

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 17.56, F.S.; requiring the
4 Division of Treasury to maintain certain warrants
5 rather than turning them over to the Division of
6 Accounting and Auditing; creating s. 497.1565, F.S.;
7 providing requirements for licensed funeral
8 establishments and cemeteries; amending s. 497.263,
9 F.S.; revising the requirements for cemetery companies
10 licenses; amending s. 497.266, F.S.; conforming
11 provisions to changes made by the act; amending s.
12 497.376, F.S.; providing requirements for a
13 combination license as funeral director and embalmer;
14 amending s. 497.377, F.S.; revising the requirements
15 for combination funeral director and embalmer
16 internships; amending s. 497.380, F.S.; revising the
17 requirements for a funeral establishment; amending s.
18 497.385, F.S.; revising the requirements for a
19 licensed embalming facility; amending s. 497.452,
20 F.S.; revising the applicability of specified
21 provisions related to cemeteries; amending s. 497.453,
22 F.S.; providing reporting requirements for certain
23 preneed licensees; amending s. 497.458, F.S.; revising
24 the requirements for the disposition of proceeds
25 received on preneed contracts; amending s. 497.464,

26 F.S.; revising the requirements of certain preneed
27 contracts; amending s. 497.604, F.S.; revising the
28 requirements for a direct disposal establishment;
29 amending s. 497.606, F.S.; revising the requirements
30 for a cinerator facility; amending s. 633.218, F.S.;
31 deleting a provision that requires the identification
32 of specified buildings or space for firesafety
33 purposes; amending s. 633.312, F.S.; providing
34 requirements for a firesafety inspection report;
35 requiring the State Fire Marshal to adopt rules;
36 amending s. 633.520, F.S.; requiring the Division of
37 State Fire Marshal to adopt rules to establish cancer
38 prevention best practices; amending s. 626.175, F.S.;
39 revising the requirements for a specified nonrenewable
40 temporary license; revising the types of nonrenewable
41 temporary licenses issued by the Department of
42 Financial Services; amending s. 626.221, F.S.;
43 revising the language relating to an exemption from
44 examination for specified license applicants under
45 certain circumstances; amending s. 626.2815, F.S.;
46 deleting provisions requiring certain licensed
47 customer representatives and insurance agents to
48 complete continuation education courses; amending s.
49 626.321, F.S.; revising the requirements for certain
50 lines insurance licenses; prohibiting issuance or

51 reinstatement of certain lines insurance licenses
52 beginning on a specified date; amending s. 626.471,
53 F.S.; revising the method of delivery of certain
54 notice; amending s. 626.536, F.S.; deleting provisions
55 relating to reporting administrative actions taken
56 against an insurance agency; amending s. 626.6215,
57 F.S.; providing additional grounds for which the
58 department may take specified action against the
59 license of an insurance agency; amending s. 626.729,
60 F.S.; redefining the term "industrial fire insurance";
61 amending ss. 626.8437 and 626.844, F.S.; specifying
62 grounds for certain administrative actions against
63 licenses or appointments of specified insurance agents
64 or agencies; amending s. 626.8732, F.S.; revising the
65 requirements for nonresident public adjuster's
66 licenses; amending s. 648.49, F.S.; requiring the
67 department to meet certain requirements when
68 suspending a person's eligibility to apply for a
69 license or appointment; revising methods for
70 reinstatement of a license, an appointment, or certain
71 eligibility; amending s. 717.123, F.S.; revising the
72 amount that the Department of Financial Services may
73 retain from specified funds; amending s. 717.124,
74 F.S.; providing disbursement processes for unclaimed
75 property claims; providing rulemaking authority;

76 | repealing ss. 626.521 and 626.7355, F.S., relating to
 77 | credit and character reports and to a temporary
 78 | license as customer representative pending
 79 | examination, respectively; amending ss. 626.022 and
 80 | 626.025, F.S.; conforming cross-references; providing
 81 | an effective date.

82 |

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

84 |

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

87 | 17.56 Division of Treasury to maintain ~~turn over to the~~
 88 | ~~Division of Accounting and Auditing~~ all warrants paid.—The
 89 | Division of Treasury shall maintain ~~turn over to the Division of~~
 90 | ~~Accounting and Auditing~~ all warrants drawn by the Chief
 91 | Financial Officer ~~or the Comptroller~~ and paid by the Division of
 92 | Treasury for 10 years after the date on which a warrant was
 93 | presented for payment. ~~The warrants shall be turned over as soon~~
 94 | ~~as the Division of Treasury shall have recorded such warrants~~
 95 | ~~and charged the same against the accounts upon which such~~
 96 | ~~warrants are drawn.~~

97 | Section 2. Section 497.1565, Florida Statutes, is created
 98 | to read:

99 | 497.1565 Requirements for establishment or facility
 100 | licensee.—As required under this chapter, each licensed

101 establishment or facility must have a full-time licensee in
 102 charge, who must have an active license. A licensee may serve as
 103 the licensee in charge for no more than four licensed
 104 establishments or facilities, as long as the two farthest
 105 locations are no more than 75 miles apart, as measured in a
 106 straight line.

107 Section 3. Paragraph (a) of subsection (3) of section
 108 497.263, Florida Statutes, is amended to read:

109 497.263 Cemetery companies; license required; licensure
 110 requirements and procedures.—

111 (3) ACTION CONCERNING APPLICATIONS.—If the licensing
 112 authority finds that the applicant meets the criteria
 113 established in subsection (2), the applicant shall be notified
 114 that a license will be issued when all of the following
 115 conditions are satisfied:

116 (a) The establishment of a care and maintenance trust fund
 117 containing not less than \$50,000 has been certified by a state
 118 or national trust company ~~operating pursuant to chapter 660,~~ a
 119 state or national bank holding trust powers, or a savings and
 120 loan association holding trust powers as provided in s. 497.458,
 121 pursuant to a trust agreement approved by the licensing
 122 authority. The \$50,000 required for the care and maintenance
 123 trust fund shall be over and above the \$50,000 net worth
 124 required by subsection (2).

