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A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.56, F.S.; requiring the Division of Treasury to maintain certain warrants rather than turning them over to the Division of Accounting and Auditing; amending s. 497.263, F.S.; revising the requirements for cemetery companies licenses; amending s. 497.266, F.S.; conforming provisions to changes made by the act; amending s. 497.376, F.S.; providing requirements for a combination license as funeral director and embalmer; amending s. 497.377, F.S.; revising the requirements for combination funeral director and embalmer internships; amending s. 497.380, F.S.; revising the requirements for a funeral establishment and the requirements and responsibilities of a funeral director in charge; amending s. 497.385, F.S.; revising the requirements for a licensed embalming facility; amending s. 497.452, F.S.; revising the applicability of specified provisions related to cemeteries; amending s. 497.453, F.S.; providing reporting requirements for certain preneed licensees; amending s. 497.458, F.S.; revising the requirements for the disposition of proceeds received on preneed contracts; amending s. 497.464, F.S.; revising the

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requirements of certain preneed contracts; amending s. 497.604, F.S.; revising the requirements for a direct disposal establishment; amending s. 497.606, F.S.; revising the requirements for a cinerator facility; amending s. 633.218, F.S.; deleting a provision that requires the identification of specified buildings or space for firesafety purposes; amending s. 633.306, F.S.; providing standards for fire equipment installation; amending s. 633.312, F.S.; specifying the delivery methods of a firesafety inspection report; requiring the State Fire Marshal to adopt rules; amending s. 633.520, F.S.; requiring the Division of State Fire Marshal to adopt rules to establish cancer prevention best practices; amending s. 626.175, F.S.; revising the requirements for a specified nonrenewable temporary license; revising the types of nonrenewable temporary licenses issued by the Department of Financial Services; amending s. 626.221, F.S.; revising the language relating to an exemption from examination for specified license applicants under certain circumstances; amending s. 626.2815, F.S.; deleting provisions requiring certain licensed customer representatives and insurance agents to complete continuation education courses; amending s. 626.321, F.S.; revising the requirements for certain

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lines insurance licenses; prohibiting issuance or reinstatement of certain lines insurance licenses beginning on a specified date; amending s. 626.471, F.S.; revising the method of delivery of certain notice; amending s. 626.536, F.S.; deleting provisions relating to reporting administrative actions taken against an insurance agency; amending s. 626.6215, F.S.; providing additional grounds for which the department may take specified action against the license of an insurance agency; amending s. 626.729, F.S.; redefining the term "industrial fire insurance"; amending ss. 626.8437 and 626.844, F.S.; specifying grounds for certain administrative actions against licenses or appointments of specified insurance agents or agencies; amending s. 626.8732, F.S.; revising the requirements for nonresident public adjuster's licenses; amending s. 633.216, F.S.; conforming a cross-reference; amending s. 627.7015, F.S.; requiring insurers to report mediation settlements and settlement amounts to all parties within a certain timeframe; amending s. 648.49, F.S.; requiring the department to meet certain requirements when suspending a person's eligibility to apply for a license or appointment; revising methods for reinstatement of a license, an appointment, or certain

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eligibility; amending s. 717.124, F.S.; providing disbursement processes for unclaimed property claims; providing rulemaking authority; repealing ss. 626.521 and 626.7355, F.S., relating to credit and character reports and to a temporary license as customer representative pending examination, respectively; amending ss. 626.022 and 626.025, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 17.56, Florida Statutes, is amended to read:

17.56 Division of Treasury to maintain turn over to the Division of Accounting and Auditing all warrants paid.—The Division of Treasury shall maintain turn over to the Division of Accounting and Auditing all warrants drawn by the Chief Financial Officer or the Comptroller and paid by the Division of Treasury for 10 years after the date on which a warrant was presented for payment. The warrants shall be turned over as soon as the Division of Treasury shall have recorded such warrants and charged the same against the accounts upon which such warrants are drawn.

