

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; specifying powers
4 and duties of the Division of Public Assistance Fraud;
5 amending s. 284.30, F.S.; requiring the State Risk
6 Management Trust Fund to provide insurance for certain
7 firefighter cancer-related benefits; making technical
8 changes; amending s. 284.31, F.S.; requiring the
9 Insurance Risk Management Trust Fund to provide a
10 separate account for certain firefighter cancer-
11 related benefits; making technical changes; amending
12 s. 284.385, F.S.; specifying conditions that must be
13 met before certain firefighter cancer-related benefits
14 may be paid from the State Risk Management Trust Fund;
15 making technical changes; creating s. 284.45, F.S.;
16 prohibiting individuals working for entities covered
17 by the State Risk Management Trust Fund from engaging
18 in retaliatory conduct against sexual harassment
19 victims; defining the term "sexual harassment victim";
20 specifying a criminal penalty for the willful and
21 knowing dissemination of a sexual harassment victim's
22 personal identifying information, except under certain
23 circumstances; amending s. 497.101, F.S.; revising
24 membership and terms of the Board of Funeral,
25 Cemetery, and Consumer Services within the Department

26 | of Financial Services; authorizing the use of
27 | communications media technology for board member
28 | participation; defining the term "communications media
29 | technology"; deleting a requirement for the department
30 | to adopt certain rules; amending s. 497.157, F.S.;
31 | prohibiting unlicensed persons from acting as or
32 | advertising themselves as funeral directors,
33 | embalmers, direct disposers, or preneed sales agents
34 | unless they are so licensed; providing penalties;
35 | amending s. 497.159, F.S.; conforming a provision to
36 | changes made by the act; amending s. 497.375, F.S.;
37 | authorizing licensed funeral director interns to
38 | continue performing certain tasks while transitioning
39 | to licensed funeral directors; amending s. 497.377,
40 | F.S.; authorizing licensed combination funeral
41 | director and embalmer interns to continue performing
42 | certain tasks while transitioning to licensed
43 | combination funeral director and embalmers; amending
44 | s. 497.458, F.S.; specifying that certain deposits
45 | under preneed contracts for funeral services or
46 | merchandise or burial services or merchandise must be
47 | made unless the preneed contracts have been fulfilled;
48 | amending s. 552.081, F.S.; revising the definition of
49 | the term "two-component explosives" for the purpose of
50 | regulation by the Division of State Fire Marshal;

51 amending s. 553.7921, F.S.; authorizing a contractor
52 repairing certain existing fire alarm systems to begin
53 work after filing an application for a required permit
54 but before receiving the permit; providing
55 construction; amending s. 626.2815, F.S.; revising
56 continuing education requirements for certain persons
57 licensed to solicit, sell, or adjust insurance;
58 amending s. 626.371, F.S.; requiring submission of
59 renewal appointments of certain insurance
60 representatives within a certain timeframe; requiring
61 the department to notify certain insurers or employers
62 regarding inadvertent failures to appoint; requiring
63 insurers and employers to pay certain fees and taxes
64 within a certain timeframe; authorizing the department
65 to issue appointments under certain circumstances;
66 prohibiting the department from considering
67 inadvertent failures to appoint to be violations under
68 certain circumstances; requiring the department to
69 suspend an insurer's or employer's authority to
70 appoint licensees under certain circumstances;
71 amending s. 626.7351, F.S.; revising the
72 qualifications for customer representative licenses;
73 amending s. 626.8443, F.S.; increasing the maximum
74 period of suspension of a title insurance agent's or
75 agency's license; making technical changes; amending

76 s. 626.916, F.S.; deleting a requirement for agents to
77 advise insureds that certain coverage may be available
78 for personal residential property risks to be eligible
79 for export under the Surplus Lines Law; amending s.
80 626.9551, F.S.; prohibiting requirements for the
81 provision of replacement cost estimators or certain
82 other proprietary business information under certain
83 circumstances; amending s. 627.715, F.S.; providing an
84 exemption from a diligent effort requirement for
85 surplus lines agents exporting contracts or
86 endorsements providing flood coverage; amending s.
87 633.102, F.S.; revising the authority of certain fire
88 protection system contractors to design or alter
89 certain fire protection systems; providing for
90 resolution of conflicts between the Florida Building
91 Code and the Florida Fire Prevention Code; amending s.
92 633.136, F.S.; replacing fire protection agencies in
93 the Fire and Emergency Incident Information Reporting
94 Program with fire service providers; revising the
95 composition of the Fire and Emergency Incident
96 Information System Technical Advisory Panel; defining
97 the term "fire service provider"; amending s. 633.202,
98 F.S.; extending a deadline for certain buildings to
99 comply with a minimum radio signal strength
100 requirement under the Florida Fire Prevention Code;

101 requiring such buildings to meet certain conditions by
102 a specified date; revising a condition that existing
103 apartment buildings must meet by a specified date;
104 making technical changes; creating s. 633.217, F.S.;
105 prohibiting certain acts to influence a firesafety
106 inspector to violate certain laws; prohibiting a
107 firesafety inspector from knowingly and intentionally
108 requesting, soliciting, accepting, or agreeing to
109 accept compensation offered to induce a violation of
110 certain codes, rules, or laws; amending s. 633.304,
111 F.S.; revising the training requirements for licenses
112 and permits to install or maintain fire suppression
113 equipment; amending s. 633.402, F.S.; revising the
114 composition of the Firefighters Employment, Standards,
115 and Training Council; amending s. 633.416, F.S.;
116 providing that certain persons serving as volunteer
117 firefighters may serve as regular or permanent
118 firefighters for a limited period, subject to certain
119 restrictions; amending s. 648.30, F.S.; prohibiting
120 the aiding or abetting of unlicensed activity of a
121 bail bond agent or temporary bail bond agent;
122 providing criminal penalties; amending s. 843.08,
123 F.S.; prohibiting false personation of personnel or
124 representatives of the Division of Investigative and
125 Forensic Services; amending s. 943.045, F.S.; revising

126 | the definition of the term "criminal justice agency"
 127 | to include the investigations component of the
 128 | department which investigates certain crimes;
 129 | providing effective dates.

130 |

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

132 |

133 | Section 1. Paragraph (f) of subsection (2) of section
 134 | 20.121, Florida Statutes, is amended to read:

135 | 20.121 Department of Financial Services.—There is created
 136 | a Department of Financial Services.

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

139 | (f) The Division of Public Assistance Fraud, which shall
 140 | function as a criminal justice agency for purposes of ss.
 141 | 943.045-943.08. The division shall conduct investigations
 142 | pursuant to s. 414.411 within or outside of the state as it
 143 | deems necessary. If, during an investigation, the division has
 144 | reason to believe that any criminal law of the state has or may
 145 | have been violated, it shall refer any records supporting such
 146 | violation to state or federal law enforcement or prosecutorial
 147 | agencies and shall provide investigative assistance to those
 148 | agencies as required.

149 | Section 2. Section 284.30, Florida Statutes, is amended to
 150 | read:

151 284.30 State Risk Management Trust Fund; coverages to be
 152 provided.—A state self-insurance fund, designated as the "State
 153 Risk Management Trust Fund," is created to be set up by the
 154 Department of Financial Services and administered with a program
 155 of risk management, which fund is to provide insurance, as
 156 authorized by s. 284.33, for workers' compensation, general
 157 liability, fleet automotive liability, federal civil rights
 158 actions under 42 U.S.C. s. 1983 or similar federal statutes,
 159 benefits payable to an employee of a state agency under s.
 160 112.1816(2), and court-awarded attorney ~~attorney's~~ fees in other
 161 proceedings against the state except for such awards in eminent
 162 domain or for inverse condemnation or for awards by the Public
 163 Employees Relations Commission. A party to a suit in any court,
 164 to be entitled to have his or her attorney ~~attorney's~~ fees paid
 165 by the state or any of its agencies, must serve a copy of the
 166 pleading claiming the fees on the Department of Financial
 167 Services; and thereafter the department shall be entitled to
 168 participate with the agency in the defense of the suit and any
 169 appeal thereof with respect to such fees.

