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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (f) of subsection (2) of section  
20.121, Florida Statutes, is amended to read:

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

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



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11           (f) The Division of Public Assistance Fraud, which shall  
12 function as a criminal justice agency for purposes of ss.  
13 943.045-943.08. The division shall conduct investigations  
14 pursuant to s. 414.411 within or outside of this state as it  
15 deems necessary. If, during an investigation, the division has  
16 reason to believe that any criminal law of this state has or may  
17 have been violated, it shall refer any records tending to show  
18 such violation to state or federal law enforcement or  
19 prosecutorial agencies and shall provide investigative  
20 assistance to those agencies as required.

21           Section 2. Section 284.45, Florida Statutes, is created to  
22 read:

23           284.45 Sexual harassment victims.—

24           (1) An individual working for an entity covered by the  
25 State Risk Management Trust Fund may not engage in retaliatory  
26 conduct of any kind against a sexual harassment victim. As used  
27 in this section, the term "sexual harassment victim" means an  
28 individual employed, or being considered for employment, with an  
29 entity participating in the State Risk Management Trust Fund,  
30 who becomes a victim of workplace sexual harassment through the  
31 course of employment, or while being considered for employment,  
32 with the entity.

33           (2) The willful and knowing dissemination of personal  
34 identifying information of a sexual harassment victim to any  
35 party other than a governmental entity in furtherance of its  
36 official duties or pursuant to a court order is a misdemeanor of  
37 the first degree, punishable as provided in s. 775.082. For  
38 purposes of this subsection, personal identifying information  
39 includes the name of the victim and his or her:



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- 40        (a) Home address;
- 41        (b) Home phone number;
- 42        (c) Cellular phone number;
- 43        (d) E-mail address;
- 44        (e) Social media account username or uniform resource
- 45 locator (URL); or
- 46        (f) Any other information that could reasonably be used to
- 47 identify, locate, or contact the alleged victim.

48            Section 3. Subsections (1), (2), (3), (6), and (8) of  
49 section 497.101, Florida Statutes, are amended to read:

50            497.101 Board of Funeral, Cemetery, and Consumer Services;  
51 membership; appointment; terms.—

52            (1) The Board of Funeral, Cemetery, and Consumer Services  
53 is created within the Department of Financial Services and shall  
54 consist of 10 members, 9 of whom shall be appointed by the  
55 Governor from nominations made by the Chief Financial Officer  
56 and confirmed by the Senate. The Chief Financial Officer shall  
57 nominate one to three persons for each of the nine vacancies on  
58 the board, and the Governor shall fill each vacancy on the board  
59 by appointing one of the ~~three~~ persons nominated by the Chief  
60 Financial Officer to fill that vacancy. If the Governor objects  
61 to each of the ~~three~~ nominations for a vacancy, she or he shall  
62 inform the Chief Financial Officer in writing. Upon notification  
63 of an objection by the Governor, the Chief Financial Officer  
64 shall submit one to three additional nominations for that  
65 vacancy until the vacancy is filled. One member must be the  
66 State Health Officer or her or his designee.

67            (2) Two members of the board shall be funeral directors  
68 licensed under part III of this chapter who are associated with



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69 a funeral establishment. One member of the board shall be a  
70 funeral director licensed under part III of this chapter who is  
71 associated with a funeral establishment licensed under part III  
72 of this chapter that has a valid preneed license issued pursuant  
73 to this chapter and who owns or operates a cinerator facility  
74 approved under chapter 403 and licensed under part VI of this  
75 chapter. Two members of the board shall be persons whose primary  
76 occupation is associated with a cemetery company licensed  
77 pursuant to this chapter. Two ~~Three~~ members of the board shall  
78 be consumers who are residents of the state, have never been  
79 licensed as funeral directors or embalmers, are not connected  
80 with a cemetery or cemetery company licensed pursuant to this  
81 chapter, and are not connected with the death care industry or  
82 the practice of embalming, funeral directing, or direct  
83 disposition. One of the two consumer members shall be at least  
84 60 years of age, ~~and one shall be licensed as a certified public~~  
85 ~~accountant under chapter 473.~~ One member of the board shall be a  
86 consumer who is a resident of this state; is licensed as a  
87 certified public accountant under chapter 473; has never been  
88 licensed as a funeral director or embalmer; is not a principal  
89 or employee of any licensee licensed under this chapter; and  
90 does not otherwise have control, as defined in s. 497.005, over  
91 any licensee licensed under this chapter. One member of the  
92 board shall be a principal of a monument establishment licensed  
93 under this chapter as a monument builder. One member shall be  
94 the State Health Officer or her or his designee. There shall not  
95 be two or more board members who are principals or employees of  
96 the same company or partnership or group of companies or  
97 partnerships under common control.



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98           (3) Board members shall be appointed for terms of 4 years,  
99 and the State Health Officer shall serve as long as that person  
100 holds that office. The designee of the State Health Officer  
101 shall serve at the pleasure of the Governor. ~~When the terms of~~  
102 ~~the initial board members expire, the Chief Financial Officer~~  
103 ~~shall stagger the terms of the successor members as follows: one~~  
104 ~~funeral director, one cemetery representative, the monument~~  
105 ~~builder, and one consumer member shall be appointed for terms of~~  
106 ~~2 years, and the remaining members shall be appointed for terms~~  
107 ~~of 4 years. All subsequent terms shall be for 4 years.~~

108           (6) The headquarters and records of the board shall be in  
109 the Division of Funeral, Cemetery, and Consumer Services of the  
110 Department of Financial Services in the City of Tallahassee. The  
111 board may be contacted through the Division of Funeral,  
112 Cemetery, and Consumer Services of the Department of Financial  
113 Services in the City of Tallahassee. The Chief Financial Officer  
114 shall annually appoint from among the board members a chair and  
115 vice chair of the board. The board shall meet at least every 6  
116 months, and more often as necessary. Special meetings of the  
117 board shall be convened upon the direction of the Chief  
118 Financial Officer. A quorum is necessary for the conduct of  
119 business by the board. Unless otherwise provided by law, a  
120 majority of the board members eligible to vote shall constitute  
121 a quorum for the purpose of conducting its business ~~six board~~  
122 ~~members shall constitute a quorum for the conduct of the board's~~  
123 ~~business.~~