Section 2. Paragraph (a) of subsection (3) of section 497.263, Florida Statutes, is amended to read:

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497.263 Cemetery companies; license required; licensure requirements and procedures.—

- (3) ACTION CONCERNING APPLICATIONS.—If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all of the following conditions are satisfied:
- (a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company operating pursuant to chapter 660, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.458, pursuant to a trust agreement approved by the licensing authority. The \$50,000 required for the care and maintenance trust fund shall be over and above the \$50,000 net worth required by subsection (2).
- Section 3. Subsection (1) of section 497.266, Florida Statutes, is amended to read:
- 497.266 Care and maintenance trust fund; remedy of department for noncompliance.—
- (1) A No cemetery company may not establish a cemetery, or operate a cemetery if already established, without providing for the future care and maintenance of the cemetery, for which a care and maintenance trust fund shall be established, to be known as "the care and maintenance trust fund of" The trust fund shall be established with a trust company operating

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pursuant to chapter 660, with a state or national bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust funds which are with a state or national bank or savings and loan association licensed in this state on October 1, 1993, shall remain in force; however, when the amount of any such trust fund exceeds the amount that is insured by an agency of the Federal Government, the cemetery company shall transfer that trust fund to a trust company operating pursuant to chapter 660, to a state or national bank holding trust powers, or to a federal or state savings and loan association holding trust powers.

Section 4. Section 497.376, Florida Statutes, is amended to read:

497.376 License as funeral director and embalmer permitted.—

(1) This chapter does not prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees may shall not exceed the sum of

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the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. A person Persons holding a combination license as a funeral director and an embalmer <u>is</u> shall be subject to regulation under this chapter both as a funeral director and an embalmer.

- (2) Except as provided in s. 497.377, an applicant for a combination license as both a funeral director and an embalmer must hold the educational credentials required for licensure of a funeral director under s. 497.373(1)(d).
- Section 5. Section 497.377, Florida Statutes, is amended to read:
- 497.377 <u>Combination funeral directors and embalmers;</u> Concurrent internships.—
- (1) The internship requirements requirement for a combination license as both funeral director and embalmer embalmers and funeral directors may be served concurrently pursuant to rules adopted by the licensing authority.
- (2) (a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:
- 1. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE.

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2. Has completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled.

- 3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.
- (b) An application for a combination funeral director and embalmer intern license must include the name and address of the funeral director licensed under s. 497.373 or s. 497.374(1) and the embalmer licensed under s. 497.368 or s. 497.369 under whose supervision the intern will receive training and the name of the licensed funeral establishment at which the training will be conducted.
- (c) A combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1) and an embalmer who has an active, valid license under s. 497.368 or s. 497.369. However, a combination funeral director and embalmer intern may perform such tasks, functions, and duties under the general supervision of a licensed funeral director and embalmer upon graduation from a college accredited by ABFSE with a degree as specified in s. 497.373(1)(d) and upon passage of the

201	examination required under s. 497.373(2)(b) if the funeral							
202	director in charge of the internship training establishment,							
203	after 6 months of direct supervision, certifies to the licensing							
204	authority that the intern is competent to complete the							
205	internship under general supervision.							
206	(d)1. A combination funeral director and embalmer intern							
207	license expires 1 year after issuance and, except as provided in							
208	subparagraph 2., may not be renewed.							
209	2. The licensing authority may adopt rules that allow a							
210	combination funeral director and embalmer intern to renew her or							
211	his combination funeral director and embalmer intern license for							
212	an additional 1 year if the combination funeral director and							
213	embalmer intern demonstrates her or his failure to complete the							
214	internship before expiration of the license due to illness,							
215	personal injury, or other substantial hardship beyond her or his							
216	reasonable control or demonstrates that she or he has completed							
217	the requirements for licensure as a combination funeral director							
218	and embalmer but is awaiting the results of a licensure							
219	examination.							
220	Section 6. Subsection (7) of section 497.380, Florida							
221	Statutes, is amended to read:							
222	497.380 Funeral establishment; licensure; display of							
223	license							
224	(7) Each licensed funeral establishment shall have <u>a</u> one							

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full-time funeral director in charge and shall have a licensed

CODING: Words stricken are deletions; words underlined are additions.

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funeral director reasonably available to the public during normal business hours for the establishment. The full-time funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as such for up to a total of four funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two farthest locations are no more than 75 miles apart, as measured in a straight line. The full-time funeral director in charge must have an active license and may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment. Effective October 1, 2010, The full-time funeral director in charge must hold an active, valid funeral director license and an active, valid embalmer license, or combination license as a funeral director and an embalmer. However, a funeral director may serve as funeral director in charge without an embalmer license or combination license if the establishment does not have an embalming room on site or may continue as the full-time funeral director in charge without an embalmer or combination license if, as of September 30, 2010: The funeral establishment and the funeral director both have active, valid licenses.