170 Section 3. Section 284.31, Florida Statutes, is amended to
 171 read:

172 284.31 Scope and types of coverages; separate accounts.—
 173 The Insurance Risk Management Trust Fund must ~~shall~~, unless
 174 specifically excluded by the Department of Financial Services,
 175 cover all departments of the State of Florida and their

176 employees, agents, and volunteers and must ~~shall~~ provide
177 separate accounts for workers' compensation, general liability,
178 fleet automotive liability, federal civil rights actions under
179 42 U.S.C. s. 1983 or similar federal statutes, benefits payable
180 under s. 112.1816(2), and court-awarded attorney ~~attorney's~~ fees
181 in other proceedings against the state except for such awards in
182 eminent domain or for inverse condemnation or for awards by the
183 Public Employees Relations Commission. Unless specifically
184 excluded by the Department of Financial Services, the Insurance
185 Risk Management Trust Fund must ~~shall~~ provide fleet automotive
186 liability coverage to motor vehicles titled to the state, or to
187 any department of the state, when such motor vehicles are used
188 by community transportation coordinators performing, under
189 contract to the appropriate department of the state, services
190 for the transportation disadvantaged under part I of chapter
191 427. Such fleet automotive liability coverage is ~~shall be~~
192 primary and is ~~shall be~~ subject to ~~the provisions of~~ s. 768.28
193 and parts II and III of chapter 284, and applicable rules
194 adopted thereunder, and the terms and conditions of the
195 certificate of coverage issued by the Department of Financial
196 Services.

197 Section 4. Section 284.385, Florida Statutes, is amended
198 to read:

199 284.385 Reporting and handling of claims.—

200 (1) All departments covered by the State Risk Management

201 Trust Fund under this part shall immediately report all known or
 202 potential claims to the Department of Financial Services for
 203 handling, except employment complaints that ~~which~~ have not been
 204 filed with the Florida Human Relations Commission, Equal
 205 Employment Opportunity Commission, or any similar agency. When
 206 deemed necessary, the Department of Financial Services shall
 207 assign or reassign the claim to counsel. The assigned counsel
 208 shall report regularly to the Department of Financial Services
 209 or to the covered department on the status of any such claims or
 210 litigation as required by the Department of Financial Services.
 211 ~~No~~ Such claims may not ~~claim shall~~ be compromised or settled for
 212 monetary compensation without the prior approval of the
 213 Department of Financial Services and prior notification to the
 214 covered department. All departments shall cooperate with the
 215 Department of Financial Services in its handling of claims. The
 216 Department of Financial Services and the Department of
 217 Management Services, with the cooperation of the state attorneys
 218 and the clerks of the courts, shall develop a system to
 219 coordinate the exchange of information concerning claims for and
 220 against the state, its agencies, and its subdivisions, to assist
 221 in collection of amounts due to them. The covered department is
 222 responsible ~~shall have the responsibility~~ for the settlement of
 223 any claim for injunctive or affirmative relief under 42 U.S.C.
 224 s. 1983 or similar federal or state statutes. The payment of a
 225 settlement or judgment for any claim covered and reported under

226 | this part may ~~shall~~ be made only from the State Risk Management
227 | Trust Fund.

228 | (2) Benefits provided under s. 112.1816(2) may not be paid
229 | from the fund until each request for any out-of-pocket
230 | deductible, copayment, or coinsurance costs and one-time cash
231 | payout has been validated and approved by the Department of
232 | Management Services.

233 | Section 5. Section 284.45, Florida Statutes, is created to
234 | read:

235 | 284.45 Sexual harassment victims.—

236 | (1) An individual working for an entity covered by the
237 | State Risk Management Trust Fund may not engage in retaliatory
238 | conduct of any kind against a sexual harassment victim. As used
239 | in this section, the term "sexual harassment victim" means an
240 | individual employed, or being considered for employment, with an
241 | entity participating in the State Risk Management Trust Fund who
242 | becomes a victim of workplace sexual harassment through the
243 | course of employment, or while being considered for employment,
244 | with the entity.

245 | (2) The willful and knowing dissemination of personal
246 | identifying information of a sexual harassment victim, which is
247 | confidential and exempt pursuant to s. 119.071(2)(n), to any
248 | party other than a governmental entity in furtherance of its
249 | official duties or pursuant to a court order is a misdemeanor of
250 | the first degree, punishable as provided in s. 775.082.

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

253 497.101 Board of Funeral, Cemetery, and Consumer Services;
 254 membership; appointment; terms.—

255 (1) The Board of Funeral, Cemetery, and Consumer Services
 256 is created within the Department of Financial Services and shall
 257 consist of 10 members, 9 of whom shall be appointed by the
 258 Governor from nominations made by the Chief Financial Officer
 259 and confirmed by the Senate. The Chief Financial Officer shall
 260 nominate one to three persons for each of the nine vacancies on
 261 the board, and the Governor shall fill each vacancy on the board
 262 by appointing one of the ~~three~~ persons nominated by the Chief
 263 Financial Officer to fill that vacancy. If the Governor objects
 264 to each of the ~~three~~ nominations for a vacancy, she or he shall
 265 inform the Chief Financial Officer in writing. Upon notification
 266 of an objection by the Governor, the Chief Financial Officer
 267 shall submit one to three additional nominations for that
 268 vacancy until the vacancy is filled. One member must be the
 269 State Health Officer or her or his designee.

270 (2) Two members of the board must ~~shall~~ be funeral
 271 directors licensed under part III of this chapter who are
 272 associated with a funeral establishment. One member of the board
 273 must ~~shall~~ be a funeral director licensed under part III of this
 274 chapter who is associated with a funeral establishment licensed
 275 under part III of this chapter which ~~that~~ has a valid preneed

276 | license issued pursuant to this chapter and who owns or operates
 277 | a cinerator facility approved under chapter 403 and licensed
 278 | under part VI of this chapter. Two members of the board must
 279 | ~~shall~~ be persons whose primary occupation is associated with a
 280 | cemetery company licensed pursuant to this chapter. Two ~~Three~~
 281 | members of the board must ~~shall~~ be consumers who are residents
 282 | of this ~~the~~ state, have never been licensed as funeral directors
 283 | or embalmers, are not connected with a cemetery or cemetery
 284 | company licensed pursuant to this chapter, and are not connected
 285 | with the death care industry or the practice of embalming,
 286 | funeral directing, or direct disposition. One of the two
 287 | consumer members must ~~shall~~ be at least 60 years of age, ~~and one~~
 288 | ~~shall be licensed as a certified public accountant under chapter~~
 289 | 473. One member of the board must be a consumer who is a
 290 | resident of this state; is licensed as a certified public
 291 | accountant under chapter 473; has never been licensed as a
 292 | funeral director or an embalmer; is not a principal or an
 293 | employee of any licensee licensed under this chapter; and does
 294 | not otherwise have control, as defined in s. 497.005, over any
 295 | licensee licensed under this chapter. One member of the board
 296 | must ~~shall~~ be a principal of a monument establishment licensed
 297 | under this chapter as a monument builder. One member must ~~shall~~
 298 | be the State Health Officer or her or his designee. There may
 299 | ~~shall~~ not be two or more board members who are principals or
 300 | employees of the same company or partnership or group of

301 | companies or partnerships under common control.