124           ~~(8) The department shall adopt rules establishing forms by~~  
125 ~~which persons may apply for membership on the board and~~  
126 ~~procedures for applying for such membership. Such forms shall~~



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127 ~~require disclosure of the existence and nature of all current~~  
128 ~~and past employments by or contracts with, and direct or~~  
129 ~~indirect affiliations or interests in, any entity or business~~  
130 ~~that at any time was licensed by the board or by the former~~  
131 ~~Board of Funeral and Cemetery Services or the former Board of~~  
132 ~~Funeral Directors and Embalmers or that is or was otherwise~~  
133 ~~involved in the death care industry, as specified by department~~  
134 ~~rule.~~

135 Section 4. Section 497.1411, Florida Statutes, is created  
136 to read:

137 497.1411 Disqualification of applicants and licensees;  
138 penalties against licensees; rulemaking.-

139 (1) For purposes of this section, the term:

140 (a) "Applicant" means an individual applying for licensure  
141 or relicensure under this chapter, and an officer, a director, a  
142 majority owner, a partner, a manager, or other person who  
143 manages or controls an entity applying for licensure or  
144 relicensure under this chapter.

145 (b) "Felony of the first degree" and "capital felony"  
146 include all felonies designated as such in this state at the  
147 time of the commission of the offense, as well as any offense in  
148 another jurisdiction that is substantially similar to an offense  
149 so designated in this state.

150 (c) "Financial services business" means any financial  
151 activity regulated by the department, the Office of Insurance  
152 Regulation, or the Office of Financial Regulation.

153 (2) An applicant who has been found guilty of or has  
154 pleaded guilty or nolo contendere to any of the following  
155 crimes, regardless of adjudication, is permanently barred from



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156 licensure under this chapter:  
157 (a) A felony of the first degree.  
158 (b) A capital felony.  
159 (c) A felony money laundering offense.  
160 (d) A felony embezzlement.  
161 (3) An applicant who has been found guilty of or has  
162 pleaded guilty or nolo contendere to a crime not included in  
163 subsection (2), regardless of adjudication, is subject to:  
164 (a) A 10-year disqualifying period for all felonies  
165 involving moral turpitude that are not specifically included in  
166 the permanent bar contained in subsection (2).  
167 (b) A 5-year disqualifying period for all felonies to which  
168 neither the permanent bar in subsection (2) nor the 10-year  
169 disqualifying period in paragraph (a) applies.  
170 (c) A 5-year disqualifying period for all misdemeanors  
171 directly related to the financial services business.  
172 (4) The board shall adopt rules to administer this section.  
173 The rules must provide for additional disqualifying periods due  
174 to the commitment of multiple crimes and may include other  
175 factors reasonably related to the applicant's criminal history.  
176 The rules shall provide for mitigating and aggravating factors.  
177 However, mitigation may not result in a period of  
178 disqualification of less than 5 years and may not mitigate the  
179 disqualifying periods in paragraphs (3)(b) and (c).  
180 (5) For purposes of this section, a disqualifying period  
181 begins upon the applicant's final release from supervision or  
182 upon completion of the applicant's criminal sentence. The  
183 department may not issue a license to an applicant unless all  
184 related fines, court costs and fees, and court-ordered



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185 restitution have been paid.

186 (6) After the disqualifying period has expired, the burden  
187 is on the applicant to demonstrate that he or she has been  
188 rehabilitated, does not pose a risk to the public, is fit and  
189 trustworthy to engage in business regulated by this chapter, and  
190 is otherwise qualified for licensure.

191 (7) Notwithstanding subsections (2) and (3), an applicant  
192 who has been found guilty of, or has pleaded guilty or nolo  
193 contendere to, a crime in subsection (2) or subsection (3) and  
194 who has subsequently been granted a pardon or the restoration of  
195 civil rights pursuant to chapter 940 and s. 8, Art. IV of the  
196 State Constitution, or a pardon or the restoration of civil  
197 rights under the laws of another jurisdiction with respect to a  
198 conviction in that jurisdiction, is not barred or disqualified  
199 from licensure under this chapter. However, such a pardon or  
200 restoration of civil rights does not require the department to  
201 award such license.

202 (8) (a) The board may grant an exemption from  
203 disqualification to any person disqualified from licensure under  
204 subsection (3) if:

205 1. The applicant has paid in full any fee, fine, fund,  
206 lien, civil judgment, restitution, or cost of prosecution  
207 imposed by the court as part of the judgment and sentence for  
208 any disqualifying offense; and

209 2. At least 5 years have elapsed since the applicant  
210 completed or has been lawfully released from confinement,  
211 supervision, or nonmonetary condition imposed by the court for a  
212 disqualifying offense.

213 (b) For the board to grant an exemption under this





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214 subsection, the applicant must clearly and convincingly  
215 demonstrate that he or she would not pose a risk to persons or  
216 property if licensed under this chapter, evidence of which must  
217 include, but need not be limited to, facts and circumstances  
218 surrounding the disqualifying offense, the time that has elapsed  
219 since the offense, the nature of the offense and harm caused to  
220 the victim, the applicant's history before and after the  
221 offense, and any other evidence or circumstances indicating that  
222 the applicant will not present a danger if licensed or  
223 certified.

224 (c) The board has discretion whether to grant or deny an  
225 exemption under this subsection. The board's decision is subject  
226 to chapter 120.

227 (9) The disqualification periods provided in this section  
228 do not apply to the renewal of a license or to a new application  
229 for licensure if the applicant has an active license as of July  
230 1, 2020, and the applicable criminal history was considered by  
231 the board on the prior approval of any active license held by  
232 the applicant. This subsection does not affect any criminal  
233 history disclosure requirement of this chapter.

234 Section 5. Subsection (9) and paragraph (c) of subsection  
235 (10) of section 497.142, Florida Statutes, are amended to read:  
236 497.142 Licensing; fingerprinting and criminal background  
237 checks.-

238 (9) If any applicant under this chapter has been, ~~within~~  
239 ~~the 10 years preceding the application under this chapter,~~  
240 convicted or found guilty of, or entered a plea of nolo  
241 contendere to, regardless of adjudication, any crime in any  
242 jurisdiction, the application shall not be deemed complete until



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243 such time as the applicant provides such certified true copies  
244 of the court records evidencing the conviction, finding, or plea  
245 as required by this section or, as the licensing authority may  
246 by rule require.

