

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 under s. 112.1816(2), to an employee of a state
160 agency or department covered under s. 284.31, and court-awarded
161 attorney ~~attorney's~~ fees in other proceedings against the state
162 except for such awards in eminent domain or for inverse
163 condemnation or for awards by the Public Employees Relations
164 Commission. A party to a suit in any court, to be entitled to
165 have his or her attorney ~~attorney's~~ fees paid by the state or
166 any of its agencies, must serve a copy of the pleading claiming
167 the fees on the Department of Financial Services; and thereafter
168 the department shall be entitled to participate with the agency
169 in the defense of the suit and any appeal thereof with respect
170 to such fees.

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

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

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

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

200 284.385 Reporting and handling of claims.—

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

226 settlement or judgment for any claim covered and reported under
 227 this part may ~~shall~~ be made only from the State Risk Management
 228 Trust Fund.

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

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

236 284.45 Sexual harassment victims.—

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

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

251 the first degree, punishable as provided in s. 775.082.

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

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

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

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

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

301 employees of the same company or partnership or group of
302 companies or partnerships under common control.

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

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

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

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

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

351 subsections (2) and (3) and subsection (8) are added to that
352 section, to read:

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

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

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

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

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

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

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

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

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

397 497.159 Crimes.—

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

401 ~~provided in s. 775.082 or s. 775.083.~~

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

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

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

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

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

426 awaiting the results of a licensure examination. However, a
 427 funeral director intern who renews her or his license under
 428 paragraph (b) is not eligible to renew the license under this
 429 paragraph.

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

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

440 497.377 Combination funeral director and embalmer
 441 internships.—

442 (2)

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

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

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

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

476 personal injury, or other substantial hardship beyond her or his
477 reasonable control or demonstrates that she or he has completed
478 the requirements for licensure as a combination funeral director
479 and embalmer but is awaiting the results of a licensure
480 examination.

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

484 497.458 Disposition of proceeds received on contracts.—

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

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

501 federal or state savings and loan association holding trust
 502 powers.

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

505 552.081 Definitions.—As used in this chapter:

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

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

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

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

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

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

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

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

536 626.2815 Continuing education requirements.—

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

551 least one of the licenses held. Except as otherwise specified,
552 any remaining required hours of continuing education are
553 elective and may consist of any continuing education course
554 approved by the department under this section.

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

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

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

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

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

574 (f) Elective continuing education courses for public
575 adjusters must be specifically designed for public adjusters and

576 approved by the department. Notwithstanding this subsection,
577 public adjusters for workers' compensation insurance or health
578 insurance are not required to take continuing education courses
579 pursuant to this section.

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

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

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

601 continuing education on the subject matter of ethics, rules, or
 602 compliance with state and federal regulations relating
 603 specifically to title insurance and closing services.

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

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

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

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

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

626 appointed was an inadvertent error on the part of the insurer or
627 employer so represented, notify the insurer or employer of its
628 finding and of the requirement to pay all fees and taxes due
629 pursuant to paragraph (b) within 21 days.

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

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

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

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

651 626.7351 Qualifications for customer representative's
652 license.—The department shall not grant or issue a license as
653 customer representative to any individual found by it to be
654 untrustworthy or incompetent, or who does not meet each of the
655 following qualifications:

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

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

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

685 626.8443 Duration of suspension or revocation.—

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

701 suspended still exist or are likely to recur.

702 Section 18. Paragraph (e) of subsection (1) of section
703 626.916, Florida Statutes, is amended to read:

704 626.916 Eligibility for export.—

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

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

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

721 626.9551 Favored agent or insurer; coercion of debtors.—

722 (1) No person may:

723 (e) Require an insurance agent or agency to directly or
724 indirectly provide the replacement cost estimator or other
725 underwriting information of an insurer underwriting an insurance

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

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

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

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

750 Section 21. Subsection (3) of section 633.102, Florida

751 Statutes, is amended to read:

752 633.102 Definitions.—As used in this chapter, the term:

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

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

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

774 (d) "Contractor IV" means a contractor whose business is
 775 limited to the execution of contracts requiring the ability to

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

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

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

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

826 engineer.

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

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

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

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

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

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

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

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

850 3. Adopt rules to effectively and efficiently implement,

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

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

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

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

869 (2) The Fire and Emergency Incident Information System
870 Technical Advisory Panel is created within the division. The
871 panel shall advise, review, and recommend to the State Fire
872 Marshal with respect to the requirements of this section. The
873 membership of the panel consists ~~shall consist~~ of the following
874 15 members:

875 (a) ~~The current 13 members~~ of the Firefighters Employment,

876 Standards, and Training Council as established in s. 633.402.

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

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

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

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

888 633.202 Florida Fire Prevention Code.—

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

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

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

910 633.217 Influencing a firesafety inspector; prohibited
 911 acts.-

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

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

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

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

925 Section 25. Paragraphs (d), (g), and (h) of subsection (4)

926 of section 633.304, Florida Statutes, are amended to read:

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

929 (4)

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

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

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

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

948 b. Allow the State Fire Marshal or her or his designee to
949 inspect the facility. All costs associated with the State Fire
950 Marshal's inspection must be paid by the applicant. The State

951 Fire Marshal, in accordance with s. 120.54, may adopt rules to
952 establish standards for the calculation and establishment of the
953 amount of costs associated with any inspection conducted by the
954 State Fire Marshal under this section. Such rules must include
955 procedures for invoicing and receiving funds in advance of the
956 inspection.