125 Section 4. Subsection (1) of section 497.266, Florida

126 Statutes, is amended to read:

127 497.266 Care and maintenance trust fund; remedy of
128 department for noncompliance.—

129 (1) A ~~No~~ cemetery company may not establish a cemetery, or
130 operate a cemetery if already established, without providing for
131 the future care and maintenance of the cemetery, for which a
132 care and maintenance trust fund shall be established, to be
133 known as "the care and maintenance trust fund of" The
134 trust fund shall be established with a state or national trust
135 company ~~operating pursuant to chapter 660~~, with a state or
136 national bank holding trust powers, or with a federal or state
137 savings and loan association holding trust powers. Trust funds
138 which are with a state or national bank or savings and loan
139 association licensed in this state on October 1, 1993, shall
140 remain in force; however, when the amount of any such trust fund
141 exceeds the amount that is insured by an agency of the Federal
142 Government, the cemetery company shall transfer that trust fund
143 to a state or national trust company ~~operating pursuant to~~
144 ~~chapter 660~~, to a state or national bank holding trust powers,
145 or to a federal or state savings and loan association holding
146 trust powers.

147 Section 5. Section 497.376, Florida Statutes, is amended
148 to read:

149 497.376 License as funeral director and embalmer
150 permitted.—

151 (1) This chapter does not prohibit a person from holding a
 152 license as an embalmer and a license as a funeral director at
 153 the same time. There may be issued and renewed by the licensing
 154 authority a combination license as both funeral director and
 155 embalmer to persons meeting the separate requirements for both
 156 licenses as set forth in this chapter. The licensing authority
 157 may adopt rules providing procedures for applying for and
 158 renewing such combination license. The licensing authority may
 159 by rule establish application, renewal, and other fees for such
 160 combination license, which fees may ~~shall~~ not exceed the sum of
 161 the maximum fees for the separate funeral director and embalmer
 162 license categories as provided in this chapter. A person ~~Persons~~
 163 holding a combination license as a funeral director and an
 164 embalmer is ~~shall be~~ subject to regulation under this chapter
 165 both as a funeral director and an embalmer.

166 (2) Except as provided in s. 497.377, an applicant for a
 167 combination license as both a funeral director and an embalmer
 168 must hold the educational credentials required for licensure of
 169 a funeral director under s. 497.373(1)(d).

170 Section 6. Section 497.377, Florida Statutes, is amended
 171 to read:

172 497.377 Combination funeral directors and embalmers;
 173 ~~Concurrent~~ internships.-

174 (1) The internship requirements ~~requirement~~ for a
 175 combination license as both funeral director and embalmer

176 ~~embalmers and funeral directors~~ may be served concurrently
177 pursuant to rules adopted by the licensing authority.

178 (2) (a) An applicant who has not completed the educational
179 credentials required for a combination license as both funeral
180 director and embalmer is eligible for licensure as a combination
181 funeral director and embalmer intern if the applicant:

182 1. Is currently enrolled in and attending a college
183 accredited by the American Board of Funeral Service Education
184 (ABFSE) in a course of study in mortuary science accredited by
185 ABFSE.

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

189 3. Has taken and received a passing grade in a college
190 credit course in mortuary law or funeral service law and has
191 taken and received a passing grade in a college credit course in
192 ethics.

193 (b) An application for a combination funeral director and
194 embalmer intern license must include the name and address of the
195 funeral director licensed under s. 497.373 or s. 497.374(1) and
196 the embalmer licensed under s. 497.368 or s. 497.369 under whose
197 supervision the intern will receive training and the name of the
198 licensed funeral establishment at which the training will be
199 conducted.

200 (c) A combination funeral director and embalmer intern may

201 perform only the tasks, functions, and duties relating to
202 funeral directing and embalming which are performed under the
203 direct supervision of a licensed funeral director who has an
204 active, valid license under s. 497.373 or s. 497.374(1) and an
205 embalmer who has an active, valid license under s. 497.368 or s.
206 497.369. However, a combination funeral director and embalmer
207 intern may perform such tasks, functions, and duties under the
208 general supervision of a licensed funeral director and embalmer
209 upon graduation from a college accredited by ABFSE with a degree
210 as specified in s. 497.373(1)(d) and upon passage of the
211 examination required under s. 497.373(2)(b) if the funeral
212 director in charge of the internship training establishment,
213 after 6 months of direct supervision, certifies to the licensing
214 authority that the intern is competent to complete the
215 internship under general supervision.

216 (d)1. A combination funeral director and embalmer intern
217 license expires 1 year after issuance and, except as provided in
218 subparagraph 2., may not be renewed.

219 2. The licensing authority may adopt rules that allow a
220 combination funeral director and embalmer intern to renew her or
221 his combination funeral director and embalmer intern license for
222 an additional 1 year if the combination funeral director and
223 embalmer intern demonstrates her or his failure to complete the
224 internship before expiration of the license due to illness,
225 personal injury, or other substantial hardship beyond her or his

226 reasonable control or demonstrates that she or he has completed
227 the requirements for licensure as a combination funeral director
228 and embalmer but is awaiting the results of a licensure
229 examination.