247 (10) (c) Crimes to be disclosed are:

248 1. Any felony ~~or misdemeanor~~, no matter when committed,  
249 ~~that was directly or indirectly related to or involving any~~  
250 ~~aspect of the practice or business of funeral directing,~~  
251 ~~embalming, direct disposition, cremation, funeral or cemetery~~  
252 ~~preneed sales, funeral establishment operations, cemetery~~  
253 ~~operations, or cemetery monument or marker sales or~~  
254 ~~installation.~~

255 2. Any misdemeanor, no matter when committed, which was  
256 directly or indirectly related to the financial services  
257 business as defined in s. 497.1411 ~~Any other felony not already~~  
258 ~~disclosed under subparagraph 1. that was committed within the 20~~  
259 ~~years immediately preceding the application under this chapter.~~

260 3. Any other misdemeanor not already disclosed under  
261 subparagraph 2. ~~subparagraph 1.~~ that was committed within the 5  
262 years immediately preceding the application under this chapter.

263 Section 6. Present subsections (2) through (5) of section  
264 497.157, Florida Statutes, are redesignated as subsections (4)  
265 through (7), respectively, new subsections (2) and (3) and  
266 subsection (8) are added to that section, and present subsection  
267 (3) of that section is amended, to read:

268 497.157 Unlicensed practice; remedies concerning violations  
269 by unlicensed persons.—

270 (2) A person may not be, act as, or advertise or hold  
271 himself or herself out to be a funeral director, embalmer, or



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272 direct disposer unless he or she is currently licensed by the  
273 department.

274 (3) A person may not be, act as, or advertise or hold  
275 himself or herself out to be a preneed sales agent unless he or  
276 she is currently licensed by the department and appointed by a  
277 preneed main licensee for which they are executing preneed  
278 contracts.

279 (5) ~~(3)~~ Where the department determines that an emergency  
280 exists regarding any violation of this chapter by any unlicensed  
281 person or entity, the department may issue and serve an  
282 immediate final order upon such unlicensed person or entity, in  
283 accordance with s. 120.569(2)(n). Such an immediate final order  
284 may impose such prohibitions and requirements as are reasonably  
285 necessary to protect the public health, safety, and welfare, and  
286 shall be effective when served.

287 (a) For the purpose of enforcing such an immediate final  
288 order, the department may file an emergency or other proceeding  
289 in the circuit courts of the state seeking enforcement of the  
290 immediate final order by injunctive or other order of the court.  
291 The court shall issue its injunction or other order enforcing  
292 the immediate final order pending administrative resolution of  
293 the matter under subsection (4) ~~(2)~~, unless the court determines  
294 that such action would work a manifest injustice under the  
295 circumstances. Venue for judicial actions under this paragraph  
296 shall be, at the election of the department, in the courts of  
297 Leon County, or in a county where the respondent resides or has  
298 a place of business.

299 (b) After serving an immediate final order to cease and  
300 desist upon any person or entity, the department shall within 10



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301 days issue and serve upon the same person or entity an  
302 administrative complaint as set forth in subsection (4) ~~(2)~~,  
303 except that, absent order of a court to the contrary, the  
304 immediate final order shall be effective throughout the pendency  
305 of proceedings under subsection (4) ~~(2)~~.

306 (8) Any person who is not licensed under this chapter and  
307 who engages in activity requiring licensure under this chapter  
308 commits a felony of the third degree, punishable as provided in  
309 s. 775.082, s. 775.083, or s. 775.084.

310 Section 7. Subsection (6) of section 497.159, Florida  
311 Statutes, is amended to read:

312 497.159 Crimes.—

313 ~~(6) Any person who is not licensed under this chapter who~~  
314 ~~engages in activity requiring licensure under this chapter,~~  
315 ~~commits a misdemeanor of the second degree, punishable as~~  
316 ~~provided in s. 775.082 or s. 775.083.~~

317 Section 8. Subsection (7) of section 497.459, Florida  
318 Statutes, is amended to read:

319 497.459 Cancellation of, or default on, preneed contracts;  
320 required notice.—

321 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

322 (a) To ensure the performance of unfulfilled preneed  
323 contracts, upon the occurrence of the earlier ~~earliest~~ of either  
324 ~~any~~ of the following events, a preneed licensee shall provide to  
325 the purchaser or to the beneficiary's legally authorized person  
326 written notice of the preneed licensee's intent to distribute  
327 funds as described herein in accordance with the terms of the  
328 preneed contract, if any such terms exist ~~obligation of the~~  
329 ~~preneed licensee remains to be fulfilled under the contract:~~



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330 1. Fifty years after the date of execution of the preneed  
331 contract by the purchaser.

332 2. The beneficiary of the preneed contract attains the age  
333 of 105 years of age or older.

334 ~~3. The social security number of the beneficiary of the~~  
335 ~~preneed contract, as shown on the contract, is contained within~~  
336 ~~the United States Social Security Administration Death Master~~  
337 ~~File.~~

338  
339 By July 1, 2021, and at least every 3 years thereafter, a  
340 preneed licensee shall conduct an analysis of each of its  
341 preneed contracts to determine if subparagraph 1. or  
342 subparagraph 2. applies.

343 (b)1. The notice in paragraph (a) must be provided by  
344 certified mail, registered mail, or permitted delivery service,  
345 return receipt requested, to the last known mailing address of  
346 the purchaser or the beneficiary's legally authorized person,  
347 whichever is applicable, as provided to the preneed licensee. If  
348 the notice is returned as undeliverable within 30 calendar days  
349 after the preneed licensee sent the notice, the preneed licensee  
350 ~~trustee~~ shall perform a diligent search and inquiry to obtain a  
351 different address for the purchaser or the beneficiary's legally  
352 authorized person, whichever is applicable. For purposes of this  
353 subparagraph, any address known and used by the purchaser or the  
354 beneficiary's legally authorized person, whichever is  
355 applicable, for sending regular mailings or other communications  
356 from the purchaser or the beneficiary's legally authorized  
357 person, whichever is applicable, to the preneed licensee or any  
358 address produced through a current address service or searchable



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359 database shall be included with other addresses produced from  
360 the diligent search and inquiry, if any. If the preneed  
361 licensee's trustee's diligent search and inquiry produces an  
362 address different from the notice address, the preneed licensee  
363 ~~trustee~~ shall mail a copy of the notice by certified mail,  
364 registered mail, or permitted delivery service, return receipt  
365 requested, to any and all addresses produced as a result of the  
366 diligent search and inquiry.