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(b) The funeral director is currently the full-time funeral director in charge of the funeral establishment.

- (c) The name of the funeral director was included, as required in subsection (4), in the funeral establishment's most recent application for issuance or renewal of its license or was included in the establishment's report of change provided under paragraph (12)(c).
- Section 7. Paragraph (b) of subsection (2) of section 497.385, Florida Statutes, is amended to read:
- 497.385 Removal services; refrigeration facilities; centralized embalming facilities.—In order to ensure that the removal, refrigeration, and embalming of all dead human bodies is conducted in a manner that properly protects the public's health and safety, the licensing authority shall adopt rules to provide for the licensure of removal services, refrigeration facilities, and centralized embalming facilities operated independently of funeral establishments, direct disposal establishments, and cinerator facilities.
- (2) CENTRALIZED EMBALMING FACILITIES.—In order to ensure that all funeral establishments have access to embalming facilities that comply with all applicable health and safety requirements, the licensing authority shall adopt rules to provide for the licensure and operation of centralized embalming facilities and shall require, at a minimum, the following:
 - (b) Each licensed centralized embalming facility shall

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have at least one <u>full-time</u> embalmer in charge. The <u>full-time</u> embalmer in charge must have an active, <u>valid embalmer</u> license <u>or combination license</u> as a funeral director and embalmer and <u>may not be the full-time embalmer in charge</u>, <u>full-time funeral director in charge</u>, or <u>full-time direct disposer in charge of any other establishment licensed under this chapter</u>. <u>A funeral director in charge</u>, with appropriate, active licenses, may serve as such for up to a total of four funeral establishments, <u>centralized embalming facilities</u>, direct disposal establishments, or cinerator facilities, as long as the two farthest locations are no more than 75 miles apart, as measured in a straight line.

Section 8. Paragraph (b) of subsection (2) of section 497.452, Florida Statutes, is amended, and paragraph (a) of that subsection is republished, to read:

497.452 Preneed license required.-

- (2) (a) No person may receive any funds for payment on a preneed contract who does not hold a valid preneed license.
- (b) The provisions of Paragraph (a) does do not apply to a trust company operating pursuant to chapter 660, to a national or state bank holding trust powers, or to a federal or state savings and loan association having trust powers which company, bank, or association receives any money in trust pursuant to the sale of a preneed contract.
 - Section 9. Subsection (8) of section 497.453, Florida

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301 Statutes, is amended to read:

497.453 Application for preneed license, procedures and criteria; renewal; reports.—

- (8) ANNUAL TRUST REPORTS.-
- (a) On or before April 1 of each year, the preneed licensee shall file in the form prescribed by rule a full and true statement as to the activities of any trust established by it pursuant to this part for the preceding calendar year.
- (b) Any preneed licensee or group of preneed licensees under common control that in aggregate sold in this state 15,000 or more preneed contracts in the preceding year shall additionally comply with this paragraph.
- 1. As to each year, which is referred to in this paragraph as "Year 1," in which any preneed licensee or group of preneed licensees under common control in aggregate sell in this state 15,000 or more preneed contracts, the licensee or licensees shall, during the following year, which is referred to in this paragraph as "Year 2":
- <u>a. Prepare in regard to each such licensee a report of</u>

 <u>preneed operations in this state in Year 1, on a form prescribed</u>

 <u>by department rule;</u>
- b. Cause and pay for the report to be audited by an independent certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report; and

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326	c. By December 31 of Year 2, provide the report to the							
327	division, along with a written and signed opinion of the							
328	certified public accounting firm concerning the accuracy and							
329	fairness of the presentation of the data reported in the report.							
330	2. The report required under subparagraph 1. shall be							
331	prepared and submitted using forms and procedures specified by							
332	department rule. The department may adopt rules specifying the							
333	format of, and procedures for, the report and the information to							
334	be included in the report.							
335	Section 10. Paragraph (c) of subsection (1) of section							
336	497.458, Florida Statutes, is amended to read:							
337	497.458 Disposition of proceeds received on contracts.—							
338	(1)							
339	(c) Such deposits shall be made within 30 days after the							
340	end of the calendar month in which payment is received, under							
341	the terms of a revocable trust instrument entered into with a							
342	trust company operating pursuant to chapter 660 , with a national							
343	or state bank holding trust powers, or with a federal or state							
344	savings and loan association holding trust powers.							
345	Section 11. Subsection (2) of section 497.464, Florida							
346	Statutes, is amended to read:							
347	497.464 Alternative preneed contracts							
348	(2) The contract must require that a trust be established							
349	by the preneed licensee on behalf of, and for the use, benefit,							
350	and protection of, the purchaser and that the trustee must be a							

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trust company operating pursuant to chapter 660, a national or state bank holding trust powers, or a federal or state savings and loan association holding trust powers.