230 Section 7. Subsection (7) of section 497.380, Florida
231 Statutes, is amended to read:

232 497.380 Funeral establishment; licensure; display of
233 license.-

234 (7) (a) The supervision of a ~~Each licensed~~ funeral
235 establishment is subject to s. 497.1565 ~~shall have one full-time~~
236 ~~funeral director in charge and shall have a licensed funeral~~
237 ~~director reasonably available to the public during normal~~
238 ~~business hours for the establishment. The full-time funeral~~
239 ~~director in charge is responsible for ensuring that the~~
240 ~~facility, its operation, and all persons employed in the~~
241 ~~facility comply with all applicable state and federal laws and~~
242 ~~rules. The full-time funeral director in charge must have an~~
243 ~~active license and may not be the full-time funeral director in~~
244 ~~charge of any other funeral establishment or of any other direct~~
245 ~~disposal establishment.~~

246 (b) ~~Effective October 1, 2010,~~ The full-time funeral
247 director in charge must hold an active, valid embalmer license
248 or combination license as a funeral director and an embalmer.
249 However, a funeral director may serve as funeral director in
250 charge without an embalmer license or combination license if the

251 establishment does not have an embalming room or refrigeration
252 facility on site or may continue as the full-time funeral
253 director in charge without an embalmer or combination license
254 if, as of September 30, 2010:

255 1.(a) The funeral establishment and the funeral director
256 both have active, valid licenses.

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

259 3.(e) The name of the funeral director was included, as
260 required in subsection (4), in the funeral establishment's most
261 recent application for issuance or renewal of its license or was
262 included in the establishment's report of change provided under
263 paragraph (12) (c).

264 Section 8. Paragraph (b) of subsection (2) of section
265 497.385, Florida Statutes, is amended to read:

266 497.385 Removal services; refrigeration facilities;
267 centralized embalming facilities.—In order to ensure that the
268 removal, refrigeration, and embalming of all dead human bodies
269 is conducted in a manner that properly protects the public's
270 health and safety, the licensing authority shall adopt rules to
271 provide for the licensure of removal services, refrigeration
272 facilities, and centralized embalming facilities operated
273 independently of funeral establishments, direct disposal
274 establishments, and cinerator facilities.

275 (2) CENTRALIZED EMBALMING FACILITIES.—In order to ensure

276 that all funeral establishments have access to embalming
 277 facilities that comply with all applicable health and safety
 278 requirements, the licensing authority shall adopt rules to
 279 provide for the licensure and operation of centralized embalming
 280 facilities and shall require, at a minimum, the following:

281 (b) Each licensed centralized embalming facility must
 282 shall have an at least one full-time embalmer in charge, subject
 283 to s. 497.1565. The full-time embalmer in charge must have an
 284 ~~active license and may not be the full-time embalmer in charge,~~
 285 ~~full-time funeral director in charge, or full-time direct~~
 286 ~~disposer in charge of any other establishment licensed under~~
 287 ~~this chapter.~~

288 Section 9. Paragraph (b) of subsection (2) of section
 289 497.452, Florida Statutes, is amended, and paragraph (a) of that
 290 subsection is republished, to read:

291 497.452 Preneed license required.—

292 (2) (a) No person may receive any funds for payment on a
 293 preneed contract who does not hold a valid preneed license.

294 (b) ~~The provisions of~~ Paragraph (a) does ~~de~~ not apply to a
 295 state or national trust company operating pursuant to chapter
 296 ~~660,~~ to a national or state bank holding trust powers, or to a
 297 federal or state savings and loan association having trust
 298 powers which company, bank, or association receives any money in
 299 trust pursuant to the sale of a preneed contract.

300 Section 10. Subsection (8) of section 497.453, Florida

301 Statutes, is amended to read:

302 497.453 Application for preneed license, procedures and
303 criteria; renewal; reports.-

304 (8) ANNUAL TRUST REPORTS.-

305 (a) On or before April 1 of each year, the preneed
306 licensee shall file in the form prescribed by rule a full and
307 true statement as to the activities of any trust established by
308 it pursuant to this part for the preceding calendar year.

309 (b) Any preneed licensee or group of preneed licensees
310 under common control that in aggregate sold in this state 15,000
311 or more preneed contracts in the preceding year shall
312 additionally comply with this paragraph.

313 1. As to each year, which is referred to in this paragraph
314 as "Year 1," in which any preneed licensee or group of preneed
315 licensees under common control in aggregate sell in this state
316 15,000 or more preneed contracts, the licensee or licensees
317 shall, during the following year, which is referred to in this
318 paragraph as "Year 2":

319 a. Prepare in regard to each such licensee a report of
320 preneed operations in this state in Year 1, on a form prescribed
321 by department rule;

322 b. Cause and pay for the report to be audited by an
323 independent certified public accounting firm concerning the
324 accuracy and fairness of the presentation of the data provided
325 in the report; and

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 11. 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 state or national trust company operating ~~pursuant to chapter~~
343 ~~660~~, with a national or state bank holding trust powers, or with
344 a federal or state savings and loan association holding trust
345 powers.

346 Section 12. Subsection (2) of section 497.464, Florida
347 Statutes, is amended to read:

348 497.464 Alternative preneed contracts.—

349 (2) The contract must require that a trust be established
350 by the preneed licensee on behalf of, and for the use, benefit,

351 and protection of, the purchaser and that the trustee must be a
 352 national or state trust company ~~operating pursuant to chapter~~
 353 ~~660~~, a national or state bank holding trust powers, or a federal
 354 or state savings and loan association holding trust powers.

355 Section 13. Subsection (8) of section 497.604, Florida
 356 Statutes, is amended to read:

357 497.604 Direct disposal establishments, license required;
 358 licensing procedures and criteria; license renewal; regulation;
 359 display of license.—

360 (8) SUPERVISION OF FACILITIES.—

361 (a) ~~Effective October 1, 2010~~, Each direct disposal
 362 establishment shall have a ~~one full-time licensed~~ funeral
 363 director ~~acting as the direct disposer~~ in charge, subject to s.
 364 497.1565.