302 | (3) Board members shall be appointed for terms of 4 years,
 303 | and the State Health Officer shall serve as long as that person
 304 | holds that office. The designee of the State Health Officer
 305 | shall serve at the pleasure of the Governor. ~~When the terms of~~
 306 | ~~the initial board members expire, the Chief Financial Officer~~
 307 | ~~shall stagger the terms of the successor members as follows: one~~
 308 | ~~funeral director, one cemetery representative, the monument~~
 309 | ~~builder, and one consumer member shall be appointed for terms of~~
 310 | ~~2 years, and the remaining members shall be appointed for terms~~
 311 | ~~of 4 years. All subsequent terms shall be for 4 years.~~

312 | (6) The board shall maintain its headquarters and records
 313 | ~~of the board shall be~~ in the Division of Funeral, Cemetery, and
 314 | Consumer Services of the Department of Financial Services in the
 315 | City of Tallahassee. The board may be contacted through the
 316 | Division of Funeral, Cemetery, and Consumer Services of the
 317 | Department of Financial Services in the City of Tallahassee. The
 318 | Chief Financial Officer shall annually appoint from among the
 319 | board members a chair and vice chair of the board. The board
 320 | shall meet at least every 6 months, and more often as necessary.
 321 | Special meetings of the board shall be convened upon the
 322 | direction of the Chief Financial Officer. A quorum is necessary
 323 | for the conduct of business by the board. The participation by a
 324 | board member in a meeting conducted through communications media
 325 | technology constitutes that individual's presence at such

326 meeting. Board members appearing at a board meeting in person as
327 well as board members appearing through the use of
328 communications media technology shall be counted for the
329 determination of a quorum. As used in this subsection,
330 "communications media technology" means the electronic
331 transmission of printed matter, audio, full-motion video,
332 freeze-frame video, compressed video, and digital video by any
333 method available. Unless otherwise provided by law, six board
334 members shall constitute a quorum for the conduct of the board's
335 business.

336 ~~(8) The department shall adopt rules establishing forms by~~
337 ~~which persons may apply for membership on the board and~~
338 ~~procedures for applying for such membership. Such forms shall~~
339 ~~require disclosure of the existence and nature of all current~~
340 ~~and past employments by or contracts with, and direct or~~
341 ~~indirect affiliations or interests in, any entity or business~~
342 ~~that at any time was licensed by the board or by the former~~
343 ~~Board of Funeral and Cemetery Services or the former Board of~~
344 ~~Funeral Directors and Embalmers or that is or was otherwise~~
345 ~~involved in the death care industry, as specified by department~~
346 ~~rule.~~

347 Section 7. Subsections (2) through (5) of section 497.157,
348 Florida Statutes, are renumbered as subsections (4) through (7),
349 respectively, present subsection (3) is amended, and new
350 subsections (2) and (3) and subsection (8) are added to that

351 section, to read:

352 497.157 Unlicensed practice; remedies concerning
 353 violations by unlicensed persons.—

354 (2) A person may not be, act as, or advertise or hold
 355 himself or herself out to be a funeral director, an embalmer, or
 356 a direct disposer unless he or she is currently licensed by the
 357 department.

358 (3) A person may not be, act as, or advertise or hold
 359 himself or herself out to be a preneed sales agent unless he or
 360 she is currently licensed by the department and appointed by a
 361 preneed main licensee for which he or she is executing preneed
 362 contracts.

363 (5)~~(3)~~ Where the department determines that an emergency
 364 exists regarding any violation of this chapter by any unlicensed
 365 person or entity, the department may issue and serve an
 366 immediate final order upon such unlicensed person or entity, in
 367 accordance with s. 120.569(2) (n). Such an immediate final order
 368 may impose such prohibitions and requirements as are reasonably
 369 necessary to protect the public health, safety, and welfare, and
 370 is ~~shall be~~ effective when served.

371 (a) For the purpose of enforcing such an immediate final
 372 order, the department may file an emergency or other proceeding
 373 in the circuit courts of the state seeking enforcement of the
 374 immediate final order by injunctive or other order of the court.
 375 The court shall issue its injunction or other order enforcing

376 the immediate final order pending administrative resolution of
377 the matter under subsection (4) ~~(2)~~, unless the court determines
378 that such action would work a manifest injustice under the
379 circumstances. Venue for judicial actions under this paragraph
380 must ~~shall~~ be, at the election of the department, in the courts
381 of Leon County~~7~~ or in a county where the respondent resides or
382 has a place of business.

383 (b) After serving an immediate final order to cease and
384 desist upon any person or entity, the department shall within 10
385 days issue and serve upon the same person or entity an
386 administrative complaint as set forth in subsection (4) ~~(2)~~,
387 except that, absent order of a court to the contrary, the
388 immediate final order will ~~shall~~ be effective throughout the
389 pendency of proceedings under subsection (4) ~~(2)~~.

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

394 Section 8. Subsection (6) of section 497.159, Florida
395 Statutes, is amended to read:

396 497.159 Crimes.—

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

401 Section 9. Paragraph (a) of subsection (4) of section
 402 497.375, Florida Statutes, is amended, paragraph (e) is added to
 403 subsection (4), and paragraphs (b) and (c) of subsection (4) of
 404 that section are republished, to read:

405 497.375 Funeral directing; licensure of a funeral director
 406 intern.—

407 (4) (a) A funeral director intern license expires 1 year
 408 after issuance and, except as provided in paragraph (b), or
 409 paragraph (c), or paragraph (e), may not be renewed.

410 (b) A funeral director intern who is eligible for
 411 licensure under subparagraph (1) (b)2. may renew her or his
 412 funeral director intern license for an additional 1-year period
 413 if the funeral director in charge of the funeral director intern
 414 training agency certifies to the licensing authority that the
 415 intern has completed at least one-half of the course of study in
 416 mortuary science or funeral service arts.

417 (c) The licensing authority may adopt rules that allow a
 418 funeral director intern to renew her or his funeral director
 419 intern license for an additional 1-year period if the funeral
 420 director intern demonstrates her or his failure to complete the
 421 internship before expiration of the license due to illness,
 422 personal injury, or other substantial hardship beyond her or his
 423 reasonable control or demonstrates that she or he has completed
 424 the requirements for licensure as a funeral director but is
 425 awaiting the results of a licensure examination. However, a

426 funeral director intern who renews her or his license under
427 paragraph (b) is not eligible to renew the license under this
428 paragraph.

429 (e) Upon expiration of a funeral director intern license,
430 any intern that has completed the educational credentials
431 required for a license as a funeral director and has applied for
432 licensure may continue to perform the tasks, functions, and
433 duties related to funeral directing in the manner provided in
434 paragraph (1)(d) until a license is issued or denied, or for a
435 period of 90 days, whichever occurs sooner.

436 Section 10. Paragraph (d) of subsection (2) of section
437 497.377, Florida Statutes, is amended, and paragraph (c) of
438 subsection (2) of that subsection is republished, to read:

439 497.377 Combination funeral director and embalmer
440 internships.—

441 (2)

442 (c) A combination funeral director and embalmer intern may
443 perform only the tasks, functions, and duties relating to
444 funeral directing and embalming which are performed under the
445 direct supervision of a licensed funeral director who has an
446 active, valid license under s. 497.373 or s. 497.374(1) and an
447 embalmer who has an active, valid license under s. 497.368 or s.
448 497.369. However, a combination funeral director and embalmer
449 intern may perform such tasks, functions, and duties under the
450 general supervision of a licensed funeral director and embalmer

451 upon graduation from a college accredited by ABFSE with a degree
452 as specified in s. 497.373(1)(d) and upon passage of the
453 examination required under s. 497.373(2)(b) if the funeral
454 director in charge of the internship training establishment,
455 after 6 months of direct supervision, certifies to the licensing
456 authority that the intern is competent to complete the
457 internship under general supervision.