Section 12. Subsection (8) of section 497.604, Florida Statutes, is amended to read:

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; display of license.—

(8) SUPERVISION OF FACILITIES.-

- (a) Effective October 1, 2010, Each direct disposal establishment shall have a one full-time licensed funeral director acting as the direct disposer in charge, subject to s. 497.380(7). However, a licensed direct disposer may continue acting as the direct disposer in charge, if, as of September 30, 2010:
- 1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.
- 2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.
- 3. The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment's most recent application for issuance or renewal of its license or was included in the establishment's notice of change provided under subsection (7).
 - (b) The licensed funeral director in charge or licensed

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direct disposer in charge of a direct disposal establishment
must be reasonably available to the public during normal
business hours for the establishment and may be in charge of
only one direct disposal establishment. The licensed funeral
director in charge or licensed direct disposer in charge of the
establishment is responsible for making sure the facility, its
operations, and all persons employed in the facility comply with
all applicable state and federal laws and rules. \underline{A} funeral
director in charge, with appropriate, active licenses, may serve
as such for up to a total of four funeral establishments,
centralized embalming facilities, direct disposal
establishments, or cinerator facilities, as long as the two
farthest locations are no more than 75 miles apart, as measured
in a straight line.
Section 13. Subsection (8) of section 497.606, Florida
Statutes, is amended to read:
497.606 Cinerator facility, licensure required; licensing
procedures and criteria; license renewal; regulation
(8) SUPERVISION OF FACILITIES.—Each cinerator facility
shall have \underline{a} one full-time licensed direct disposer \underline{in} charge or
$\underline{\mathtt{a}}$ licensed funeral director in charge for that facility. Such
person may be in charge of only one facility. Such licensed
funeral director in charge or licensed direct disposer in charge

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operations, and all persons employed in the facility comply with

shall be responsible for making sure the facility, its

all applicable state and federal laws and rules. A funeral

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director in charge, with appropriate, active licenses, may serve as such for up to a total of four funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the two farthest locations are no more than 75 miles apart, as measured in a straight line. Section 14. Paragraph (f) of subsection (1) of section 633.218, Florida Statutes, is amended, and paragraphs (a) through (e) of that subsection are republished, to read: 633.218 Inspections of state buildings and premises; tests of firesafety equipment; building plans to be approved .-(1)(a) It is the duty of the State Fire Marshal and her or his agents to inspect, or cause to be inspected, each stateowned building on a recurring basis established by rule, and to ensure that high-hazard occupancies are inspected at least annually, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or endanger life from fire and any violation of the firesafety standards for

(b) Except as provided in s. 255.45, the department head is responsible for ensuring that deficiencies noted in the

following an inspection, submit a report of such inspection to

state-owned buildings, this chapter, or the rules adopted

the head of the state agency responsible for the building.

pursuant hereto. The State Fire Marshal shall, within 7 days

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426 inspection are corrected as soon as practicable.

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- (c) Each department shall, in its annual budget proposal, include requests for sufficient funds to correct any firesafety deficiencies noted by the State Fire Marshal.
- (d) Each department shall, in its annual budget proposal and for all proposals for new construction or renovations to existing structures, include requests for sufficient funds to pay for any charges or fees imposed by the State Fire Marshal for review of plans, renovations, occupancy, or inspections, whether recurring or high hazard.
 - (e) For purposes of this section:
- 1.a. The term "high-hazard occupancy" means any building or structure:
- (I) That contains combustible or explosive matter or flammable conditions dangerous to the safety of life or property;
 - (II) At which persons receive educational instruction;
- (III) At which persons reside, excluding private dwellings; or
 - (IV) Containing three or more floor levels.
- b. As used in this subparagraph, the phrase "building or structure":
- (I) Includes, but is not limited to, all hospitals and residential health care facilities, nursing homes and other adult care facilities, correctional or detention facilities,

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public schools, public lodging establishments, migrant labor camps, residential child care facilities, and self-service gasoline stations.