365 (b) ~~However~~, A licensed direct disposer may continue
 366 acting as the direct disposer in charge, if, as of September 30,
 367 2010:

368 1. The direct disposal establishment and the licensed
 369 direct disposer both have active, valid licenses.

370 2. The licensed direct disposer is currently acting as the
 371 direct disposer in charge of the direct disposal establishment.

372 3. The name of the licensed direct disposer was included,
 373 as required in paragraph (2)(c), in the direct disposal
 374 establishment's most recent application for issuance or renewal
 375 of its license or was included in the establishment's notice of

376 change provided under subsection (7).

377 ~~(b) The licensed funeral director or licensed direct~~
 378 ~~disposer in charge of a direct disposal establishment must be~~
 379 ~~reasonably available to the public during normal business hours~~
 380 ~~for the establishment and may be in charge of only one direct~~
 381 ~~disposal establishment. The licensed funeral director or~~
 382 ~~licensed direct disposer in charge of the establishment is~~
 383 ~~responsible for making sure the facility, its operations, and~~
 384 ~~all persons employed in the facility comply with all applicable~~
 385 ~~state and federal laws and rules.~~

386 Section 14. Subsection (8) of section 497.606, Florida
 387 Statutes, is amended to read:

388 497.606 Cinerator facility, licensure required; licensing
 389 procedures and criteria; license renewal; regulation.—

390 (8) SUPERVISION OF FACILITIES.—Each cinerator facility
 391 shall have a ~~one full-time~~ licensed direct disposer or licensed
 392 funeral director in charge ~~for that facility. Such person may be~~
 393 ~~in charge of only one facility. Such licensed funeral director~~
 394 ~~or licensed direct disposer shall be responsible for making sure~~
 395 ~~the facility, its operations, and all persons employed in the~~
 396 ~~facility comply with all applicable state and federal laws and~~
 397 ~~rules.~~

398 Section 15. Paragraph (f) of subsection (1) of section
 399 633.218, Florida Statutes, is amended, and paragraphs (a)
 400 through (e) of that subsection are republished, to read:

401 633.218 Inspections of state buildings and premises; tests
402 of firesafety equipment; building plans to be approved.—

403 (1) (a) It is the duty of the State Fire Marshal and her or
404 his agents to inspect, or cause to be inspected, each state-
405 owned building on a recurring basis established by rule, and to
406 ensure that high-hazard occupancies are inspected at least
407 annually, for the purpose of ascertaining and causing to be
408 corrected any conditions liable to cause fire or endanger life
409 from fire and any violation of the firesafety standards for
410 state-owned buildings, this chapter, or the rules adopted
411 pursuant hereto. The State Fire Marshal shall, within 7 days
412 following an inspection, submit a report of such inspection to
413 the head of the state agency responsible for the building.

414 (b) Except as provided in s. 255.45, the department head
415 is responsible for ensuring that deficiencies noted in the
416 inspection are corrected as soon as practicable.

417 (c) Each department shall, in its annual budget proposal,
418 include requests for sufficient funds to correct any firesafety
419 deficiencies noted by the State Fire Marshal.

420 (d) Each department shall, in its annual budget proposal
421 and for all proposals for new construction or renovations to
422 existing structures, include requests for sufficient funds to
423 pay for any charges or fees imposed by the State Fire Marshal
424 for review of plans, renovations, occupancy, or inspections,
425 whether recurring or high hazard.

426 (e) For purposes of this section:

427 1.a. The term "high-hazard occupancy" means any building
428 or structure:

429 (I) That contains combustible or explosive matter or
430 flammable conditions dangerous to the safety of life or
431 property;

432 (II) At which persons receive educational instruction;

433 (III) At which persons reside, excluding private
434 dwellings; or

435 (IV) Containing three or more floor levels.

436 b. As used in this subparagraph, the phrase "building or
437 structure":

438 (I) Includes, but is not limited to, all hospitals and
439 residential health care facilities, nursing homes and other
440 adult care facilities, correctional or detention facilities,
441 public schools, public lodging establishments, migrant labor
442 camps, residential child care facilities, and self-service
443 gasoline stations.

444 (II) Does not include any residential condominium where
445 the declaration of condominium or the bylaws provide that the
446 rental of units shall not be permitted for less than 90 days.

447 2. The term "state-owned building" includes private
448 correctional facilities as defined under s. 944.710(3).

449 ~~(f) A state-owned building or state-leased building or~~
450 ~~space shall be identified through use of the United States~~

451 ~~National Grid Coordinate System.~~

452 Section 16. Subsections (4) and (5) of section 633.312,
453 Florida Statutes, are renumbered as subsections (5) and (6),
454 respectively, a new subsection (4) is added to that section, and
455 subsection (3) of that section is republished, to read:

456 633.312 Inspection of fire control systems, fire hydrants,
457 and fire protection systems.—

458 (3) The inspecting contractor shall provide to the
459 building owner or hydrant owner and the local authority having
460 jurisdiction a copy of the applicable inspection report
461 established under this chapter. The maintenance of fire hydrant
462 and fire protection systems as well as corrective actions on
463 deficient systems is the responsibility of the owner of the
464 system or hydrant. Equipment requiring periodic testing or
465 operation to ensure its maintenance shall be tested or operated
466 as specified in the Fire Prevention Code, Life Safety Code,
467 National Fire Protection Association standards, or as directed
468 by the appropriate authority, provided that such appropriate
469 authority may not require a sprinkler system not required by the
470 Fire Prevention Code, Life Safety Code, or National Fire
471 Protection Association standards to be removed regardless of its
472 condition. This section does not prohibit governmental entities
473 from inspecting and enforcing firesafety codes.