458 (d)1. A combination funeral director and embalmer intern
459 license expires 1 year after issuance and, except as provided in
460 subparagraph 2., may not be renewed; however, upon expiration of
461 a combination funeral director and embalmer intern license, any
462 intern that has completed the educational credentials required
463 for a combination license as both funeral director and embalmer
464 and has applied for licensure may continue to perform the tasks,
465 functions, and duties related to funeral directing and embalming
466 in the manner provided in paragraph (c) until a license is
467 issued or denied, or for a period of 90 days, whichever occurs
468 sooner.

469 2. The licensing authority may adopt rules that allow a
470 combination funeral director and embalmer intern to renew her or
471 his combination funeral director and embalmer intern license for
472 an additional 1 year if the combination funeral director and
473 embalmer intern demonstrates her or his failure to complete the
474 internship before expiration of the license due to illness,
475 personal injury, or other substantial hardship beyond her or his

476 reasonable control or demonstrates that she or he has completed
477 the requirements for licensure as a combination funeral director
478 and embalmer but is awaiting the results of a licensure
479 examination.

480 Section 11. Paragraph (c) of subsection (1) of section
481 497.458, Florida Statutes, is amended, and paragraph (a) of
482 subsection (1) of that section is republished, to read:

483 497.458 Disposition of proceeds received on contracts.—

484 (1) (a) Any person who is paid, collects, or receives funds
485 under a preneed contract for funeral services or merchandise or
486 burial services or merchandise shall deposit an amount at least
487 equal to the sum of 70 percent of the purchase price collected
488 for all services sold and facilities rented; 100 percent of the
489 purchase price collected for all cash advance items sold; and 30
490 percent of the purchase price collected or 110 percent of the
491 wholesale cost, whichever is greater, for each item of
492 merchandise sold. The board may, by rule, specify criteria for
493 the classification of items sold in a preneed contract as
494 services, cash advances, or merchandise.

495 (c) Unless the preneed contract has been fulfilled, such
496 deposits shall be made within 30 days after the end of the
497 calendar month in which payment is received, under the terms of
498 a revocable trust instrument entered into with a trust company,
499 with a national or state bank holding trust powers, or with a
500 federal or state savings and loan association holding trust

501 powers.

502 Section 12. Subsection (13) of section 552.081, Florida
 503 Statutes, is amended to read:

504 552.081 Definitions.—As used in this chapter:

505 (13) "Two-component explosives" means any two inert
 506 components that ~~which~~, when mixed, become capable of detonation
 507 by a detonator ~~a No. 6 blasting cap~~, and shall be classified as
 508 a Class "A" explosive when so mixed.

509 Section 13. Subsection (2) of section 553.7921, Florida
 510 Statutes, is renumbered as subsection (3), subsection (1) of
 511 that section is amended, and a new subsection (2) is added to
 512 that section, to read:

513 553.7921 Fire alarm permit application to local
 514 enforcement agency.—

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

519 ~~(a)~~ installing or replacing a fire alarm, if the local
 520 enforcement agency requires a plan review for the installation
 521 or replacement; ~~or~~

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

525 (2) If the local enforcement agency requires a fire alarm

526 permit to repair an existing alarm system that was previously
527 permitted by the local enforcement agency, a contractor may
528 begin work after filing a Uniform Fire Alarm Permit Application
529 as provided in subsection (3). A fire alarm repaired pursuant to
530 this subsection may not be considered compliant until the
531 required permit is issued and the local enforcement agency
532 approves the repair.

533 Section 14. Effective January 1, 2022, subsection (3) of
534 section 626.2815, Florida Statutes, is amended to read:

535 626.2815 Continuing education requirements.—

536 (3) Each licensee except a title insurance agent must
537 complete a 4-hour ~~5-hour~~ update course every 2 years which is
538 specific to the license held by the licensee. The course must be
539 developed and offered by providers and approved by the
540 department. The content of the course must address all lines of
541 insurance for which examination and licensure are required and
542 include the following subject areas: insurance law updates,
543 ethics for insurance professionals, disciplinary trends and case
544 studies, industry trends, premium discounts, determining
545 suitability of products and services, and other similar
546 insurance-related topics the department determines are relevant
547 to legally and ethically carrying out the responsibilities of
548 the license granted. A licensee who holds multiple insurance
549 licenses must complete an update course that is specific to at
550 least one of the licenses held. Except as otherwise specified,

551 any remaining required hours of continuing education are
552 elective and may consist of any continuing education course
553 approved by the department under this section.

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

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

560 (c) A licensee who has been licensed for 25 years or more
561 and is a CLU or a CPCU or has a Bachelor of Science degree in
562 risk management or insurance with evidence of 18 or more
563 semester hours in insurance-related courses must also complete a
564 minimum of 6 ~~5~~ hours of elective continuing education courses
565 every 2 years.

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

570 (e) An individual subject to chapter 648 must complete the
571 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of
572 elective continuing education courses every 2 years.

573 (f) Elective continuing education courses for public
574 adjusters must be specifically designed for public adjusters and
575 approved by the department. Notwithstanding this subsection,

576 public adjusters for workers' compensation insurance or health
577 insurance are not required to take continuing education courses
578 pursuant to this section.

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

581 (h) An individual teaching an approved course of
582 instruction or lecturing at any approved seminar and attending
583 the entire course or seminar qualifies for the same number of
584 classroom hours as would be granted to a person taking and
585 successfully completing such course or seminar. Credit is
586 limited to the number of hours actually taught unless a person
587 attends the entire course or seminar. An individual who is an
588 official of or employed by a governmental entity in this state
589 and serves as a professor, instructor, or in another position or
590 office, the duties and responsibilities of which are determined
591 by the department to require monitoring and review of insurance
592 laws or insurance regulations and practices, is exempt from this
593 section.

594 (i) For compliance periods beginning on or after October
595 1, 2014, any person who holds a license as a title insurance
596 agent must complete a minimum of 10 hours of continuing
597 education credit every 2 years in title insurance and escrow
598 management specific to this state and approved by the
599 department, which must ~~shall~~ include at least 3 hours of
600 continuing education on the subject matter of ethics, rules, or

601 compliance with state and federal regulations relating
 602 specifically to title insurance and closing services.

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

607 Section 15. Subsections (1) and (2) of section 626.371,
 608 Florida Statutes, are amended to read:

609 626.371 Payment of fees, taxes for appointment period
 610 without appointment.—

611 (1) All initial and renewal appointments shall be
 612 submitted to the department on a monthly basis no later than 45
 613 days after the date of appointment and become effective on the
 614 date requested on the appointment form.

615 (2) (a) If, upon application and qualification for an
 616 initial or renewal appointment and such investigation as the
 617 department may make, ~~it appears to~~ the department determines
 618 that an individual has not been properly appointed to represent
 619 an insurer or employer, that such individual ~~who~~ was formerly
 620 licensed or is currently licensed, ~~but not properly appointed to~~
 621 ~~represent an insurer or employer~~ and that such individual ~~who~~
 622 has been actively engaged or is currently actively engaged as
 623 such an appointee, ~~but without being appointed as required,~~ the
 624 department shall ~~may~~, if it finds that such failure to be
 625 appointed was an inadvertent error on the part of the insurer or

626 employer so represented, notify the insurer or employer of its
627 finding and of the requirement to pay all fees and taxes due
628 pursuant to paragraph (b) within 21 days.