- (II) Does not include any residential condominium where the declaration of condominium or the bylaws provide that the rental of units shall not be permitted for less than 90 days.
- 2. The term "state-owned building" includes private correctional facilities as defined under s. 944.710(3).
- (f) A state-owned building or state-leased building or space shall be identified through use of the United States
 National Grid Coordinate System.
- Section 15. Paragraph (c) of subsection (1) of section 633.306, Florida Statutes, is amended to read:
- 633.306 Requirements for installation, inspection, and maintenance of fire suppression equipment.—
- (1) The requirements for installation of fire extinguishers and preengineered systems are as follows:
- (c) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications, using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.
 - Section 16. Subsections (4) and (5) of section 633.312,

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Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (3) is amended, and a new subsection (4) is added to that section, to read:

- $\,$ 633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—
- (3) (a) The inspecting contractor shall provide to the building owner or hydrant owner and the local authority having jurisdiction a copy of the applicable <u>summary</u> inspection report established under this chapter. The local authority having jurisdiction may accept inspection reports by United States mail, by hand delivery, by electronic submission, or through a third-party vendor that collects the reports on behalf of the local authority having jurisdiction.
- (b) The State Fire Marshal shall adopt rules to implement a uniform submission procedure to be used by all local authorities having jurisdiction and third-party vendors when collecting inspection reports. The uniform submission procedure must have a standardized format for a uniform summary report and for the collection of the address of the building or hydrant, the name of the company and person conducting the inspection, the date of the inspection, and a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment. The uniform submission procedure must allow a contractor to attach additional documents to the submission, including a physical copy of the contractor's detailed

inspection report. A contractor's detailed inspection report is not required to follow the uniform summary report format, and the uniform submission procedure may not require a contractor to enter specific information contained within the detailed inspection report.

(4) The maintenance of fire hydrant and fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. Equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the appropriate authority, provided that such appropriate authority may not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code, or National Fire Protection Association standards to be removed regardless of its condition. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

Section 17. Section 633.520, Florida Statutes, is amended to read:

- 633.520 Safety; firefighter employer responsibilities.-
- (1) Each Every firefighter employer shall furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably

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necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety," as applied to any employment or place of employment, mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section do not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

(2) The division shall adopt rules to establish employers' cancer prevention best practices related to personal protective equipment, decontamination, fire suppression equipment, and fire stations.

Section 18. Subsection (1) of section 626.175, Florida Statutes, is amended to read:

626.175 Temporary licensing.-

(1) The department may issue a nonrenewable temporary license for a period not to exceed 6 months authorizing appointment of a general lines insurance agent, or a personal lines an industrial fire or burglary agent, subject to the conditions described in this section. The fees paid for a temporary license and appointment shall be as

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specified in s. 624.501. Fees paid <u>are shall</u> not be refunded after a temporary license has been issued.

- (a) An applicant for a temporary license must be:
- 1. A natural person at least 18 years of age.

- 2. A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services.
- (b)1. In the case of a general lines agent, the department may issue a temporary license to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has died or become unable to perform his or her duties because of military service or illness or other physical or mental disability, subject to the following conditions:
- a. No other individual connected with the agent's business may be licensed as a general lines agent.
- b. The proposed temporary licensee shall be qualified for a regular general lines agent license under this code except as to residence, examination, education, or experience.
- c. Application for the temporary license shall have been made by the applicant upon statements and affidavit filed with the department on forms prescribed and furnished by the department.
 - d. Under a temporary license and appointment, the licensee

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may shall not represent any insurer not last represented by the agent being replaced and may shall not be licensed or appointed as to any additional kind, line, or class of insurance other than those covered by the last existing agency appointments of the replaced agent. If an insurer withdraws from the agency during the temporary license period, the temporary licensee may be appointed by another similar insurer but only for the period remaining under the temporary license.

- 2. A regular general lines agent license may be issued to a temporary licensee upon meeting the qualifications for a general lines agent license under s. 626.731.
- (c) In the case of a life agent, the department may issue a temporary license:
- 1. To the executor or administrator of the estate of a deceased individual licensed and appointed as a life agent at the time of death;
- 2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified; however, any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or
- 3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.7851 and who is appointed has successfully sat for the required examination prior to

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termination of such 6-month period. The department may issue this temporary license only in the case of a life agent to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or indirectly solicit, negotiate, or effect contracts of insurance.