474 (4) An inspection report provided by an inspecting
475 contractor in accordance with subsection (3) must be submitted

476 pursuant to a statewide uniform set of procedures. The local
477 authority having jurisdiction may accept the contractor's
478 inspection report directly or through a third-party electronic
479 submission vendor. The State Fire Marshal shall adopt rules
480 requiring all local authorities having jurisdiction or third-
481 party vendors to follow standardized procedures, including:

482 (a) A uniform reporting format that must be used by all
483 local authorities having jurisdiction and that is designed to
484 reduce the amount of information a contractor must manually
485 input into the system.

486 (b) A set of uniform submission procedures to be used by
487 local authorities having jurisdiction or by vendors.

488
489 The rules must allow a contractor to attach additional
490 documents, including the contractor's detailed inspection
491 report, to the submission. A contractor's inspection report is
492 not required to follow a standardized format, and local
493 authority having jurisdiction or a vendor may not require a
494 contractor to enter the details of the inspection report or the
495 deficiency repair status into an electronic system.

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

498 633.520 Safety; firefighter employer responsibilities.—

499 (1) Each ~~Every~~ firefighter employer shall furnish and use
500 safety devices and safeguards, adopt and use methods and

501 processes reasonably adequate to render such an employment and
502 place of employment safe, and do every other thing reasonably
503 necessary to protect the lives, health, and safety of such
504 firefighter employees. As used in this section, the terms "safe"
505 and "safety," as applied to any employment or place of
506 employment, mean such freedom from danger as is reasonably
507 necessary for the protection of the lives, health, and safety of
508 firefighter employees, including conditions and methods of
509 sanitation and hygiene. Safety devices and safeguards required
510 to be furnished by the firefighter employer by this section or
511 by the division under authority of this section do not include
512 personal apparel and protective devices that replace personal
513 apparel normally worn by firefighter employees during regular
514 working hours.

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

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

521 626.175 Temporary licensing.—

522 (1) The department may issue a nonrenewable temporary
523 license for a period not to exceed 6 months authorizing
524 appointment of a general lines insurance agent, ~~or~~ a life agent,
525 or a personal lines ~~an industrial fire or burglary~~ agent,

526 subject to the conditions described in this section. The fees
527 paid for a temporary license and appointment shall be as
528 specified in s. 624.501. Fees paid are ~~shall~~ not ~~be~~ refunded
529 after a temporary license has been issued.

530 (a) An applicant for a temporary license must be:

531 1. A natural person at least 18 years of age.

532 2. A United States citizen or legal alien who possesses
533 work authorization from the United States Bureau of Citizenship
534 and Immigration Services.

535 (b)1. In the case of a general lines agent, the department
536 may issue a temporary license to an employee, a family member, a
537 business associate, or a personal representative of a licensed
538 general lines agent for the purpose of continuing or winding up
539 the business affairs of the agent or agency in the event the
540 licensed agent has died or become unable to perform his or her
541 duties because of military service or illness or other physical
542 or mental disability, subject to the following conditions:

543 a. No other individual connected with the agent's business
544 may be licensed as a general lines agent.

545 b. The proposed temporary licensee shall be qualified for
546 a regular general lines agent license under this code except as
547 to residence, examination, education, or experience.

548 c. Application for the temporary license shall have been
549 made by the applicant upon statements and affidavit filed with
550 the department on forms prescribed and furnished by the

551 department.

552 d. Under a temporary license and appointment, the licensee
553 may ~~shall~~ not represent any insurer not last represented by the
554 agent being replaced and may ~~shall~~ not be licensed or appointed
555 as to any additional kind, line, or class of insurance other
556 than those covered by the last existing agency appointments of
557 the replaced agent. If an insurer withdraws from the agency
558 during the temporary license period, the temporary licensee may
559 be appointed by another similar insurer but only for the period
560 remaining under the temporary license.

561 2. A regular general lines agent license may be issued to
562 a temporary licensee upon meeting the qualifications for a
563 general lines agent license under s. 626.731.

564 (c) In the case of a life agent, the department may issue
565 a temporary license:

566 1. To the executor or administrator of the estate of a
567 deceased individual licensed and appointed as a life agent at
568 the time of death;

569 2. To a surviving next of kin of the deceased individual,
570 if no administrator or executor has been appointed and
571 qualified; however, any license and appointment under this
572 subparagraph shall be canceled upon issuance of a license to an
573 executor or administrator under subparagraph 1.; or

574 3. To an individual otherwise qualified to be licensed as
575 an agent who has completed the educational or training

576 requirements prescribed in s. 626.7851 and who is appointed ~~has~~
577 ~~successfully sat for the required examination prior to~~
578 ~~termination of such 6-month period. The department may issue~~
579 ~~this temporary license only in the case of a life agent to~~
580 represent an insurer of the industrial or ordinary-combination
581 class solely for the purpose of collecting premiums and
582 servicing in-force policies. Such licensee may not directly or
583 indirectly solicit, negotiate, or effect contracts of insurance.