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

976 | any change in coverage or of any termination, cancellation, or
 977 | nonrenewal of any coverage.

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

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

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

1001 Fire Marshal, or his or her designee in accordance with policies
1002 and procedures of the State Fire Marshal. An applicant shall pay
1003 a nonrefundable examination fee of \$50 for each examination or
1004 reexamination scheduled. A reexamination may not be scheduled
1005 sooner than 30 days after any administration of an examination
1006 to an applicant. An applicant may not be permitted to take an
1007 examination for any level of license more than a total of four
1008 times during 1 year, regardless of the number of applications
1009 submitted. As a prerequisite to licensure of the applicant, he
1010 or she:

1011 a. Must be at least 18 years of age.

1012 b. Must have 4 years of proven experience as a fire
1013 equipment permittee at a level equal to or greater than the
1014 level of license applied for or have a combination of education
1015 and experience determined to be equivalent thereto by the State
1016 Fire Marshal. Having held a permit at the appropriate level for
1017 the required period constitutes the required experience.

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

1026 convicted of any such felony, the applicant is excluded from
 1027 licensure for a period of 4 years after expiration of sentence
 1028 or final release by the Florida Commission on Offender Review
 1029 unless the applicant, before the expiration of the 4-year
 1030 period, has received a full pardon or has had her or his civil
 1031 rights restored.

1032
 1033 This subparagraph does not apply to any holder of or applicant
 1034 for a permit under paragraph (g) or to a business organization
 1035 or a governmental entity seeking initial licensure or renewal of
 1036 an existing license solely for the purpose of inspecting,
 1037 servicing, repairing, marking, recharging, hydrotesting, and
 1038 maintaining fire extinguishers used and located on the premises
 1039 of and owned by such organization or entity.

1040 (g) A permit of any class may not be issued or renewed to
 1041 a person by the division, and a permit of any class does not
 1042 remain operative, unless the person has:

1043 1. Submitted a nonrefundable examination fee in the amount
 1044 of \$50.

1045 2. Successfully completed a training course that includes
 1046 both written and practical training ~~offered by the State Fire~~
 1047 ~~College or an equivalent course~~ approved by the State Fire
 1048 Marshal as applicable to the class of license being sought.

1049 3. Passed, with a grade of at least 70 percent, a written
 1050 examination testing his or her knowledge of the rules and

1051 statutes governing the activities authorized by the permit and
1052 demonstrating his or her knowledge and ability to perform those
1053 tasks in a competent, lawful, and safe manner. Such examination
1054 must be developed and administered by the State Fire Marshal in
1055 accordance with the policies and procedures of the State Fire
1056 Marshal. An examination fee must be paid for each examination
1057 scheduled. A reexamination may not be scheduled sooner than 30
1058 days after any administration of an examination to an applicant.
1059 An applicant may not be permitted to take an examination for any
1060 level of permit more than four times during 1 year, regardless
1061 of the number of applications submitted. As a prerequisite to
1062 taking the permit examination, the applicant must be at least 16
1063 years of age.

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

1076 | the date of his or her fourth reexamination. An applicant who
 1077 | passes the examination but does not meet the remaining
 1078 | qualifications prescribed by law and rule within 1 year after
 1079 | the application date must file a new application, pay the
 1080 | application and examination fee, successfully complete a
 1081 | prescribed training course that includes both written and
 1082 | practical training approved by the State Fire College or an
 1083 | equivalent course approved by the State Fire Marshal as
 1084 | applicable to the class of license being sought, and pass the
 1085 | written examination.

1086 | Section 26. Subsection (1) of section 633.402, Florida
 1087 | Statutes, is amended to read:

1088 | 633.402 Firefighters Employment, Standards, and Training
 1089 | Council; organization; meetings; quorum; compensation; seal;
 1090 | special powers; firefighter training.—

1091 | (1) There is created within the department a Firefighters
 1092 | Employment, Standards, and Training Council of 15 ~~14~~ members.

1093 | (a) The members shall be appointed as follows:

1094 | 1. Two fire chiefs appointed by the Florida Fire Chiefs
 1095 | Association.

1096 | 2. Two firefighters, who are not officers, appointed by
 1097 | the Florida Professional Firefighters Association.

1098 | 3. Two firefighter officers, who are not fire chiefs,
 1099 | appointed by the State Fire Marshal.

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

1101 Cities.

1102 5. One individual appointed by the Florida Association of

1103 Counties.

1104 6. One individual appointed by the Florida Association of

1105 Special Districts.

1106 7. One individual appointed by the Florida Fire Marshals'

1107 and Inspectors' Association.