- (d) In the case of a <u>personal lines</u> limited license authorizing appointment as an industrial fire or burglary agent, the department may issue a temporary license:
- 1. To the executor or administrator of the estate of a deceased individual licensed and appointed as a personal lines agent at the time of death;
- 2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified. Any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or
- 3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.732 and who is appointed to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or indirectly solicit, negotiate, or effect contracts of insurance has successfully sat for the required examination prior to

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termination of the 6-month period.

Section 19. Subsection (1) and paragraph (e) of subsection (2) of section 626.221, Florida Statutes, are amended to read: 626.221 Examination requirement; exemptions.—

- (1) The department <u>may shall</u> not issue any license as agent or adjuster to any individual who has not qualified for, taken, and passed to the satisfaction of the department a written examination of the scope prescribed in s. 626.241.
- (2) However, an examination is not necessary for any of the following:
- (e) An applicant who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster and who files if an application for an all-lines adjuster license licensure is filed with the department within 48 months after following the date of cancellation or expiration of the prior appointment.

Section 20. Paragraph (d) of subsection (3) of section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education requirements.-

(3) Each licensee except a title insurance agent must complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and

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include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

- (d) An individual who holds a license as a customer representative, limited customer representative, motor vehicle physical damage and mechanical breakdown insurance agent, or an industrial fire insurance or burglary insurance agent and who is not a licensed life or health agent, must also complete a minimum of 5 hours of continuing education courses every 2 years.
- Section 21. Paragraphs (b) and (f) of subsection (1) of section 626.321, Florida Statutes, are amended to read:
 - 626.321 Limited licenses.-

(1) The department shall issue to a qualified applicant a license as agent authorized to transact a limited class of business in any of the following categories of limited lines

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insurance:

- License covering only industrial fire insurance or burglary insurance.—

 License covering only industrial fire insurance or burglary insurance. The applicant for such a license must pass a written examination covering such insurance. A licensee under this paragraph may not hold a license as an agent for any other or additional kind or class of insurance coverage except for life insurance and health insurance. Effective July 1, 2019, all licensees holding such limited license and appointment may renew the license and appointment, but no new or additional licenses may be issued pursuant to this paragraph, and a licensee whose limited license under this paragraph has been terminated, suspended, or revoked may not have such license reinstated.
- (f) Crop hail and multiple-peril crop insurance.—License for insurance covering crops subject to unfavorable weather conditions, fire or lightening, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils which is provided by the private insurance market, or which is subsidized by the Federal Group Insurance Corporation including multi-peril crop insurance. Notwithstanding any other provision of law, the limited license may be issued to a bona fide salaried employee of an association chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001 et seq., who satisfactorily completes the examination prescribed by the department pursuant to s. 626.241(5). The agent must be

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appointed by, and his or her limited license requested by, a licensed general lines agent. All business transacted by the agent must be on behalf of, in the name of, and countersigned by the agent by whom he or she is appointed. Sections 626.561 and 626.748, relating to records, apply to all business written pursuant to this section. The licensee may be appointed by and licensed for only one general lines agent or agency.

Section 22. Subsection (1) of section 626.471, Florida Statutes, is amended to read:

626.471 Termination of appointment.

appointing entity may terminate its appointment of any appointee at any time. Except when termination is upon a ground which would subject the appointee to suspension or revocation of his or her license and appointment under s. 626.611 or s. 626.621, and except as provided by contract between the appointing entity and the appointee, the appointing entity shall give at least 60 days' advance written notice of its intention to terminate such appointment to the appointee, either by delivering the notice delivery thereof to the appointee in person, or by sending it via electronic mail or mailing it, postage prepaid, addressed to the appointee at his or her last e-mail or mailing address of record with the appointing entity. Notice so mailed shall be deemed to have been given when deposited in a United States Postal Service mail depository.

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Section 23. Section 626.536, Florida Statutes, is amended to read:

days after the final disposition of an administrative action taken against a licensee or insurance agency by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee or insurance agency must submit a copy of the order, consent to order, or other relevant legal documents to the department. The department may adopt rules to administer this section.