367 2. If the purchaser or the beneficiary's legally authorized  
368 person, whichever is applicable, fails to respond to such notice  
369 within 3 years ~~120 days~~ after delivery of the last mailed notice  
370 under subparagraph 1., the funds held in trust must be  
371 distributed within 60 days after the end of the 3-year period  
372 and in accordance with any applicable provision of chapter 717,  
373 as follows:

374 a. The principal deposited into trust must be remitted to  
375 the Unclaimed Property Trust Fund.

376 b. Any additional funds in trust must be remitted to the  
377 preneed licensee.

378  
379 Upon the occurrence of the distribution from trust, the preneed  
380 licensee is absolved of all liability associated with the  
381 preneed contract for which funds were distributed, including any  
382 obligation to refund any monies paid by a purchaser of a preneed  
383 contract. The names of the purchaser and the beneficiary of any  
384 preneed contract for which funds were distributed must be  
385 provided to the Division of Unclaimed Property at the time such  
386 funds are remitted to the Unclaimed Property Trust Fund.

387 (c) A purchaser or a beneficiary that receive the notice



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388 required under this subsection retains all rights to fulfillment  
389 or cancellation of the preneed contract during the time between  
390 the issuance of the notice and the distribution described in  
391 subparagraph (b)2. Legally authorized persons, in the priority  
392 set forth in this chapter, of the purchaser or beneficiary may  
393 obtain fulfillment or cancellation of the preneed contract. Such  
394 fulfillment may include identifying a new beneficiary on the  
395 preneed contract. A preneed licensee shall provide fulfillment  
396 or cancellation of the preneed contract upon the attestation of  
397 any one legally authorized person that he or she is not aware of  
398 an objection to the requested action by any person in his or her  
399 priority class or a higher priority class. If the legally  
400 authorized person chooses to identify a new beneficiary on the  
401 preneed contract, the preneed contract is deemed effective as of  
402 the date of the identification of the new beneficiary in  
403 ~~accordance with the terms of the preneed contract, the trust~~  
404 ~~agreement, and any applicable provisions of chapter 717.~~

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

408 (d) This section does not apply to any internment  
409 merchandise or services associated with such internment rights.

410 (e) The licensing authority shall have authority to adopt  
411 rules for the review and approval of notice forms used by  
412 preneed licensees to provide notice under this subsection.

413 Section 9. Subsection (13) of section 552.081, Florida  
414 Statutes, is amended to read:

415 552.081 Definitions.—As used in this chapter:

416 (13) "Two-component explosives" means any two inert



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417 components which, when mixed, become capable of detonation by  
418 any detonator ~~a No. 6 blasting cap~~, and shall be classified as a  
419 Class "A" explosive when so mixed.

420 Section 10. Present subsection (2) of section 553.7921,  
421 Florida Statutes, is redesignated as subsection (3), a new  
422 subsection (2) is added to that section, and subsection (1) of  
423 that section is amended, to read:

424 553.7921 Fire alarm permit application to local enforcement  
425 agency.—

426 (1) A contractor must file a Uniform Fire Alarm Permit  
427 Application as provided in subsection (3) ~~(2)~~ with the local  
428 enforcement agency and must receive the fire alarm permit  
429 before:

430 ~~(a) installing or replacing a fire alarm, if the local~~  
431 ~~enforcement agency requires a plan review for the installation~~  
432 ~~or replacement; or~~

433 ~~(b) Repairing an existing alarm system that was previously~~  
434 ~~permitted by the local enforcement agency if the local~~  
435 ~~enforcement agency requires a fire alarm permit for the repair.~~

436 (2) If the local enforcement agency requires a fire alarm  
437 permit to repair an existing alarm system that was previously  
438 permitted by the local enforcement agency, a contractor may  
439 begin work after filing a Uniform Fire Alarm Permit Application  
440 as provided in subsection (3). A fire alarm repaired pursuant to  
441 this subsection may not be considered compliant until the  
442 required permit is issued and the local enforcement agency  
443 approves the repair.

444 Section 11. Effective January 1, 2021, subsection (3) of  
445 section 626.2815, Florida Statutes, is amended to read:





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446 626.2815 Continuing education requirements.-

447 (3) Each licensee except a title insurance agent must  
448 complete a 4-hour ~~5-hour~~ update course every 2 years which is  
449 specific to the license held by the licensee. The course must be  
450 developed and offered by providers and approved by the  
451 department. The content of the course must address all lines of  
452 insurance for which examination and licensure are required and  
453 include the following subject areas: insurance law updates,  
454 ethics for insurance professionals, disciplinary trends and case  
455 studies, industry trends, premium discounts, determining  
456 suitability of products and services, and other similar  
457 insurance-related topics the department determines are relevant  
458 to legally and ethically carrying out the responsibilities of  
459 the license granted. A licensee who holds multiple insurance  
460 licenses must complete an update course that is specific to at  
461 least one of the licenses held. Except as otherwise specified,  
462 any remaining required hours of continuing education are  
463 elective and may consist of any continuing education course  
464 approved by the department under this section.

465 (a) Except as provided in paragraphs (b), (c), (d), (e),  
466 (i), and (j), each licensee must also complete 20 ~~19~~ hours of  
467 elective continuing education courses every 2 years.

468 (b) A licensee who has been licensed for 6 or more years  
469 must also complete a minimum of 16 ~~15~~ hours of elective  
470 continuing education every 2 years.

471 (c) A licensee who has been licensed for 25 years or more  
472 and is a CLU or a CPCU or has a Bachelor of Science degree in  
473 risk management or insurance with evidence of 18 or more  
474 semester hours in insurance-related courses must also complete a



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475 minimum of 6 ~~5~~ hours of elective continuing education courses  
476 every 2 years.

477 (d) An individual who holds a license as a customer  
478 representative and who is not a licensed life or health agent  
479 must also complete a minimum of 6 ~~5~~ hours of continuing  
480 education courses every 2 years.

