorized investments" means and includes without
 3855 limitation any investment in:

3856 (h) Savings accounts in, or certificates of deposit of,
 3857 qualified public depositories as defined in s. 280.02, in an
 3858 amount that does not exceed 15 percent of the net worth of the
 3859 institution, or a lesser amount as determined by rule by the
 3860 State Board of Administration, provided such savings accounts
 3861 and certificates of deposit are secured in the manner prescribed
 3862 in chapter 280.

3863
 3864 Investments in any security authorized in this subsection may be
 3865 under repurchase agreements or reverse repurchase agreements.

3866 Section 95. Effective July 1, 2024, for the purpose of
 3867 incorporating the amendment made by this act to section 280.02,
 3868 Florida Statutes, in a reference thereto, subsection (15) of
 3869 section 280.051, Florida Statutes, is reenacted to read:

3870 280.051 Grounds for suspension or disqualification of a
 3871 qualified public depository.—A qualified public depository may
 3872 be suspended or disqualified or both if the Chief Financial
 3873 Officer determines that the qualified public depository has:

3874 (15) No longer meets the definition of a qualified public
 3875 depository under s. 280.02.

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3876 Section 96. Effective July 1, 2024, for the purpose of
 3877 incorporating the amendment made by this act to section 280.02,
 3878 Florida Statutes, in a reference thereto, subsection (1) of
 3879 section 280.18, Florida Statutes, is reenacted to read:

3880 280.18 Protection of public depositors; liability of the
 3881 state.—

3882 (1) When public deposits are made in accordance with this
 3883 chapter, there shall be protection from loss to public
 3884 depositors, as defined in s. 280.02, in the absence of
 3885 negligence, malfeasance, misfeasance, or nonfeasance on the part
 3886 of the public depositor or on the part of his or her agents or
 3887 employees.

3888 Section 97. Effective July 1, 2024, for the purpose of
 3889 incorporating the amendment made by this act to section 280.02,
 3890 Florida Statutes, in references thereto, subsections (1) and (2)
 3891 of section 331.309, Florida Statutes, are reenacted to read:

3892 331.309 Treasurer; depositories; fiscal agent.—

3893 (1) The board shall designate an individual who is a
 3894 resident of the state, or a qualified public depository as
 3895 defined in s. 280.02, as treasurer of Space Florida, who shall
 3896 have charge of the funds of Space Florida. Such funds shall be
 3897 disbursed only upon the order of or pursuant to the resolution
 3898 of the board by warrant, check, authorization, or direct deposit
 3899 pursuant to s. 215.85, signed or authorized by the treasurer or
 3900 his or her representative or by such other persons as may be

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3901 authorized by the board. The board may give the treasurer such
 3902 other or additional powers and duties as the board may deem
 3903 appropriate and shall establish the treasurer's compensation.
 3904 The board may require the treasurer to give a bond in such
 3905 amount, on such terms, and with such sureties as may be deemed
 3906 satisfactory to the board to secure the performance by the
 3907 treasurer of his or her powers and duties. The board shall audit
 3908 or have audited the books of the treasurer at least once a year.

3909 (2) The board is authorized to select as depositories in
 3910 which the funds of the board and of Space Florida shall be
 3911 deposited any qualified public depository as defined in s.
 3912 280.02, upon such terms and conditions as to the payment of
 3913 interest by such depository upon the funds so deposited as the
 3914 board may deem just and reasonable. The funds of Space Florida
 3915 may be kept in or removed from the State Treasury upon written
 3916 notification from the chair of the board to the Chief Financial
 3917 Officer.

3918 Section 98. Effective July 1, 2024, for the purpose of
 3919 incorporating the amendment made by this act to section 280.02,
 3920 Florida Statutes, in a reference thereto, subsection (2) of
 3921 section 373.553, Florida Statutes, is reenacted to read:

3922 373.553 Treasurer of the board; payment of funds;
 3923 depositories.—

3924 (2) The board is authorized to select as depositories in
 3925 which the funds of the board and of the district shall be

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3926 deposited in any qualified public depository as defined in s.
 3927 280.02, and such deposits shall be secured in the manner
 3928 provided in chapter 280.

3929 Section 99. Effective July 1, 2024, for the purpose of
 3930 incorporating the amendment made by this act to section 280.02,
 3931 Florida Statutes, in a reference thereto, section 631.221,
 3932 Florida Statutes, is reenacted to read:

3933 631.221 Deposit of moneys collected.—The moneys collected
 3934 by the department in a proceeding under this chapter shall be
 3935 deposited in a qualified public depository as defined in s.
 3936 280.02, which depository with regards to such funds shall
 3937 conform to and be bound by all the provisions of chapter 280, or
 3938 invested with the Chief Financial Officer pursuant to chapter
 3939 18. For the purpose of accounting for the assets and
 3940 transactions of the estate, the receiver shall use such
 3941 accounting books, records, and systems as the court directs
 3942 after it hears and considers the recommendations of the
 3943 receiver.

3944 Section 100. Effective July 1, 2024, for the purpose of
 3945 incorporating the amendment made by this act to section 280.02,
 3946 Florida Statutes, in a reference thereto, paragraph (c) of
 3947 subsection (3) of section 723.06115, Florida Statutes, is
 3948 reenacted to read:

3949 723.06115 Florida Mobile Home Relocation Trust Fund.—
 3950 (3) The department shall distribute moneys in the Florida

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3951 | Mobile Home Relocation Trust Fund to the Florida Mobile Home
 3952 | Relocation Corporation in accordance with the following:
 3953 | (c) Funds transferred from the trust fund to the
 3954 | corporation shall be transferred electronically and shall be
 3955 | transferred to and maintained in a qualified public depository
 3956 | as defined in s. 280.02 which is specified by the corporation.
 3957 | Section 101. Except as otherwise expressly provided in
 3958 | this act, this act shall take effect upon becoming a law.