629 (b) The department may nevertheless issue or authorize the
630 issuance of the appointment upon the insurer's or employer's
631 timely payment to the department of as applied for but subject
632 to the condition that, before the appointment is issued, all
633 fees and taxes that which would have been due had the applicant
634 been properly se appointed during such current and prior
635 periods, including with applicable fees and taxes that would
636 have been due pursuant to s. 624.501 for such current and prior
637 periods of appointment, shall be paid to the department.

638 (c) Upon proper appointment of the individual and payment
639 of all fees and taxes due pursuant to paragraph (b), paragraph
640 (3) (a), and s. 624.501 by the insurer or employer, the
641 department may no longer consider the inadvertent failure to
642 appoint to be a violation of this code.

643 (d) If the insurer or employer does not pay the fees and
644 taxes due pursuant to paragraph (b) within 21 days after notice
645 by the department, the department shall suspend the insurer's or
646 employer's authority to appoint licensees until all outstanding
647 fees and taxes have been paid.

648 Section 16. Subsection (3) of section 626.7351, Florida
649 Statutes, is amended to read:

650 626.7351 Qualifications for customer representative's

651 license.—The department shall not grant or issue a license as
652 customer representative to any individual found by it to be
653 untrustworthy or incompetent, or who does not meet each of the
654 following qualifications:

655 (3) Within 4 years preceding the date that the application
656 for license was filed with the department, the applicant has
657 earned the designation of Accredited Advisor in Insurance (AAI),
658 Associate in General Insurance (AINS), or Accredited Customer
659 Service Representative (ACSR) from the Insurance Institute of
660 America; the designation of Certified Insurance Counselor (CIC)
661 from the Society of Certified Insurance Service Counselors; the
662 designation of Certified Professional Service Representative
663 (CPSR) from the National Foundation for CPSR; the designation of
664 Certified Insurance Service Representative (CISR) from the
665 Society of Certified Insurance Service Representatives; the
666 designation of Certified Insurance Representative (CIR) from
667 All-Lines Training; the designation of Professional Customer
668 Service Representative (PCSR) from the Professional Career
669 Institute; the designation of Insurance Customer Service
670 Representative (ICSR) from Statewide Insurance Associates LLC;
671 the designation of Registered Customer Service Representative
672 (RCSR) from a regionally accredited postsecondary institution in
673 the state whose curriculum is approved by the department and
674 includes comprehensive analysis of basic property and casualty
675 lines of insurance and testing which demonstrates mastery of the

676 | subject; or a degree from an accredited institution of higher
677 | learning approved by the department when the degree includes a
678 | minimum of 9 credit hours of insurance instruction, including
679 | specific instruction in the areas of property, casualty, and
680 | inland marine insurance. The department shall adopt rules
681 | establishing standards for the approval of curriculum.

682 | Section 17. Subsection (1) of section 626.8443, Florida
683 | Statutes, is amended to read:

684 | 626.8443 Duration of suspension or revocation.—

685 | (1) The department shall, in its order suspending a title
686 | insurance agent's or agency's license or appointment or in its
687 | order suspending the eligibility of a person to hold or apply
688 | for such license or appointment, specify the period during which
689 | the suspension is to be in effect, but such period may ~~shall~~ not
690 | exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or
691 | eligibility will ~~shall~~ remain suspended during the period so
692 | specified, subject, however, to any rescission or modification
693 | of the order by the department, or modification or reversal
694 | thereof by the court, prior to expiration of the suspension
695 | period. A license, appointment, or eligibility that ~~which~~ has
696 | been suspended may not be reinstated except upon request for
697 | such reinstatement, but the department may ~~shall~~ not grant such
698 | reinstatement if it finds that the circumstance or circumstances
699 | for which the license, appointment, and eligibility was
700 | suspended still exist or are likely to recur.

701 Section 18. Paragraph (e) of subsection (1) of section
 702 626.916, Florida Statutes, is amended to read:

703 626.916 Eligibility for export.—

704 (1) No insurance coverage shall be eligible for export
 705 unless it meets all of the following conditions:

706 ~~(e) For personal residential property risks, the retail or~~
 707 ~~producing agent must advise the insured in writing that coverage~~
 708 ~~may be available and may be less expensive from Citizens~~
 709 ~~Property Insurance Corporation. The notice must include other~~
 710 ~~information that states that assessments by Citizens Property~~
 711 ~~Insurance Corporation are higher and the coverage provided by~~
 712 ~~Citizens Property Insurance Corporation may be less than the~~
 713 ~~property's existing coverage. If the notice is signed by the~~
 714 ~~insured, it is presumed that the insured has been informed and~~
 715 ~~knows that policies from Citizens Property Insurance Corporation~~
 716 ~~may be less expensive, may provide less coverage, and will be~~
 717 ~~accompanied by higher assessments.~~

718 Section 19. Paragraph (e) is added to subsection (1) of
 719 section 626.9551, Florida Statutes, to read:

720 626.9551 Favored agent or insurer; coercion of debtors.—

721 (1) No person may:

722 (e) Require an insurance agent or agency to directly or
 723 indirectly provide the replacement cost estimator or other
 724 underwriting information of an insurer underwriting an insurance
 725 policy covering real property, as a condition precedent or

726 condition subsequent to the lending of money or extension of
727 credit to be secured by real property, when such information is
728 the proprietary business information of an insurer, as defined
729 in s. 624.4212(1), nor may an agent or agency provide this
730 information.

731 Section 20. Subsections (4) through (10) of section
732 627.715, Florida Statutes, are renumbered as subsections (5)
733 through (11), respectively, and a new subsection (4) is added to
734 that section, to read:

735 627.715 Flood insurance.—An authorized insurer may issue
736 an insurance policy, contract, or endorsement providing personal
737 lines residential coverage for the peril of flood or excess
738 coverage for the peril of flood on any structure or the contents
739 of personal property contained therein, subject to this section.
740 This section does not apply to commercial lines residential or
741 commercial lines nonresidential coverage for the peril of flood.
742 An insurer may issue flood insurance policies, contracts,
743 endorsements, or excess coverage on a standard, preferred,
744 customized, flexible, or supplemental basis.

745 (4) An agent may export a contract or an endorsement
746 providing flood coverage to an eligible surplus lines insurer
747 without making a diligent effort to seek such coverage from
748 three or more authorized insurers under s. 626.916(1)(a).

749 Section 21. Subsection (3) of section 633.102, Florida
750 Statutes, is amended to read:

751 633.102 Definitions.—As used in this chapter, the term:

752 (3) (a) "Contractor I" means a contractor whose business
753 includes the execution of contracts requiring the ability to lay
754 out, fabricate, install, inspect, alter, repair, and service all
755 types of fire protection systems, excluding preengineered
756 systems.

757 (b) "Contractor II" means a contractor whose business is
758 limited to the execution of contracts requiring the ability to
759 lay out, fabricate, install, inspect, alter, repair, and service
760 water sprinkler systems, water spray systems, foam-water
761 sprinkler systems, foam-water spray systems, standpipes,
762 combination standpipes and sprinkler risers, all piping that is
763 an integral part of the system beginning at the point of service
764 as defined in this section, sprinkler tank heaters, air lines,
765 thermal systems used in connection with sprinklers, and tanks
766 and pumps connected thereto, excluding preengineered systems.

767 (c) "Contractor III" means a contractor whose business is
768 limited to the execution of contracts requiring the ability to
769 fabricate, install, inspect, alter, repair, and service carbon
770 dioxide systems, foam extinguishing systems, dry chemical
771 systems, and Halon and other chemical systems, excluding
772 preengineered systems.