481 (e) An individual subject to chapter 648 must complete the  
482 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of  
483 elective continuing education courses every 2 years.

484 (f) Elective continuing education courses for public  
485 adjusters must be specifically designed for public adjusters and  
486 approved by the department. Notwithstanding this subsection,  
487 public adjusters for workers' compensation insurance or health  
488 insurance are not required to take continuing education courses  
489 pursuant to this section.

490 (g) Excess hours accumulated during any 2-year compliance  
491 period may be carried forward to the next compliance period.

492 (h) An individual teaching an approved course of  
493 instruction or lecturing at any approved seminar and attending  
494 the entire course or seminar qualifies for the same number of  
495 classroom hours as would be granted to a person taking and  
496 successfully completing such course or seminar. Credit is  
497 limited to the number of hours actually taught unless a person  
498 attends the entire course or seminar. An individual who is an  
499 official of or employed by a governmental entity in this state  
500 and serves as a professor, instructor, or in another position or  
501 office, the duties and responsibilities of which are determined  
502 by the department to require monitoring and review of insurance  
503 laws or insurance regulations and practices, is exempt from this



504 section.

505 (i) For compliance periods beginning on or after October 1,  
506 2014, any person who holds a license as a title insurance agent  
507 must complete a minimum of 10 hours of continuing education  
508 credit every 2 years in title insurance and escrow management  
509 specific to this state and approved by the department, which  
510 shall include at least 3 hours of continuing education on the  
511 subject matter of ethics, rules, or compliance with state and  
512 federal regulations relating specifically to title insurance and  
513 closing services.

514 (j) For a licensee who is an active participant in an  
515 association, 2 hours of elective continuing education credit per  
516 calendar year may be approved by the department, if properly  
517 reported by the association.

518 Section 12. Section 633.217, Florida Statutes, is created  
519 to read:

520 633.217 Influencing a firesafety inspector; prohibited  
521 acts.—

522 (1) A person may not influence a firesafety inspector by:

523 (a) Threatening, coercing, tricking, or attempting to  
524 threaten, coerce, or trick the firesafety inspector into  
525 violating any provision of the Florida Fire Prevention Code, any  
526 rule adopted by the State Fire Marshal, or any provision of this  
527 chapter.

528 (b) Offering any compensation to the firesafety inspector  
529 to induce a violation of the Florida Fire Prevention Code, any  
530 rule adopted by the State Fire Marshal, or any provision of this  
531 chapter.

532 (2) A firesafety inspector may not knowingly and willfully



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533 accept an attempt by a person to influence the firesafety  
534 inspector into violating any provision of the Florida Fire  
535 Prevention Code, any rule adopted by the State Fire Marshal, or  
536 any provision of this chapter.

537 Section 13. Paragraphs (d), (g), and (h) of subsection (4)  
538 of section 633.304, Florida Statutes, are amended to read:

539 633.304 Fire suppression equipment; license to install or  
540 maintain.—

541 (4)

542 (d) A license of any class may not be issued or renewed by  
543 the division and a license of any class does not remain  
544 operative unless:

545 1. The applicant has submitted to the State Fire Marshal  
546 evidence of registration as a Florida corporation or evidence of  
547 compliance with s. 865.09.

548 2. The State Fire Marshal or his or her designee has by  
549 inspection determined that the applicant possesses the equipment  
550 required for the class of license sought. The State Fire Marshal  
551 shall give an applicant a reasonable opportunity to correct any  
552 deficiencies discovered by inspection. To obtain such  
553 inspection, an applicant with facilities located outside this  
554 state must:

555 a. Provide a notarized statement from a professional  
556 engineer licensed by the applicant's state of domicile  
557 certifying that the applicant possesses the equipment required  
558 for the class of license sought and that all such equipment is  
559 operable; or

560 b. Allow the State Fire Marshal or her or his designee to  
561 inspect the facility. All costs associated with the State Fire



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562 Marshal's inspection must be paid by the applicant. The State  
563 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
564 establish standards for the calculation and establishment of the  
565 amount of costs associated with any inspection conducted by the  
566 State Fire Marshal under this section. Such rules must include  
567 procedures for invoicing and receiving funds in advance of the  
568 inspection.

569         3. The applicant has submitted to the State Fire Marshal  
570 proof of insurance providing coverage for comprehensive general  
571 liability for bodily injury and property damage, products  
572 liability, completed operations, and contractual liability. The  
573 State Fire Marshal shall adopt rules providing for the amounts  
574 of such coverage, but such amounts may not be less than \$300,000  
575 for Class A or Class D licenses, \$200,000 for Class B licenses,  
576 and \$100,000 for Class C licenses; and the total coverage for  
577 any class of license held in conjunction with a Class D license  
578 may not be less than \$300,000. The State Fire Marshal may, at  
579 any time after the issuance of a license or its renewal, require  
580 upon demand, and in no event more than 30 days after notice of  
581 such demand, the licensee to provide proof of insurance, on the  
582 insurer's form, containing confirmation of insurance coverage as  
583 required by this chapter. Failure, for any length of time, to  
584 provide proof of insurance coverage as required must result in  
585 the immediate suspension of the license until proof of proper  
586 insurance is provided to the State Fire Marshal. An insurer that  
587 provides such coverage shall notify the State Fire Marshal of  
588 any change in coverage or of any termination, cancellation, or  
589 nonrenewal of any coverage.

590         4. The applicant applies to the State Fire Marshal,



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591 provides proof of experience, and successfully completes a  
592 prescribed training course that includes both written and  
593 practical training offered at ~~by~~ the State Fire College and ~~or~~  
594 ~~an equivalent~~ course approved by the State Fire Marshal as  
595 applicable to the class of license being sought. This  
596 subparagraph does not apply to any holder of or applicant for a  
597 permit under paragraph (g) or to a business organization or a  
598 governmental entity seeking initial licensure or renewal of an  
599 existing license solely for the purpose of inspecting,  
600 servicing, repairing, marking, recharging, and maintaining fire  
601 extinguishers used and located on the premises of and owned by  
602 such organization or entity.

603         5. The applicant has a current retestor identification  
604 number that is appropriate for the license for which the  
605 applicant is applying and that is listed with the United States  
606 Department of Transportation.

