

Senate Bill No. 2680

An act relating to unclaimed property; amending s. 717.101, F.S.; revising a definition; creating s. 717.1071, F.S.; providing for determining when certain property of a demutualized insurance company is unclaimed; amending s. 717.1101, F.S.; revising provisions for determining when certain equity and debt of a business association is unclaimed; providing for reversing such determination; deleting an application provision; amending s. 717.119, F.S.; providing for disposition of certain unclaimed firearms or ammunition; providing duties of the Department of Financial Services; specifying absence of liability of the department for certain actions; providing an effective date.

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

Section 1. Paragraph (d) of subsection (12) of section 717.101, Florida Statutes, is amended to read:

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

(12) “Intangible property” includes, by way of illustration and not limitation:

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

Section 2. Section 717.1071, Florida Statutes, is created to read:

717.1071 Unclaimed demutualization proceeds.—Unclaimed property payable or distributable in the course of a demutualization of an insurance company is presumed unclaimed 5 years after the earlier of the date of last contact with the policyholder or the date the property became payable or distributable.

Section 3. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Unclaimed equity and debt of Stock and other intangible interests in business associations.—

(1)(a) Stock or other equity interest in a business association is presumed unclaimed 5 years after the earliest of:

1. The date of the most recent dividend, stock split, or other distribution unclaimed by the apparent owner;

2. The date of a statement of account or other notification or communication that was returned as undeliverable; or

3. The date the holder discontinued mailings, notifications, or communications to the apparent owner.

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

(c) Matured or redeemed debt is presumed unclaimed 5 years after the date of maturity or redemption.

(d) At the time property is presumed unclaimed under paragraph (a) or paragraph (b), any other property right accrued or accruing to the owner as a result of the property interest and not previously presumed unclaimed is also presumed unclaimed. Except as provided in subsections (2) and (5), any stock or other intangible ownership interest in a business association, the existence of which is evidenced by record available to the association, is presumed unclaimed and, with respect to the interest, the association is the holder, if a dividend, distribution, or other sum payable as a result of the interest is not claimed for 5 years by the owner and the owner has not within 5 years:

(a) Communicated in writing with the association or its agent regarding the interest or a dividend, distribution, or other sum payable as a result of the interest; or

(b) Otherwise communicated with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent.

(2) At the expiration of a 5-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest shall not be presumed unclaimed unless there have been at least five dividends, distributions, or other sums paid during the period, none of which has been claimed. If five dividends, distributions, or other sums are paid during the 5-year period, the period leading to a presumption that the interest is unclaimed commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If five dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been five consecutive dividends, distributions, or other sums that have not been claimed by the owner.

(2)(3) The running of such 5-year period ceases if the person:

(a)1. Communicates in writing with the association or its agent regarding the interest or a dividend, distribution, or other sum payable as a result of the interest; or

2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent.

~~(b) Presents an instrument issued to pay interest or a dividend or other cash distribution immediately upon the occurrence of one or more of the conditions referred to in subsection (1). If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period in which the property is presumed unclaimed commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.~~

(3)(4) At the same time any interest is presumed unclaimed under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, is presumed unclaimed.

~~(5) This chapter shall not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless the records available to the administrator of the plan show:~~

~~(a) With respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within 5 years satisfied any of the conditions referred to in subsection (1); or~~

~~(b) The holder has reason to believe the owner has not received statements or other mailings for a 5-year period.~~

Section 4. Subsection (5) of section 717.119, Florida Statutes, is amended to read:

717.119 Payment or delivery of unclaimed property.—

(5) All intangible and tangible property held in a safe-deposit box or any other safekeeping repository reported under s. 717.117 shall not be delivered to the department until 120 days after the report due date.

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

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

(c)~~(a)~~ If such property is not paid or delivered to the department on or before the applicable payment or delivery date, the holder shall pay to the department a penalty of \$10 for each safe-deposit box received late, but such penalty shall not exceed \$1,000.

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

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

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 21, 2003.

Filed in Office Secretary of State May 21, 2003.