773 (d) "Contractor IV" means a contractor whose business is
774 limited to the execution of contracts requiring the ability to
775 lay out, fabricate, install, inspect, alter, repair, and service

776 automatic fire sprinkler systems for detached one-family
777 dwellings, detached two-family dwellings, and mobile homes,
778 excluding preengineered systems and excluding single-family
779 homes in cluster units, such as apartments, condominiums, and
780 assisted living facilities or any building that is connected to
781 other dwellings. A Contractor IV is limited to the scope of
782 practice specified in NFPA 13D.

783 (e) "Contractor V" means a contractor whose business is
784 limited to the execution of contracts requiring the ability to
785 fabricate, install, inspect, alter, repair, and service the
786 underground piping for a fire protection system using water as
787 the extinguishing agent beginning at the point of service as
788 defined in this act and ending no more than 1 foot above the
789 finished floor.

790
791 ~~The definitions in~~ This subsection may not be construed to
792 include engineers or architects within the defined terms and
793 does ~~de~~ not limit or prohibit a licensed fire protection
794 engineer or architect with fire protection design experience
795 from designing any type of fire protection system. A distinction
796 is made between system design concepts prepared by the design
797 professional and system layout as defined in this section and
798 typically prepared by the contractor. However, a person
799 certified as a Contractor I or, Contractor II, ~~or Contractor IV~~
800 ~~under this chapter~~ may design new fire protection systems of 49

801 or fewer sprinklers; ~~and~~ and may design the alteration of an
802 existing fire sprinkler system if the alteration consists of the
803 relocation, addition, or deletion of ~~not more than~~ 49 or fewer
804 sprinklers, notwithstanding the size of the existing fire
805 sprinkler system; or may design the alteration of an existing
806 fire sprinkler system if the alteration consists of the
807 relocation or deletion of 249 or fewer sprinklers,
808 notwithstanding the size of the existing fire sprinkler system,
809 if there is no change of occupancy, as defined in the Florida
810 Building Code and the Florida Fire Prevention Code, of the
811 affected areas and there is no change in the water demand as
812 defined in NFPA 13, "Standard for the Installation of Sprinkler
813 Systems," and if the occupancy hazard classification as defined
814 in NFPA 13 is reduced or remains the same as a result of the
815 alteration. Conflicts between the Florida Building Code and the
816 Florida Fire Prevention Code shall be resolved pursuant to s.
817 553.73(1)(d). A person certified as a Contractor I, Contractor
818 II, or Contractor IV may design or alter a fire protection
819 system, the scope of which complies with NFPA 13D, "Standard for
820 the Installation of Sprinkler Systems in One- and Two-Family
821 Dwellings and Manufactured Homes," as adopted by the State Fire
822 Marshal, notwithstanding the number of fire sprinklers.
823 Contractor-developed plans may not be required by any local
824 permitting authority to be sealed by a registered professional
825 engineer.

826 Section 22. Section 633.136, Florida Statutes, is amended
827 to read:

828 633.136 Fire and Emergency Incident Information Reporting
829 Program; duties; fire reports.—

830 (1)(a) The Fire and Emergency Incident Information
831 Reporting Program is created within the division. The program
832 shall:

833 1. Establish and maintain an electronic communication
834 system capable of transmitting fire and emergency incident
835 information to and between fire service providers ~~protection~~
836 ~~agencies~~.

837 2. Initiate a Fire and Emergency Incident Information
838 Reporting System that is ~~shall be~~ responsible for:

839 a. Receiving fire and emergency incident information from
840 fire service providers ~~protection agencies~~.

841 b. Preparing and disseminating annual reports to the
842 Governor, the President of the Senate, the Speaker of the House
843 of Representatives, fire service providers ~~protection agencies~~,
844 and, upon request, the public. Each report must ~~shall~~ include,
845 but not be limited to, the information listed in the National
846 Fire Incident Reporting System.

847 c. Upon request, providing other states and federal
848 agencies with fire and emergency incident data of this state.

849 3. Adopt rules to effectively and efficiently implement,
850 administer, manage, maintain, and use the Fire and Emergency

851 Incident Information Reporting Program. The rules shall be
852 considered minimum requirements and may ~~shall~~ not preclude a
853 fire service provider ~~protection agency~~ from implementing its
854 own requirements that ~~which~~ may not conflict with the rules of
855 the division.

856 4. By rule, establish procedures and a format for each
857 fire service provider ~~protection agency~~ to voluntarily monitor
858 its records and submit reports to the program.

859 5. Maintain ~~Establish~~ an electronic information database
860 that is accessible and searchable by fire service providers
861 ~~protection agencies~~.

862 (b) The division shall consult with the Florida Forest
863 Service of the Department of Agriculture and Consumer Services
864 and the State Surgeon General of the Department of Health to
865 coordinate data, ensure accuracy of the data, and limit
866 duplication of efforts in data collection, analysis, and
867 reporting.

868 (2) The Fire and Emergency Incident Information System
869 Technical Advisory Panel is created within the division. The
870 panel shall advise, review, and recommend to the State Fire
871 Marshal with respect to the requirements of this section. The
872 membership of the panel consists ~~shall consist~~ of the ~~following~~
873 15 members:

874 ~~(a) The current 13 members~~ of the Firefighters Employment,
875 Standards, and Training Council as established in s. 633.402.

876 ~~(b) One member from the Florida Forest Service of the~~
877 ~~Department of Agriculture and Consumer Services, appointed by~~
878 ~~the director of the Florida Forest Service.~~

879 ~~(c) One member from the Department of Health, appointed by~~
880 ~~the State Surgeon General.~~

881 (3) As used in ~~For the purpose of~~ this section, the term
882 "fire service provider" has the same meaning as in s. 633.102
883 ~~"fire protection agency" shall be defined by rule by the~~
884 ~~division.~~

885 Section 23. Subsection (18) of section 633.202, Florida
886 Statutes, is amended to read:

887 633.202 Florida Fire Prevention Code.—

888 (18) The authority having jurisdiction shall determine the
889 minimum radio signal strength for fire department communications
890 in all new high-rise and existing high-rise buildings. Existing
891 buildings are not required to comply with minimum radio strength
892 for fire department communications and two-way radio system
893 enhancement communications as required by the Florida Fire
894 Prevention Code until January 1, 2023 ~~2022~~. However, by January
895 1, 2022 ~~December 31, 2019~~, an existing building that is not in
896 compliance with the requirements for minimum radio strength for
897 fire department communications must have completed a minimum
898 radio strength assessment ~~apply for an appropriate permit~~ for
899 the required installation with the local government agency
900 having jurisdiction and must demonstrate that the building will

901 become compliant by January 1, ~~2023~~ 2022. Existing apartment
902 buildings are not required to comply until January 1, 2025.
903 However, existing apartment buildings must have completed a
904 minimum radio strength assessment ~~are required to apply for the~~
905 ~~appropriate permit~~ for the required communications installation
906 by December 31, 2022.

907 Section 24. Section 633.217, Florida Statutes, is created
908 to read:

909 633.217 Influencing a firesafety inspector; prohibited
910 acts.—

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

912 (a) Threatening, coercing, tricking, or attempting to
913 threaten, coerce, or trick the firesafety inspector into
914 violating any provision of the Florida Fire Prevention Code, any
915 rule adopted by the State Fire Marshal, or any provision of this
916 chapter.

917 (b) Offering any compensation to the firesafety inspector
918 to induce a violation of the Florida Fire Prevention Code, any
919 rule adopted by the State Fire Marshal, or any provision of this
920 chapter.

921 (2) A firesafety inspector may not knowingly and
922 intentionally request, solicit, accept, or agree to accept
923 compensation offered as described in paragraph (1) (b).