607         6. The applicant has passed, with a grade of at least 70  
608 percent, a written examination testing his or her knowledge of  
609 the rules and statutes governing the activities authorized by  
610 the license and demonstrating his or her knowledge and ability  
611 to perform those tasks in a competent, lawful, and safe manner.  
612 Such examination must be developed and administered by the State  
613 Fire Marshal, or his or her designee in accordance with policies  
614 and procedures of the State Fire Marshal. An applicant shall pay  
615 a nonrefundable examination fee of \$50 for each examination or  
616 reexamination scheduled. A reexamination may not be scheduled  
617 sooner than 30 days after any administration of an examination  
618 to an applicant. An applicant may not be permitted to take an  
619 examination for any level of license more than a total of four



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620 times during 1 year, regardless of the number of applications  
621 submitted. As a prerequisite to licensure of the applicant, he  
622 or she:

623 a. Must be at least 18 years of age.

624 b. Must have 4 years of proven experience as a fire  
625 equipment permittee at a level equal to or greater than the  
626 level of license applied for or have a combination of education  
627 and experience determined to be equivalent thereto by the State  
628 Fire Marshal. Having held a permit at the appropriate level for  
629 the required period constitutes the required experience.

630 c. Must not have been convicted of a felony or a crime  
631 punishable by imprisonment of 1 year or more under the law of  
632 the United States or of any state thereof or under the law of  
633 any other country. "Convicted" means a finding of guilt or the  
634 acceptance of a plea of guilty or nolo contendere in any federal  
635 or state court or a court in any other country, without regard  
636 to whether a judgment of conviction has been entered by the  
637 court having jurisdiction of the case. If an applicant has been  
638 convicted of any such felony, the applicant is excluded from  
639 licensure for a period of 4 years after expiration of sentence  
640 or final release by the Florida Commission on Offender Review  
641 unless the applicant, before the expiration of the 4-year  
642 period, has received a full pardon or has had her or his civil  
643 rights restored.

644

645 This subparagraph does not apply to any holder of or applicant  
646 for a permit under paragraph (g) or to a business organization  
647 or a governmental entity seeking initial licensure or renewal of  
648 an existing license solely for the purpose of inspecting,



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649 servicing, repairing, marking, recharging, hydrotesting, and  
650 maintaining fire extinguishers used and located on the premises  
651 of and owned by such organization or entity.

652 (g) A permit of any class may not be issued or renewed to a  
653 person by the division, and a permit of any class does not  
654 remain operative, unless the person has:

655 1. Submitted a nonrefundable examination fee in the amount  
656 of \$50.

657 2. Successfully completed a training course that includes  
658 both written and practical training offered at ~~by~~ the State Fire  
659 College and ~~or an equivalent course~~ approved by the State Fire  
660 Marshal as applicable to the class of license being sought.

661 3. Passed, with a grade of at least 70 percent, a written  
662 examination testing his or her knowledge of the rules and  
663 statutes governing the activities authorized by the permit and  
664 demonstrating his or her knowledge and ability to perform those  
665 tasks in a competent, lawful, and safe manner. Such examination  
666 must be developed and administered by the State Fire Marshal in  
667 accordance with the policies and procedures of the State Fire  
668 Marshal. An examination fee must be paid for each examination  
669 scheduled. A reexamination may not be scheduled sooner than 30  
670 days after any administration of an examination to an applicant.  
671 An applicant may not be permitted to take an examination for any  
672 level of permit more than four times during 1 year, regardless  
673 of the number of applications submitted. As a prerequisite to  
674 taking the permit examination, the applicant must be at least 16  
675 years of age.

676 (h) An applicant for a license or permit under this section  
677 who fails the examination may take it three more times during





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678 the 1-year period after he or she originally filed an  
679 application for the examination. If the applicant fails the  
680 examination within 1 year after the application date and he or  
681 she seeks to retake the examination, he or she must file a new  
682 application, pay the application and examination fees, and  
683 successfully complete a prescribed training course that includes  
684 both written and practical training offered at ~~by~~ the State Fire  
685 College ~~and or an equivalent~~ course approved by the State Fire  
686 Marshal as applicable to the class of license being sought. The  
687 applicant may not submit a new application within 6 months after  
688 the date of his or her fourth reexamination. An applicant who  
689 passes the examination but does not meet the remaining  
690 qualifications prescribed by law and rule within 1 year after  
691 the application date must file a new application, pay the  
692 application and examination fee, successfully complete a  
693 prescribed training course that includes both written and  
694 practical training offered at ~~approved by~~ the State Fire College  
695 and ~~or an equivalent~~ course approved by the State Fire Marshal  
696 as applicable to the class of license being sought, and pass the  
697 written examination.

698 Section 14. Subsection (1) of section 633.416, Florida  
699 Statutes, is amended to read:

700 633.416 Firefighter employment and volunteer firefighter  
701 service; saving clause.—

702 (1) A fire service provider may not employ an individual  
703 to:

704 (a) Extinguish fires for the protection of life or property  
705 or to supervise individuals who perform such services unless the  
706 individual holds a current and valid Firefighter Certificate of



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707 Compliance. However, a person who is currently serving as a  
708 volunteer firefighter and holds a volunteer firefighter  
709 certificate of completion with a fire service provider, who is  
710 then employed as a regular or permanent firefighter by such fire  
711 service provider, may function, for a period of 1 year under the  
712 direct supervision of an individual holding a valid firefighter  
713 certificate of compliance, in the same capacity in which he or  
714 she acted as a volunteer firefighter, provided that he or she  
715 has completed all training required by the volunteer  
716 organization. Under no circumstance can this period extend  
717 beyond 1 year either collectively or consecutively from the  
718 start of employment to obtain a Firefighter Certificate of  
719 Compliance; or

720 (b) Serve as the administrative and command head of a fire  
721 service provider for a period in excess of 1 year unless the  
722 individual holds a current and valid Firefighter Certificate of  
723 Compliance or Special Certificate of Compliance.