584 (d) In the case of a personal lines ~~limited license~~
585 ~~authorizing appointment as an industrial fire or burglary agent,~~
586 the department may issue a temporary license:

587 1. To the executor or administrator of the estate of a
588 deceased individual licensed and appointed as a personal lines
589 agent at the time of death;

590 2. To a surviving next of kin of the deceased individual,
591 if no administrator or executor has been appointed and
592 qualified. Any license and appointment under this subparagraph
593 shall be canceled upon issuance of a license to an executor or
594 administrator under subparagraph 1.; or

595 3. To an individual otherwise qualified to be licensed as
596 an agent who has completed the educational or training
597 requirements prescribed in s. 626.732 and who is appointed to
598 represent an insurer of the industrial or ordinary-combination
599 class solely for the purpose of collecting premiums and
600 servicing in-force policies. Such licensee may not directly or

601 indirectly solicit, negotiate, or effect contracts of insurance
602 ~~has successfully sat for the required examination prior to~~
603 ~~termination of the 6-month period.~~

604 Section 19. Subsection (1) and paragraph (e) of subsection
605 (2) of section 626.221, Florida Statutes, are amended to read:

606 626.221 Examination requirement; exemptions.—

607 (1) The department may ~~shall~~ not issue any license as
608 agent or adjuster to any individual who has not qualified for,
609 taken, and passed to the satisfaction of the department a
610 written examination of the scope prescribed in s. 626.241.

611 (2) However, an examination is not necessary for any of
612 the following:

613 (e) An applicant who has been licensed as an all-lines
614 adjuster and appointed as an independent adjuster or company
615 employee adjuster and who files ~~if~~ an application for an all-
616 lines adjuster license licensure is filed with the department
617 within 48 months after ~~following~~ the date of cancellation or
618 expiration of the prior appointment.

619 Section 20. Paragraph (d) of subsection (3) of section
620 626.2815, Florida Statutes, is amended to read:

621 626.2815 Continuing education requirements.—

622 (3) Each licensee except a title insurance agent must
623 complete a 5-hour update course every 2 years which is specific
624 to the license held by the licensee. The course must be
625 developed and offered by providers and approved by the

626 department. The content of the course must address all lines of
627 insurance for which examination and licensure are required and
628 include the following subject areas: insurance law updates,
629 ethics for insurance professionals, disciplinary trends and case
630 studies, industry trends, premium discounts, determining
631 suitability of products and services, and other similar
632 insurance-related topics the department determines are relevant
633 to legally and ethically carrying out the responsibilities of
634 the license granted. A licensee who holds multiple insurance
635 licenses must complete an update course that is specific to at
636 least one of the licenses held. Except as otherwise specified,
637 any remaining required hours of continuing education are
638 elective and may consist of any continuing education course
639 approved by the department under this section.

640 (d) An individual who holds a license as a customer
641 representative, ~~limited customer representative, motor vehicle~~
642 ~~physical damage and mechanical breakdown insurance agent, or an~~
643 ~~industrial fire insurance or burglary insurance agent~~ and who is
644 not a licensed life or health agent, must also complete a
645 minimum of 5 hours of continuing education courses every 2
646 years.

647 Section 21. Paragraphs (b) and (f) of subsection (1) of
648 section 626.321, Florida Statutes, are amended to read:

649 626.321 Limited licenses.—

650 (1) The department shall issue to a qualified applicant a

651 license as agent authorized to transact a limited class of
 652 business in any of the following categories of limited lines
 653 insurance:

654 (b) Industrial fire insurance or burglary insurance.—
 655 License covering only industrial fire insurance or burglary
 656 insurance. ~~The applicant for such a license must pass a written~~
 657 ~~examination covering such insurance.~~ A licensee under this
 658 paragraph may not hold a license as an agent for any other or
 659 additional kind or class of insurance coverage except for life
 660 insurance and health insurance. Effective July 1, 2019, all
 661 licensees holding such limited license and appointment may renew
 662 the license and appointment, but no new or additional licenses
 663 may be issued pursuant to this paragraph, and a licensee whose
 664 limited license under this paragraph has been terminated,
 665 suspended, or revoked may not have such license reinstated.

666 (f) Crop hail and multiple-peril crop insurance.—License
 667 for insurance covering crops subject to unfavorable weather
 668 conditions, fire or lightning ~~lightening~~, flood, hail, insect
 669 infestation, disease, or other yield-reducing conditions or
 670 perils which is provided by the private insurance market, or
 671 which is subsidized by the Federal Group Insurance Corporation
 672 including multi-peril crop insurance. Notwithstanding any other
 673 provision of law, the limited license may be issued to a bona
 674 fide salaried employee of an association chartered under the
 675 Farm Credit Act of 1971, 12 U.S.C. ss. 2001 et seq., ~~who~~

676 ~~satisfactorily completes the examination prescribed by the~~
677 ~~department pursuant to s. 626.241(5).~~ The agent must be
678 appointed by, and his or her limited license requested by, a
679 licensed general lines agent. All business transacted by the
680 agent must be on behalf of, in the name of, and countersigned by
681 the agent by whom he or she is appointed. Sections 626.561 and
682 626.748, relating to records, apply to all business written
683 pursuant to this section. The licensee may be appointed by and
684 licensed for only one general lines agent or agency.

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

687 626.471 Termination of appointment.—

688 (1) Subject to an appointee's contract rights, an
689 appointing entity may terminate its appointment of any appointee
690 at any time. Except when termination is upon a ground which
691 would subject the appointee to suspension or revocation of his
692 or her license and appointment under s. 626.611 or s. 626.621,
693 and except as provided by contract between the appointing entity
694 and the appointee, the appointing entity shall give at least 60
695 days' advance written notice of its intention to terminate such
696 appointment to the appointee, either by delivering the notice
697 ~~delivery thereof~~ to the appointee in person, or by sending it
698 via electronic mail or mailing it, postage prepaid, addressed to
699 the appointee at his or her last e-mail or mailing address of
700 record with the appointing entity. ~~Notice so mailed shall be~~

701 ~~deemed to have been given when deposited in a United States~~
 702 ~~Postal Service mail depository.~~

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

705 626.536 Reporting of administrative actions.—Within 30
 706 days after the final disposition of an administrative action
 707 taken against a licensee ~~or insurance agency~~ by a governmental
 708 agency or other regulatory agency in this or any other state or
 709 jurisdiction relating to the business of insurance, the sale of
 710 securities, or activity involving fraud, dishonesty,
 711 trustworthiness, or breach of a fiduciary duty, the licensee ~~or~~
 712 ~~insurance agency~~ must submit a copy of the order, consent to
 713 order, or other relevant legal documents to the department. The
 714 department may adopt rules to administer this section.