Section 24. Subsection (7) is added to section 626.6215, Florida Statutes, to read:

626.6215 Grounds for discretionary refusal, suspension, or revocation of insurance agency license.—The department may, in its discretion, deny, suspend, revoke, or refuse to continue the license of any insurance agency if it finds, as to any insurance agency or as to any majority owner, partner, manager, director, officer, or other person who manages or controls such insurance agency, that any one or more of the following applicable grounds exist:

(7) If a license to practice or to conduct any regulated profession, business, or vocation has been denied, suspended, or revoked or has had any other adverse administrative action taken

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against it by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

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Section 25. Section 626.729, Florida Statutes, is amended to read:

626.729 "Industrial fire insurance" defined.—For the purposes of this code, "industrial fire insurance" is insurance against loss by fire of either buildings and other structures or contents, which may include extended coverage; windstorm insurance; basic limits owners, landlords, or tenants liability insurance with single limits of \$25,000; comprehensive personal liability insurance with a single limit of \$25,000; or burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than \$50,000, including the contents of such buildings and other structures, and the insurer issuing such policy is operating under a system of collecting a debit by its agents. A temporary license for an industrial fire or burglary agent issued pursuant to s. 626.175 shall be solely for the purpose of collecting premiums and servicing in-force policies, and such licensee shall not directly or indirectly solicit, negotiate, or effect contracts of insurance.

Section 26. Subsection (9) of section 626.8437, Florida Statutes, is amended to read:

626.8437 Grounds for denial, suspension, revocation, or

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refusal to renew license or appointment.—The department shall deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it shall suspend or revoke the eligibility to hold a license or appointment of such person, if it finds that as to the applicant, licensee, appointee, or any principal thereof, any one or more of the following grounds exist:

(9) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of the Florida Insurance Code this act.

Section 27. Subsection (2) of section 626.844, Florida Statutes, is amended to read:

626.844 Grounds for discretionary refusal, suspension, or revocation of license or appointment.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it may suspend or revoke the eligibility to hold a license or appointment of any such title insurance agent or agency if it finds that as to the applicant or licensee or appointee, or any principal thereof, any one or more of the following grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.8437:

(2) Violation of any provision of the Florida Insurance

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Code this act in the course of dealing under the license or appointment.

Section 28. Paragraph (e) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 626.8732, Florida Statutes, are amended to read:

626.8732 Nonresident public adjuster's qualifications, bond.—

- (1) The department shall, upon application therefor, issue a license to an applicant for a nonresident public adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:
- (e) Has been licensed and employed as a public adjuster in the applicant's state of residence on a continual basis for the past 6 months year, or, if the applicant's state of residence does not issue licenses to individuals who act as public adjusters, the applicant has been licensed and employed as a resident insurance company or independent adjuster, or employed as a public adjuster, in his or her state of residence or any other state on a continual basis for the past year.
- (2) The applicant shall furnish the following with his or her application:
- (b) If currently licensed as a resident public adjuster in the applicant's state of residence, a certificate or letter of authorization from the licensing authority of the applicant's state of residence, stating that the applicant holds a current

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or comparable license to act as a public adjuster and has held the license continuously for the past 6 months year. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

(c) If the applicant's state of residence does not require licensure as a public adjuster and the applicant has been licensed as a resident insurance adjuster in his or her state of residence or any other state, a certificate or letter of authorization from the licensing authority stating that the applicant holds or has held a license to act as such an insurance adjuster and has held the license continuously for the past 6 months year. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether or not the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

Section 29. Subsection (1) of section 633.216, Florida

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Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.312(2), and (3), and (4), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that

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have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

Section 30. Subsection (5) of section 627.7015, Florida Statutes, is amended to read:

- 627.7015 Alternative procedure for resolution of disputed property insurance claims.—
- mediation conference shall be deemed to be settlement negotiations in anticipation of litigation within the scope of s. 90.408. The insurer must report the settlement obtained through mediation, including the settlement amount, to all parties within 10 days after the conclusion of the mediation conference. All parties to the mediation must negotiate in good faith and must have the authority to immediately settle the claim. Mediators are deemed to be agents of the department and shall have the immunity from suit provided in s. 44.107.