724 Section 15. Section 843.08, Florida Statutes, is amended to  
725 read:

726 843.08 False personation.—A person who falsely assumes or  
727 pretends to be a firefighter, a sheriff, an officer of the  
728 Florida Highway Patrol, an officer of the Fish and Wildlife  
729 Conservation Commission, an officer of the Department of  
730 Environmental Protection, ~~a fire or arson investigator of the~~  
731 ~~Department of Financial Services,~~ an officer of the Department  
732 of Financial Services, any personnel or representative of the  
733 Division of Investigative and Forensic Services, an officer of  
734 the Department of Corrections, a correctional probation officer,  
735 a deputy sheriff, a state attorney or an assistant state



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736 attorney, a statewide prosecutor or an assistant statewide  
737 prosecutor, a state attorney investigator, a coroner, a police  
738 officer, a lottery special agent or lottery investigator, a  
739 beverage enforcement agent, a school guardian as described in s.  
740 30.15(1)(k), a security officer licensed under chapter 493, any  
741 member of the Florida Commission on Offender Review or any  
742 administrative aide or supervisor employed by the commission,  
743 any personnel or representative of the Department of Law  
744 Enforcement, or a federal law enforcement officer as defined in  
745 s. 901.1505, and takes upon himself or herself to act as such,  
746 or to require any other person to aid or assist him or her in a  
747 matter pertaining to the duty of any such officer, commits a  
748 felony of the third degree, punishable as provided in s.  
749 775.082, s. 775.083, or s. 775.084. However, a person who  
750 falsely personates any such officer during the course of the  
751 commission of a felony commits a felony of the second degree,  
752 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
753 If the commission of the felony results in the death or personal  
754 injury of another human being, the person commits a felony of  
755 the first degree, punishable as provided in s. 775.082, s.  
756 775.083, or s. 775.084.

757 Section 16. Paragraph (f) is added to subsection (11) of  
758 section 943.045, Florida Statutes, to read:

759 943.045 Definitions; ss. 943.045-943.08.—The following  
760 words and phrases as used in ss. 943.045-943.08 shall have the  
761 following meanings:

762 (11) "Criminal justice agency" means:

763 (f) The investigations component of the Department of  
764 Financial Services which investigates the crimes of fraud and



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765 official misconduct in all public assistance given to residents  
766 of the state or provided to others by the state.

767 Section 17. Effective upon this act becoming a law,  
768 paragraph (e) of subsection (1) and subsections (2) and (3) of  
769 chapter 2019-140, Laws of Florida, are amended to read:

770 Section 40. (1) The Legislature finds that:

771 (e) It is in the public interest to establish a Florida  
772 Financial Technology and Blockchain Task Force comprised of  
773 government and industry representatives to study the ways in  
774 which state, county, and municipal governments can benefit from  
775 a transition to a blockchain-based system for recordkeeping,  
776 security, and service delivery and to develop and submit  
777 recommendations to the Governor and the Legislature concerning  
778 the potential for implementation of blockchain-based systems  
779 that promote government efficiencies, better services for  
780 citizens, economic development, and safer cyber-secure  
781 interaction between government and the public.

782 (2) The Florida Financial Technology and Blockchain Task  
783 Force, a task force as defined in s. 20.03, Florida Statutes, is  
784 established within the Department of Financial Services to  
785 explore and develop a master plan for fostering the expansion of  
786 financial technology and the blockchain industry in the state,  
787 to recommend policies and state investments to help make this  
788 state a leader in financial and blockchain technologies  
789 ~~technology~~, and to issue a report to the Governor and the  
790 Legislature. The task force shall study if and how state,  
791 county, and municipal governments can benefit from a transition  
792 to a blockchain-based system for recordkeeping, data security,  
793 financial transactions, and service delivery and identify ways



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794 to improve government interaction with businesses and the  
795 public. The task force shall also consider financial technology  
796 innovations related to money transmitters and payment instrument  
797 sellers, as defined in s. 560.103, Florida Statutes, including  
798 mediums of exchange which are in electronic or digital form, and  
799 identify new products and services that could lead to business  
800 growth in this state.

801 (a) The master plan shall:

802 1. Identify the economic growth and development  
803 opportunities presented by financial and blockchain technologies  
804 technology.

805 2. Assess the existing blockchain industry in the state.

806 3. Identify innovative and successful blockchain  
807 applications currently used by industry and other governments to  
808 determine viability for state applications.

809 4. Review workforce needs and academic programs required to  
810 build blockchain technology expertise across all relevant  
811 industries.

812 5. Make recommendations to the Governor and the Legislature  
813 that will promote innovation and economic growth by reducing  
814 barriers to and expediting the expansion of the state's  
815 financial technology and blockchain industries ~~industry.~~

816 (b) The task force shall consist of 13 members. Membership  
817 shall be as follows:

818 1. Three agency heads or executive directors of cabinet  
819 agencies, or their designees, appointed by the Governor.

820 2. Four members of the public or private sector with  
821 knowledge and experience in blockchain technology, appointed by  
822 the Governor.



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823           3. Three members from the public or private sector with  
824 knowledge and experience in blockchain technology, appointed by  
825 the Chief Financial Officer.

826           4. One member from the private sector with knowledge and  
827 experience in blockchain technology, appointed by the President  
828 of the Senate.

829           5. One member from the private sector with knowledge and  
830 experience in blockchain technology, appointed by the Speaker of  
831 the House of Representatives.

832           6. One certified public accountant licensed pursuant to  
833 chapter 473 with knowledge and experience in blockchain  
834 technology, appointed by the Governor.

835  
836 Members of the task force shall reflect the ethnic diversity of  
837 the state.

838           (c) Within 90 days after the effective date of this act, a  
839 majority of the members of the task force must be appointed and  
840 the task force shall hold its first meeting. The task force  
841 shall elect one of its members to serve as chair. Members of the  
842 task force shall serve for the duration of the existence of the  
843 task force. Any vacancy that occurs shall be filled in the same  
844 manner as the original appointment. Task force members shall  
845 serve without compensation, and are not entitled to  
846 reimbursement for per diem or travel expenses.

847           (d) The task force shall study blockchain technology,  
848 including, but not limited to, the following:

849           1. Opportunities and risks associated with using blockchain  
850 and distributed ledger technology for state and local  
851 governments.



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852           2. Different types of blockchains, both public and private,  
853 and different consensus algorithms.

854           3. Projects and cases currently under development in other  
855 states and local governments, and how these cases could be  
856 applied in this state.

857           4. Ways the Legislature can modify general law to support  
858 secure paperless recordkeeping, increase cybersecurity, improve  
859 interactions with citizens, and encourage blockchain innovation  
860 for businesses in the state.