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

717 626.6215 Grounds for discretionary refusal, suspension, or
 718 revocation of insurance agency license.—The department may, in
 719 its discretion, deny, suspend, revoke, or refuse to continue the
 720 license of any insurance agency if it finds, as to any insurance
 721 agency or as to any majority owner, partner, manager, director,
 722 officer, or other person who manages or controls such insurance
 723 agency, that any one or more of the following applicable grounds
 724 exist:

725 (7) If a license to practice or to conduct any regulated

726 profession, business, or vocation has been denied, suspended, or
 727 revoked or has had any other adverse administrative action taken
 728 against it by this state, any other state, any nation, any
 729 possession or district of the United States, any court, or any
 730 lawful agency thereof.

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

733 626.729 "Industrial fire insurance" defined.—For the
 734 purposes of this code, "industrial fire insurance" is insurance
 735 against loss by fire of either buildings and other structures or
 736 contents, which may include extended coverage; windstorm
 737 insurance; basic limits owners, landlords, or tenants liability
 738 insurance with single limits of \$25,000; comprehensive personal
 739 liability insurance with a single limit of \$25,000; or burglary
 740 insurance, under which the premiums are collected quarterly or
 741 more often and the face amount of the insurance provided by the
 742 policy on one risk is not more than \$50,000, including the
 743 contents of such buildings and other structures, ~~and the insurer~~
 744 ~~issuing such policy is operating under a system of collecting a~~
 745 ~~debit by its agents. A temporary license for an industrial fire~~
 746 ~~or burglary agent issued pursuant to s. 626.175 shall be solely~~
 747 ~~for the purpose of collecting premiums and servicing in-force~~
 748 ~~policies, and such licensee shall not directly or indirectly~~
 749 ~~solicit, negotiate, or effect contracts of insurance.~~

750 Section 26. Subsection (9) of section 626.8437, Florida

751 Statutes, is amended to read:

752 626.8437 Grounds for denial, suspension, revocation, or
 753 refusal to renew license or appointment.—The department shall
 754 deny, suspend, revoke, or refuse to renew or continue the
 755 license or appointment of any title insurance agent or agency,
 756 and it shall suspend or revoke the eligibility to hold a license
 757 or appointment of such person, if it finds that as to the
 758 applicant, licensee, appointee, or any principal thereof, any
 759 one or more of the following grounds exist:

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

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

766 626.844 Grounds for discretionary refusal, suspension, or
 767 revocation of license or appointment.—The department may, in its
 768 discretion, deny, suspend, revoke, or refuse to renew or
 769 continue the license or appointment of any title insurance agent
 770 or agency, and it may suspend or revoke the eligibility to hold
 771 a license or appointment of any such title insurance agent or
 772 agency if it finds that as to the applicant or licensee or
 773 appointee, or any principal thereof, any one or more of the
 774 following grounds exist under circumstances for which such
 775 denial, suspension, revocation, or refusal is not mandatory

776 | under s. 626.8437:

777 | (2) Violation of any provision of the Florida Insurance
 778 | Code ~~this act~~ in the course of dealing under the license or
 779 | appointment.

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

783 | 626.8732 Nonresident public adjuster's qualifications,
 784 | bond.—

785 | (1) The department shall, upon application therefor, issue
 786 | a license to an applicant for a nonresident public adjuster's
 787 | license upon determining that the applicant has paid the
 788 | applicable license fees required under s. 624.501 and:

789 | (e) Has been licensed and employed as a public adjuster in
 790 | the applicant's state of residence on a continual basis for the
 791 | past 6 months ~~year~~, or, if the applicant's state of residence
 792 | does not issue licenses to individuals who act as public
 793 | adjusters, the applicant has been licensed and employed as a
 794 | resident insurance company or independent adjuster, or employed
 795 | as a public adjuster, in his or her state of residence or any
 796 | other state on a continual basis for the past year.

797 | (2) The applicant shall furnish the following with his or
 798 | her application:

799 | (b) If currently licensed as a resident public adjuster in
 800 | the applicant's state of residence, a certificate or letter of

801 authorization from the licensing authority of the applicant's
802 state of residence, stating that the applicant holds a current
803 or comparable license to act as a public adjuster and has held
804 the license continuously for the past 6 months ~~year~~. The
805 certificate or letter of authorization must be signed by the
806 insurance commissioner or his or her deputy or the appropriate
807 licensing official and must disclose whether the adjuster has
808 ever had any license or eligibility to hold any license
809 declined, denied, suspended, revoked, or placed on probation or
810 whether an administrative fine or penalty has been levied
811 against the adjuster and, if so, the reason for the action.

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

826 | the reason for the action.