Section 31. Subsection (1) of section 648.49, Florida Statutes, is amended to read:

- 648.49 Duration of suspension or revocation.-
- (1) The department shall, in its order suspending a license or appointment or in its order suspending the eligibility of a person to hold or apply for a license or appointment, specify the period during which the suspension is to be in effect, but such period may not exceed 2 years. The license, or appointment, or and eligibility to hold or apply for

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a license or appointment remains shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, before the prior to expiration of the suspension period. A license or appointment that which has been suspended may not be reinstated, nor shall the eligibility to hold such license or appointment be reinstated, except upon the filing and approval of an application request for such reinstatement, but the department may not approve an application for grant such reinstatement if it finds that the circumstances for which the license or appointment was suspended still exist or are likely to recur. In each case involving suspension, the department has the discretion to require the former licensee to successfully complete a basic certification course in the criminal justice system, consisting of not less than 80 hours approved by the department.

Section 32. Subsection (8) of section 717.124, Florida Statutes, is renumbered as subsection (11), and a new subsection (8) and subsections (9) and (10) are added to that section, to read:

- 717.124 Unclaimed property claims.
- (8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at \$2,000 or less, after being received by the department and

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926	added to the unclaimed property database, may be disbursed to an							
927	apparent owner after the department has verified that the							
928	apparent owner is living and that the apparent owner's current							
929	address is correct. The department shall include with the							
930	payment a notification and explanation of the dollar amount, the							
931	source, and the property type of each account included in the							
932	disbursement. The department may adopt rules to implement this							
933	subsection.							
934	(9)(a) Notwithstanding any other provision of this							
935	chapter, the department may develop and implement a verification							
936	and disbursement process by which an account, after being							
937	received by the department and added to the unclaimed property							
938	database, for which the apparent owner entity is:							
939	1. A state agency in this state or a subdivision or							
940	successor agency thereof;							
941	2. A county government in this state or a subdivision							
942	thereof;							
943	3. A public school district in this state or a subdivision							
944	thereof;							
945	4. A municipality in this state or a subdivision thereof;							
946	<u>or</u>							
947	5. A special taxing district or authority in this state,							
948								
949	may be disbursed to the apparent owner entity or successor							
950	entity. The department shall include with the payment a							

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notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement.

(b) The department may adopt rules to implement this subsection.

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(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a registered claimant's representative or a buyer of unclaimed property may electronically submit to the department an electronic image of a completed claim and claims-related documents pursuant to this chapter, including a limited power of attorney or purchase agreement that has been manually signed and dated by a claimant or seller pursuant to s. 717.135 or s. 717.1351, after the claimant's representative or the buyer of unclaimed property receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a registered claimant's representative or a buyer of unclaimed property must include a statement by the claimant's representative or the buyer of unclaimed property attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant's representative or the buyer of unclaimed property. All original documents must be kept in the original form, by claim number, under the secure control of the claimant's representative or the buyer of unclaimed property and must be available for inspection

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976	by the department in accordance with s. 717.1315. The department						
977	may adopt rules to implement this subsection.						
978	Section 33. Section 626.521, Florida Statutes, is						
979	repealed.						
980	Section 34. Section 626.7355, Florida Statutes, is						
981	repealed.						
982	Section 35. Paragraph (a) of subsection (1) of section						
983	626.022, Florida Statutes, is amended to read:						
984	626.022 Scope of part						
985	(1) This part applies as to insurance agents, service						
986	representatives, adjusters, and insurance agencies; as to any						
987	and all kinds of insurance; and as to stock insurers, mutual						
988	insurers, reciprocal insurers, and all other types of insurers,						
989	except that:						
990	(a) It does not apply as to reinsurance, except that ss.						
991	626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.						
992	626.291-626.301, s. 626.331, <u>ss. 626.342-626.511</u> ss. 626.342-						
993	626.521 , ss. 626.541-626.591, and ss. 626.601-626.711 shall						
994	apply as to reinsurance intermediaries as defined in s.						
995	626.7492.						
996	Section 36. Subsection (4) of section 626.025, Florida						
997	Statutes, is amended to read:						
998	626.025 Consumer protections.—To transact insurance,						
999	agents shall comply with consumer protection laws, including the						
1000	following, as applicable:						

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1001	(4) The	submissio	n of	credit	and	charact	er ı	cepo	rts,	as
1002	required by s. 626.171 or s. 626.521 .									
1003	Section	37. This	act s	shall ta	ake e	effect J	uly	1,	2019.	

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