924 Section 25. Paragraphs (d), (g), and (h) of subsection (4)
925 of section 633.304, Florida Statutes, are amended to read:

926 633.304 Fire suppression equipment; license to install or
 927 maintain.—

928 (4)

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

932 1. The applicant has submitted to the State Fire Marshal
 933 evidence of registration as a Florida corporation or evidence of
 934 compliance with s. 865.09.

935 2. The State Fire Marshal or his or her designee has by
 936 inspection determined that the applicant possesses the equipment
 937 required for the class of license sought. The State Fire Marshal
 938 shall give an applicant a reasonable opportunity to correct any
 939 deficiencies discovered by inspection. To obtain such
 940 inspection, an applicant with facilities located outside this
 941 state must:

942 a. Provide a notarized statement from a professional
 943 engineer licensed by the applicant's state of domicile
 944 certifying that the applicant possesses the equipment required
 945 for the class of license sought and that all such equipment is
 946 operable; or

947 b. Allow the State Fire Marshal or her or his designee to
 948 inspect the facility. All costs associated with the State Fire
 949 Marshal's inspection must be paid by the applicant. The State
 950 Fire Marshal, in accordance with s. 120.54, may adopt rules to

951 establish standards for the calculation and establishment of the
952 amount of costs associated with any inspection conducted by the
953 State Fire Marshal under this section. Such rules must include
954 procedures for invoicing and receiving funds in advance of the
955 inspection.

956 3. The applicant has submitted to the State Fire Marshal
957 proof of insurance providing coverage for comprehensive general
958 liability for bodily injury and property damage, products
959 liability, completed operations, and contractual liability. The
960 State Fire Marshal shall adopt rules providing for the amounts
961 of such coverage, but such amounts may not be less than \$300,000
962 for Class A or Class D licenses, \$200,000 for Class B licenses,
963 and \$100,000 for Class C licenses; and the total coverage for
964 any class of license held in conjunction with a Class D license
965 may not be less than \$300,000. The State Fire Marshal may, at
966 any time after the issuance of a license or its renewal, require
967 upon demand, and in no event more than 30 days after notice of
968 such demand, the licensee to provide proof of insurance, on the
969 insurer's form, containing confirmation of insurance coverage as
970 required by this chapter. Failure, for any length of time, to
971 provide proof of insurance coverage as required must result in
972 the immediate suspension of the license until proof of proper
973 insurance is provided to the State Fire Marshal. An insurer that
974 provides such coverage shall notify the State Fire Marshal of
975 any change in coverage or of any termination, cancellation, or

976 nonrenewal of any coverage.

977 4. The applicant applies to the State Fire Marshal,
 978 provides proof of experience, and successfully completes a
 979 prescribed training course that includes both written and
 980 practical training ~~offered by the State Fire College or an~~
 981 ~~equivalent course~~ approved by the State Fire Marshal as
 982 applicable to the class of license being sought. This
 983 subparagraph does not apply to any holder of or applicant for a
 984 permit under paragraph (g) or to a business organization or a
 985 governmental entity seeking initial licensure or renewal of an
 986 existing license solely for the purpose of inspecting,
 987 servicing, repairing, marking, recharging, and maintaining fire
 988 extinguishers used and located on the premises of and owned by
 989 such organization or entity.

990 5. The applicant has a current retestor identification
 991 number that is appropriate for the license for which the
 992 applicant is applying and that is listed with the United States
 993 Department of Transportation.

994 6. The applicant has passed, with a grade of at least 70
 995 percent, a written examination testing his or her knowledge of
 996 the rules and statutes governing the activities authorized by
 997 the license and demonstrating his or her knowledge and ability
 998 to perform those tasks in a competent, lawful, and safe manner.
 999 Such examination must be developed and administered by the State
 1000 Fire Marshal, or his or her designee in accordance with policies

1001 and procedures of the State Fire Marshal. An applicant shall pay
1002 a nonrefundable examination fee of \$50 for each examination or
1003 reexamination scheduled. A reexamination may not be scheduled
1004 sooner than 30 days after any administration of an examination
1005 to an applicant. An applicant may not be permitted to take an
1006 examination for any level of license more than a total of four
1007 times during 1 year, regardless of the number of applications
1008 submitted. As a prerequisite to licensure of the applicant, he
1009 or she:

1010 a. Must be at least 18 years of age.

1011 b. Must have 4 years of proven experience as a fire
1012 equipment permittee at a level equal to or greater than the
1013 level of license applied for or have a combination of education
1014 and experience determined to be equivalent thereto by the State
1015 Fire Marshal. Having held a permit at the appropriate level for
1016 the required period constitutes the required experience.

1017 c. Must not have been convicted of a felony or a crime
1018 punishable by imprisonment of 1 year or more under the law of
1019 the United States or of any state thereof or under the law of
1020 any other country. "Convicted" means a finding of guilt or the
1021 acceptance of a plea of guilty or nolo contendere in any federal
1022 or state court or a court in any other country, without regard
1023 to whether a judgment of conviction has been entered by the
1024 court having jurisdiction of the case. If an applicant has been
1025 convicted of any such felony, the applicant is excluded from

1026 licensure for a period of 4 years after expiration of sentence
 1027 or final release by the Florida Commission on Offender Review
 1028 unless the applicant, before the expiration of the 4-year
 1029 period, has received a full pardon or has had her or his civil
 1030 rights restored.

1031
 1032 This subparagraph does not apply to any holder of or applicant
 1033 for a permit under paragraph (g) or to a business organization
 1034 or a governmental entity seeking initial licensure or renewal of
 1035 an existing license solely for the purpose of inspecting,
 1036 servicing, repairing, marking, recharging, hydrotesting, and
 1037 maintaining fire extinguishers used and located on the premises
 1038 of and owned by such organization or entity.

1039 (g) A permit of any class may not be issued or renewed to
 1040 a person by the division, and a permit of any class does not
 1041 remain operative, unless the person has:

1042 1. Submitted a nonrefundable examination fee in the amount
 1043 of \$50.

1044 2. Successfully completed a training course that includes
 1045 both written and practical training ~~offered by the State Fire~~
 1046 ~~College or an equivalent course~~ approved by the State Fire
 1047 Marshal as applicable to the class of license being sought.

1048 3. Passed, with a grade of at least 70 percent, a written
 1049 examination testing his or her knowledge of the rules and
 1050 statutes governing the activities authorized by the permit and

1051 demonstrating his or her knowledge and ability to perform those
1052 tasks in a competent, lawful, and safe manner. Such examination
1053 must be developed and administered by the State Fire Marshal in
1054 accordance with the policies and procedures of the State Fire
1055 Marshal. An examination fee must be paid for each examination
1056 scheduled. A reexamination may not be scheduled sooner than 30
1057 days after any administration of an examination to an applicant.
1058 An applicant may not be permitted to take an examination for any
1059 level of permit more than four times during 1 year, regardless
1060 of the number of applications submitted. As a prerequisite to
1061 taking the permit examination, the applicant must be at least 16
1062 years of age.

1063 (h) An applicant for a license or permit under this
1064 section who fails the examination may take it three more times
1065 during the 1-year period after he or she originally filed an
1066 application for the examination. If the applicant fails the
1067 examination within 1 year after the application date and he or
1068 she seeks to retake the examination, he or she must file a new
1069 application, pay the application and examination fees, and
1070 successfully complete a prescribed training course that includes
1071 both written and practical training ~~offered by the State Fire~~
1072 ~~College or an equivalent course~~ approved by the State Fire
1073 Marshal as applicable to the class of license being sought. The
1074 applicant may not submit a new application within 6 months after
1075 the date of his or her fourth reexamination. An applicant who

1076 | passes the examination but does not meet the remaining
 1077 | qualifications prescribed by law and rule within 1 year after
 1078 | the application date must file a new application, pay the
 1079 | application and examination fee, successfully complete a
 1080 | prescribed training course that includes both written and
 1081 | practical training ~~approved by the State Fire College or an~~
 1082 | ~~equivalent~~ course approved by the State Fire Marshal as
 1083 | applicable to the class of license being sought, and pass the
 1084 | written examination.