827 | Section 29. Subsection (1) of section 648.49, Florida
828 | Statutes, is amended to read:

829 | 648.49 Duration of suspension or revocation.—

830 | (1) The department shall, in its order suspending a
831 | license or appointment or in its order suspending the
832 | eligibility of a person to hold or apply for a license or
833 | appointment, specify the period during which the suspension is
834 | to be in effect, but such period may not exceed 2 years. The
835 | license, ~~or~~ appointment, or ~~and~~ eligibility to hold or apply for
836 | a license or appointment remains ~~shall remain~~ suspended during
837 | the period so specified, subject, however, to any rescission or
838 | modification of the order by the department, or modification or
839 | reversal thereof by the court, before the ~~prior to~~ expiration of
840 | the suspension period. A license or appointment that ~~which~~ has
841 | been suspended may not be reinstated, nor shall the eligibility
842 | to hold such license or appointment be reinstated, except upon
843 | the filing and approval of an application ~~request~~ for such
844 | reinstatement, but the department may not approve an application
845 | for ~~grant~~ such reinstatement if it finds that the circumstances
846 | for which the license or appointment was suspended still exist
847 | or are likely to recur. In each case involving suspension, the
848 | department has the discretion to require the former licensee to
849 | successfully complete a basic certification course in the
850 | criminal justice system, consisting of not less than 80 hours

851 approved by the department.

852 Section 30. Subsection (1) of section 717.123, Florida
853 Statutes, is amended to read:

854 717.123 Deposit of funds.—

855 (1) All funds received under this chapter, including the
856 proceeds from the sale of unclaimed property under s. 717.122,
857 shall forthwith be deposited by the department in the Unclaimed
858 Property Trust Fund. The department shall retain, from funds
859 received under this chapter, an amount not exceeding \$30 ~~\$15~~
860 million from which the department shall make prompt payment of
861 claims allowed by the department and shall pay the costs
862 incurred by the department in administering and enforcing this
863 chapter. All remaining funds received by the department under
864 this chapter shall be deposited by the department into the State
865 School Fund.

866 Section 31. Subsection (8) of section 717.124, Florida
867 Statutes, is renumbered as subsection (11), and a new subsection
868 (8) and subsections (9) and (10) are added to that section, to
869 read:

870 717.124 Unclaimed property claims.—

871 (8) Notwithstanding any other provision of this chapter,
872 the department may develop and implement an identification
873 verification and disbursement process by which an account valued
874 at \$2,000 or less, after being received by the department and
875 added to the unclaimed property database, may be disbursed to an

876 apparent owner after the department has verified that the
877 apparent owner is living and that the apparent owner's current
878 address is correct. The department shall include with the
879 payment a notification and explanation of the dollar amount, the
880 source, and the property type of each account included in the
881 disbursement. The department may adopt rules to implement this
882 subsection.

883 (9) (a) Notwithstanding any other provision of this
884 chapter, the department may develop and implement a verification
885 and disbursement process by which an account, after being
886 received by the department and added to the unclaimed property
887 database, for which the apparent owner entity is:

888 1. A state agency in this state or a subdivision or
889 successor agency thereof;

890 2. A county government in this state or a subdivision
891 thereof;

892 3. A public school district in this state or a subdivision
893 thereof;

894 4. A municipality in this state or a subdivision thereof;
895 or

896 5. A special taxing district or authority in this state,

897
898 may be disbursed to the apparent owner entity or successor
899 entity. The department shall include with the payment a
900 notification and explanation of the dollar amount, the source,

901 and the property type of each account included in the
902 disbursement.

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

905 (10) Notwithstanding any other provision of this chapter,
906 the department may develop a process by which a registered
907 claimant's representative or a buyer of unclaimed property may
908 electronically submit to the department an electronic image of a
909 completed claim and claims-related documents pursuant to this
910 chapter, including a limited power of attorney or purchase
911 agreement that has been manually signed and dated by a claimant
912 or seller pursuant to s. 717.135 or s. 717.1351, after the
913 claimant's representative or the buyer of unclaimed property
914 receives the original documents provided by the claimant or the
915 seller for any claim. Each claim filed by a registered
916 claimant's representative or a buyer of unclaimed property must
917 include a statement by the claimant's representative or the
918 buyer of unclaimed property attesting that all documents are
919 true copies of the original documents and that all original
920 documents are physically in the possession of the claimant's
921 representative or the buyer of unclaimed property. All original
922 documents must be kept in the original form, by claim number,
923 under the secure control of the claimant's representative or the
924 buyer of unclaimed property and must be available for inspection
925 by the department in accordance with s. 717.1315. The department

926 | may adopt rules to implement this subsection.

927 | Section 32. Section 626.521, Florida Statutes, is
 928 | repealed.

929 | Section 33. Section 626.7355, Florida Statutes, is
 930 | repealed.

931 | Section 34. Paragraph (a) of subsection (1) of section
 932 | 626.022, Florida Statutes, is amended to read:

933 | 626.022 Scope of part.—

934 | (1) This part applies as to insurance agents, service
 935 | representatives, adjusters, and insurance agencies; as to any
 936 | and all kinds of insurance; and as to stock insurers, mutual
 937 | insurers, reciprocal insurers, and all other types of insurers,
 938 | except that:

939 | (a) It does not apply as to reinsurance, except that ss.
 940 | 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
 941 | 626.291-626.301, s. 626.331, ss. 626.342-626.511 ~~ss. 626.342-~~
 942 | ~~626.521~~, ss. 626.541-626.591, and ss. 626.601-626.711 shall
 943 | apply as to reinsurance intermediaries as defined in s.
 944 | 626.7492.

945 | Section 35. Subsection (4) of section 626.025, Florida
 946 | Statutes, is amended to read:

947 | 626.025 Consumer protections.—To transact insurance,
 948 | agents shall comply with consumer protection laws, including the
 949 | following, as applicable:

950 | (4) The submission of credit and character reports, as

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951 | required by s. 626.171 ~~or s. 626.521~~.

952 | Section 36. This act shall take effect July 1, 2019.