1108 8. One employee of the Florida Forest Service of the

1109 Department of Agriculture and Consumer Services appointed by the

1110 director of the Florida Forest Service.

1111 9. One individual appointed by the State Fire Marshal.

1112 10. One director or instructor of a state-certified

1113 firefighting training facility appointed by the State Fire

1114 Marshal.

1115 11. One individual ~~The remaining member, who shall be~~

1116 appointed by the State Fire Marshal, who may not be a member or

1117 representative of the firefighting profession or of any local

1118 government.

1119 12. One individual from the Department of Health,

1120 appointed by the Surgeon General.

1121 (b) To be eligible for appointment as a member under

1122 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,

1123 subparagraph (a)8., or subparagraph (a)10., a person must have

1124 had at least 4 years' experience in the firefighting profession.

1125 Members shall serve only as long as they continue to meet the

1126 criteria under which they were appointed, or unless a member has
 1127 failed to appear at three consecutive and properly noticed
 1128 meetings unless excused by the chair.

1129 Section 27. Subsection (1) of section 633.416, Florida
 1130 Statutes, is amended to read:

1131 633.416 Firefighter employment and volunteer firefighter
 1132 service; saving clause.—

1133 (1) A fire service provider may not employ an individual
 1134 to:

1135 (a) Extinguish fires for the protection of life or
 1136 property or to supervise individuals who perform such services
 1137 unless the individual holds a current and valid Firefighter
 1138 Certificate of Compliance. However, a person who is currently
 1139 serving as a volunteer firefighter and holds a volunteer
 1140 firefighter certificate of completion with a fire service
 1141 provider, who is then employed as a regular or permanent
 1142 firefighter by such fire service provider, may function, for a
 1143 period of 1 year under the direct supervision of an individual
 1144 holding a valid Firefighter Certificate of Compliance, in the
 1145 same capacity in which he or she acted as a volunteer
 1146 firefighter, provided that he or she has completed all training
 1147 required by the volunteer organization. Under no circumstance
 1148 can this period extend beyond 1 year either collectively or
 1149 consecutively from the start of employment to obtain a
 1150 Firefighter Certificate of Compliance; or

1151 (b) Serve as the administrative and command head of a fire
1152 service provider for a period in excess of 1 year unless the
1153 individual holds a current and valid Firefighter Certificate of
1154 Compliance or Special Certificate of Compliance.

1155 Section 28. Section 648.30, Florida Statutes, is amended
1156 to read:

1157 648.30 Licensure and appointment required; prohibited
1158 acts; penalties.—

1159 (1) A person may not act in the capacity of a bail bond
1160 agent or temporary bail bond agent or perform any of the
1161 functions, duties, or powers prescribed for bail bond agents or
1162 temporary bail bond agents under this chapter unless that person
1163 is qualified, licensed, and appointed as provided in this
1164 chapter.

1165 (2) A person may not represent himself or herself to be a
1166 bail enforcement agent, bounty hunter, or other similar title in
1167 this state.

1168 (3) A person, other than a certified law enforcement
1169 officer, may not apprehend, detain, or arrest a principal on a
1170 bond, wherever issued, unless that person is qualified,
1171 licensed, and appointed as provided in this chapter or licensed
1172 as a bail bond agent or bail bond enforcement agent, or holds an
1173 equivalent license by the state where the bond was written.

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

1176 775.083, or s. 775.084.

1177 (5) Any licensee under this chapter who knowingly aids or
 1178 abets an unlicensed person in violating this section commits a
 1179 felony of the third degree, punishable as provided in s.
 1180 775.082, s. 775.083, or s. 775.084.

1181 Section 29. Section 843.08, Florida Statutes, is amended
 1182 to read:

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

1201 Enforcement, or a federal law enforcement officer as defined in
 1202 s. 901.1505, and takes upon himself or herself to act as such,
 1203 or to require any other person to aid or assist him or her in a
 1204 matter pertaining to the duty of any such officer, commits a
 1205 felony of the third degree, punishable as provided in s.
 1206 775.082, s. 775.083, or s. 775.084. However, a person who
 1207 falsely personates any such officer during the course of the
 1208 commission of a felony commits a felony of the second degree,
 1209 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1210 If the commission of the felony results in the death or personal
 1211 injury of another human being, the person commits a felony of
 1212 the first degree, punishable as provided in s. 775.082, s.
 1213 775.083, or s. 775.084.

1214 Section 30. Paragraph (f) is added to subsection (11) of
 1215 section 943.045, Florida Statutes, to read:

1216 943.045 Definitions; ss. 943.045-943.08.—The following
 1217 words and phrases as used in ss. 943.045-943.08 shall have the
 1218 following meanings:

1219 (11) "Criminal justice agency" means:

1220 (f) The investigations component of the Department of
 1221 Financial Services which investigates the crimes of fraud and
 1222 official misconduct in all public assistance given to residents
 1223 of this state or provided to others by this state.

1224 Section 31. Except as otherwise expressly provided in this
 1225 act, this act shall take effect July 1, 2021.