

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Clemons offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 344 and 345, insert:

6 Section 10. Subsection (7) is added to section 497.459,
7 Florida Statutes, to read:

8 497.459 Cancellation of, or default on, preneed contracts;
9 required notice.-

10 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.

11 (a) To ensure the performance of unfulfilled preneed
12 contracts, upon the occurrence of the earliest of any of the
13 following events, a preneed licensee shall provide to the
14 purchaser or to the beneficiary's legally authorized person
15 written notice of the preneed licensee's intent to distribute
16 funds in accordance with the terms of the preneed contract, if

Amendment No. 4

17 any obligation of the preneed licensee remains to be fulfilled
18 under the contract:

19 1. Fifty years after the date of execution of the preneed
20 contract by the purchaser.

21 2. The beneficiary of the preneed contract attains the age
22 of 105 years of age or older.

23 3. The social security number of the beneficiary of the
24 preneed contract, as shown on the contract, is contained within
25 the United States Social Security Administration Death Master
26 File.

27 (b)1. The notice in paragraph (a) must be provided by
28 certified mail, registered mail, or permitted delivery service,
29 return receipt requested, to the last known mailing address of
30 the purchaser or the beneficiary's legally authorized person,
31 whichever is applicable, as provided to the preneed licensee. If
32 the notice is returned as undeliverable within 30 calendar days
33 after the trustee sent the notice, the trustee shall perform a
34 diligent search and inquiry to obtain a different address for
35 the purchaser or the beneficiary's legally authorized person,
36 whichever is applicable. For purposes of this subparagraph, any
37 address known and used by the purchaser or the beneficiary's
38 legally authorized person, whichever is applicable, for sending
39 regular mailings or other communications from the purchaser or
40 the beneficiary's legally authorized person, whichever is
41 applicable, to the licensee or any address produced through a

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Amendment No. 4

42 current address service or searchable database shall be included
43 with other addresses produced from the diligent search and
44 inquiry, if any. If the trustee's diligent search and inquiry
45 produces an address different from the notice address, the
46 trustee shall mail a copy of the notice by certified mail,
47 registered mail, or permitted delivery service, return receipt
48 requested, to any and all addresses produced as a result of the
49 diligent search and inquiry.

50 2. If the purchaser or the beneficiary's legally
51 authorized person, whichever is applicable, fails to respond to
52 such notice within 120 days after delivery of the last mailed
53 notice under subparagraph 1., the funds held in trust must be
54 distributed in accordance with the terms of the preneed
55 contract, the trust agreement, and any applicable provisions of
56 chapter 717.

57 (c) This subsection does not affect a purchaser's rights to
58 cancel the preneed contract and receive a refund or a licensee's
59 obligations to refund established by this chapter.

60 (d) The licensing authority shall have authority to adopt
61 rules for the review and approval of notice forms used by
62 licensees to provide notice under this subsection.

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66 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1393 (2019)

Amendment No. 4

67 Remove line 25 and insert:
68 contracts; amending s. 497.459, F.S.; authorizing preneed
69 licensees, under certain circumstances, to provide certain
70 persons with a written notice of intent to distribute funds
71 under the preneed contract; specifying where such notice must be
72 sent; providing that funds held in trust must be distributed in
73 accordance with the contract terms if certain persons fail to
74 respond to the notice within a certain timeframe; providing
75 construction; amending s. 497.464, F.S.; revising the