1085 | Section 26. Subsection (1) of section 633.402, Florida
 1086 | Statutes, is amended to read:

1087 | 633.402 Firefighters Employment, Standards, and Training
 1088 | Council; organization; meetings; quorum; compensation; seal;
 1089 | special powers; firefighter training.—

1090 | (1) There is created within the department a Firefighters
 1091 | Employment, Standards, and Training Council of 15 ~~14~~ members.

1092 | (a) The members shall be appointed as follows:

1093 | 1. Two fire chiefs appointed by the Florida Fire Chiefs
 1094 | Association.

1095 | 2. Two firefighters, who are not officers, appointed by
 1096 | the Florida Professional Firefighters Association.

1097 | 3. Two firefighter officers, who are not fire chiefs,
 1098 | appointed by the State Fire Marshal.

1099 | 4. One individual appointed by the Florida League of
 1100 | Cities.

- 1101 5. One individual appointed by the Florida Association of
 1102 Counties.
- 1103 6. One individual appointed by the Florida Association of
 1104 Special Districts.
- 1105 7. One individual appointed by the Florida Fire Marshals'
 1106 and Inspectors' Association.
- 1107 8. One employee of the Florida Forest Service of the
 1108 Department of Agriculture and Consumer Services appointed by the
 1109 director of the Florida Forest Service.
- 1110 9. One individual appointed by the State Fire Marshal.
- 1111 10. One director or instructor of a state-certified
 1112 firefighting training facility appointed by the State Fire
 1113 Marshal.
- 1114 11. One individual ~~The remaining member, who shall be~~
 1115 appointed by the State Fire Marshal, who may not be a member or
 1116 representative of the firefighting profession or of any local
 1117 government.
- 1118 12. One individual from the Department of Health,
 1119 appointed by the Surgeon General.
- 1120 (b) To be eligible for appointment as a member under
 1121 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
 1122 subparagraph (a)8., or subparagraph (a)10., a person must have
 1123 had at least 4 years' experience in the firefighting profession.
 1124 Members shall serve only as long as they continue to meet the
 1125 criteria under which they were appointed, or unless a member has

1126 failed to appear at three consecutive and properly noticed
1127 meetings unless excused by the chair.

1128 Section 27. Subsection (1) of section 633.416, Florida
1129 Statutes, is amended to read:

1130 633.416 Firefighter employment and volunteer firefighter
1131 service; saving clause.—

1132 (1) A fire service provider may not employ an individual
1133 to:

1134 (a) Extinguish fires for the protection of life or
1135 property or to supervise individuals who perform such services
1136 unless the individual holds a current and valid Firefighter
1137 Certificate of Compliance. However, a person who is currently
1138 serving as a volunteer firefighter and holds a volunteer
1139 firefighter certificate of completion with a fire service
1140 provider, who is then employed as a regular or permanent
1141 firefighter by such fire service provider, may function, for a
1142 period of 1 year under the direct supervision of an individual
1143 holding a valid Firefighter Certificate of Compliance, in the
1144 same capacity in which he or she acted as a volunteer
1145 firefighter, provided that he or she has completed all training
1146 required by the volunteer organization. Under no circumstance
1147 can this period extend beyond 1 year either collectively or
1148 consecutively from the start of employment to obtain a
1149 Firefighter Certificate of Compliance; or

1150 (b) Serve as the administrative and command head of a fire

1151 service provider for a period in excess of 1 year unless the
 1152 individual holds a current and valid Firefighter Certificate of
 1153 Compliance or Special Certificate of Compliance.

1154 Section 28. Section 648.30, Florida Statutes, is amended
 1155 to read:

1156 648.30 Licensure and appointment required; prohibited
 1157 acts; penalties.—

1158 (1) A person may not act in the capacity of a bail bond
 1159 agent or temporary bail bond agent or perform any of the
 1160 functions, duties, or powers prescribed for bail bond agents or
 1161 temporary bail bond agents under this chapter unless that person
 1162 is qualified, licensed, and appointed as provided in this
 1163 chapter.

1164 (2) A person may not represent himself or herself to be a
 1165 bail enforcement agent, bounty hunter, or other similar title in
 1166 this state.

1167 (3) A person, other than a certified law enforcement
 1168 officer, may not apprehend, detain, or arrest a principal on a
 1169 bond, wherever issued, unless that person is qualified,
 1170 licensed, and appointed as provided in this chapter or licensed
 1171 as a bail bond agent or bail bond enforcement agent, or holds an
 1172 equivalent license by the state where the bond was written.

1173 (4) Any person who violates this section commits a felony
 1174 of the third degree, punishable as provided in s. 775.082, s.
 1175 775.083, or s. 775.084.

1176 (5) Any licensee under this chapter who knowingly aids or
 1177 abets an unlicensed person in violating this section commits a
 1178 felony of the third degree, punishable as provided in s.
 1179 775.082, s. 775.083, or s. 775.084.

1180 Section 29. Section 843.08, Florida Statutes, is amended
 1181 to read:

1182 843.08 False personation.—A person who falsely assumes or
 1183 pretends to be a firefighter, a sheriff, an officer of the
 1184 Florida Highway Patrol, an officer of the Fish and Wildlife
 1185 Conservation Commission, an officer of the Department of
 1186 Environmental Protection, ~~a fire or arson investigator of the~~
 1187 ~~Department of Financial Services,~~ an officer of the Department
 1188 of Financial Services, any personnel or representative of the
 1189 Division of Investigative and Forensic Services, an officer of
 1190 the Department of Corrections, a correctional probation officer,
 1191 a deputy sheriff, a state attorney or an assistant state
 1192 attorney, a statewide prosecutor or an assistant statewide
 1193 prosecutor, a state attorney investigator, a coroner, a police
 1194 officer, a lottery special agent or lottery investigator, a
 1195 beverage enforcement agent, a school guardian as described in s.
 1196 30.15(1)(k), a security officer licensed under chapter 493, any
 1197 member of the Florida Commission on Offender Review or any
 1198 administrative aide or supervisor employed by the commission,
 1199 any personnel or representative of the Department of Law
 1200 Enforcement, or a federal law enforcement officer as defined in

1201 s. 901.1505, and takes upon himself or herself to act as such,
 1202 or to require any other person to aid or assist him or her in a
 1203 matter pertaining to the duty of any such officer, commits a
 1204 felony of the third degree, punishable as provided in s.
 1205 775.082, s. 775.083, or s. 775.084. However, a person who
 1206 falsely personates any such officer during the course of the
 1207 commission of a felony commits a felony of the second degree,
 1208 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1209 If the commission of the felony results in the death or personal
 1210 injury of another human being, the person commits a felony of
 1211 the first degree, punishable as provided in s. 775.082, s.
 1212 775.083, or s. 775.084.

1213 Section 30. Paragraph (f) is added to subsection (11) of
 1214 section 943.045, Florida Statutes, to read:

1215 943.045 Definitions; ss. 943.045-943.08.—The following
 1216 words and phrases as used in ss. 943.045-943.08 shall have the
 1217 following meanings:

1218 (11) "Criminal justice agency" means:

1219 (f) The investigations component of the Department of
 1220 Financial Services which investigates the crimes of fraud and
 1221 official misconduct in all public assistance given to residents
 1222 of this state or provided to others by this state.

1223 Section 31. Except as otherwise expressly provided in this
 1224 act, this act shall take effect July 1, 2021.