861           5. Identifying potential economic incentives for companies  
862 investing in blockchain technologies in collaboration with the  
863 state.

864           6. Recommending projects for potential blockchain  
865 solutions, including, but not limited to, use cases for state  
866 agencies that would improve services for citizens or businesses.

867           7. Identifying the technical skills necessary to develop  
868 blockchain technology and ensuring that instruction in such  
869 skills is available at secondary and postsecondary educational  
870 institutions in this state.

871           (3) The task force shall submit a report to the Governor,  
872 the President of the Senate, and the Speaker of the House of  
873 Representatives and present its findings to the appropriate  
874 legislative committees in each house of the Legislature by  
875 January 31, 2021 ~~within 180 days after the initial meeting of~~  
876 ~~the task force~~. The report must include:

877           (a) A general description of the costs and benefits of  
878 state and local government agencies using blockchain technology.

879           (b) Recommendations concerning the feasibility of  
880 implementing blockchain technology in the state and the best



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881 approach to finance the cost of implementation.

882 (c) Recommendations for specific implementations to be  
883 developed by relevant state agencies.

884 (d) Any draft legislation the task force deems appropriate  
885 to implement such blockchain technologies.

886 (e) Identification of one pilot project that may be  
887 implemented in the state.

888 (f) Any other information deemed relevant by the task  
889 force.

890 Section 18. Except as otherwise expressly provided in this  
891 act and except for this section, which shall take effect upon  
892 this act becoming a law, this act shall take effect July 1,  
893 2020.

894  
895 ===== T I T L E A M E N D M E N T =====

896 And the title is amended as follows:

897 Delete everything before the enacting clause  
898 and insert:

899 A bill to be entitled  
900 An act relating to the Department of Financial  
901 Services; amending s. 20.121, F.S.; specifying powers  
902 and duties of the Division of Public Assistance Fraud;  
903 creating s. 284.45, F.S.; prohibiting individuals  
904 working for entities covered by the State Risk  
905 Management Trust Fund from engaging in retaliatory  
906 conduct against sexual harassment victims; defining  
907 the term "sexual harassment victim"; specifying a  
908 criminal penalty for the willful and knowing  
909 dissemination of a sexual harassment victim's personal





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910 identifying information, except under certain  
911 circumstances; specifying protected personal  
912 identifying information; amending s. 497.101, F.S.;  
913 revising provisions relating to membership of the  
914 Board of Funeral, Cemetery, and Consumer Services  
915 within the department; deleting a requirement for the  
916 department to adopt certain rules; creating s.  
917 497.1411, F.S.; defining terms; providing for  
918 permanent disqualification of applicants for licensure  
919 under ch. 497, F.S., for certain offenses; providing  
920 for disqualifying periods for applicants for certain  
921 offenses; requiring the board to adopt rules;  
922 providing for calculation of disqualifying periods;  
923 providing conditions for licensure after completion of  
924 a disqualifying period; specifying the effect of a  
925 pardon or clemency; providing for exemptions from  
926 disqualification in certain circumstances; providing  
927 procedures for consideration of applications for such  
928 exemptions; providing construction; amending s.  
929 497.142, F.S.; revising criminal history disclosure  
930 requirements for applicants seeking licensure under  
931 ch. 497, F.S.; amending s. 497.157, F.S.; prohibiting  
932 persons from acting as or advertising themselves as  
933 being funeral directors, embalmers, direct disposers,  
934 or preneed sales agents unless they are so licensed;  
935 prohibiting persons from engaging in certain  
936 activities requiring licensure without holding  
937 required licenses; revising the criminal penalty for  
938 unlicensed activity; amending s. 497.159, F.S.;



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939 conforming a provision to changes made by the act;  
940 amending s. 497.459, F.S.; revising conditions under  
941 which a preneed licensee must provide certain persons  
942 a written notice of intent to distribute funds;  
943 requiring preneed licensees to conduct a certain  
944 analysis at specified intervals; requiring the preneed  
945 licensee, rather than the trustee, to conduct a  
946 certain diligent search and inquiry and mail the  
947 notice under certain circumstances; revising the  
948 timeframe for a failure to respond to the notice  
949 before funds are distributed; revising requirements  
950 for the distribution of funds; providing and revising  
951 construction relating to certain liability and rights;  
952 specifying requirements and procedures for fulfillment  
953 or cancellation of the preneed contract; providing  
954 applicability; amending s. 552.081, F.S.; revising the  
955 definition of the term "two-component explosives" for  
956 the purpose of regulation by the Division of State  
957 Fire Marshal; amending s. 553.7921, F.S.; authorizing  
958 a contractor repairing certain existing fire alarm  
959 systems to begin work after filing an application for  
960 a required permit but before receiving the permit;  
961 providing construction; amending s. 626.2815, F.S.;  
962 revising continuing education requirements for certain  
963 persons licensed to solicit, sell, or adjust  
964 insurance; creating s. 633.217, F.S.; prohibiting  
965 certain acts to influence a firesafety inspector into  
966 violating certain laws; prohibiting a firesafety  
967 inspector from knowingly and willfully accepting an



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968 attempt to influence him or her into violating certain  
969 laws; amending s. 633.304, F.S.; revising requirements  
970 for training courses for licensees installing or  
971 maintaining certain fire suppression equipment;  
972 amending s. 633.416, F.S.; providing that certain  
973 persons serving as volunteer firefighters may serve as  
974 a regular or permanent firefighter for a limited  
975 period, subject to certain restrictions; amending s.  
976 843.08, F.S.; prohibiting false personation of  
977 personnel or representatives of the Division of  
978 Investigative and Forensic Services; providing  
979 criminal penalties; amending s. 943.045, F.S.;  
980 revising the definition of the term "criminal justice  
981 agency" to include the investigations component of the  
982 department which investigates certain crimes; amending  
983 chapter 2019-140, L.O.F.; renaming the Florida  
984 Blockchain Task Force as the Florida Financial  
985 Technology and Blockchain Task Force; adding duties to  
986 the task force relating to financial technology;  
987 revising the master plan of the task force; extending  
988 the deadline for the task force to submit its report  
989 to the Governor and the Legislature; providing  
990 effective dates.