

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. 497.273, F.S.;  
37 | authorizing a cemetery company to sell specified items  
38 | for use on cemetery lands other than lands the company  
39 | owns; amending s. 497.375, F.S.; authorizing licensed  
40 | funeral director interns to continue performing  
41 | certain tasks while transitioning to licensed funeral  
42 | directors; amending s. 497.377, F.S.; authorizing  
43 | licensed combination funeral director and embalmer  
44 | interns to continue performing certain tasks while  
45 | transitioning to licensed combination funeral director  
46 | and embalmers; amending s. 497.458, F.S.; specifying  
47 | that certain deposits under preneed contracts for  
48 | funeral services or merchandise or burial services or  
49 | merchandise must be made unless the preneed contracts  
50 | have been fulfilled; amending s. 497.550, F.S.;

51 requiring monument retailers to comply with specified  
52 requirements relating to place of business and  
53 operations; subjecting monument retailers to  
54 inspection; amending s. 552.081, F.S.; revising the  
55 definition of the term "two-component explosives" for  
56 the purpose of regulation by the Division of State  
57 Fire Marshal; amending s. 553.7921, F.S.; authorizing  
58 a contractor repairing certain existing fire alarm  
59 systems to begin work after filing an application for  
60 a required permit but before receiving the permit;  
61 providing construction; amending s. 626.2815, F.S.;  
62 revising continuing education requirements for certain  
63 persons licensed to solicit, sell, or adjust  
64 insurance; amending s. 626.371, F.S.; requiring  
65 submission of renewal appointments of certain  
66 insurance representatives within a certain timeframe;  
67 requiring the department to notify certain insurers or  
68 employers regarding inadvertent failures to appoint;  
69 requiring insurers and employers to pay certain fees  
70 and taxes within a certain timeframe; authorizing the  
71 department to issue appointments under certain  
72 circumstances; prohibiting the department from  
73 considering inadvertent failures to appoint to be  
74 violations under certain circumstances; requiring the  
75 department to suspend an insurer's or employer's

76 authority to appoint licensees under certain  
77 circumstances; amending s. 626.7351, F.S.; revising  
78 the qualifications for customer representative  
79 licenses; amending s. 626.8443, F.S.; increasing the  
80 maximum period of suspension of a title insurance  
81 agent's or agency's license; making technical changes;  
82 amending s. 626.916, F.S.; deleting a requirement for  
83 agents to advise insureds that certain coverage may be  
84 available for personal residential property risks to  
85 be eligible for export under the Surplus Lines Law;  
86 establishing conditions under which coverage for  
87 indemnity of property insurance deductibles may be  
88 exported to surplus lines; amending s. 626.9551, F.S.;  
89 prohibiting requirements for the provision of  
90 replacement cost estimators or certain other  
91 proprietary business information under certain  
92 circumstances; amending s. 627.715, F.S.; providing an  
93 exemption from a diligent effort requirement for  
94 surplus lines agents exporting contracts or  
95 endorsements providing flood coverage; amending s.  
96 633.102, F.S.; revising the authority of certain fire  
97 protection system contractors to design or alter  
98 certain fire protection systems; providing for  
99 resolution of conflicts between the Florida Building  
100 Code and the Florida Fire Prevention Code; amending s.

101 633.136, F.S.; replacing fire protection agencies in  
102 the Fire and Emergency Incident Information Reporting  
103 Program with fire service providers; revising the  
104 composition of the Fire and Emergency Incident  
105 Information System Technical Advisory Panel; defining  
106 the term "fire service provider"; amending s. 633.202,  
107 F.S.; extending a deadline for certain buildings to  
108 comply with a minimum radio signal strength  
109 requirement under the Florida Fire Prevention Code;  
110 extending a deadline for certain buildings to apply  
111 for a specified permit; creating s. 633.217, F.S.;  
112 prohibiting certain acts to influence a firesafety  
113 inspector to violate certain laws; prohibiting a  
114 firesafety inspector from knowingly and intentionally  
115 requesting, soliciting, accepting, or agreeing to  
116 accept compensation offered to induce a violation of  
117 certain codes, rules, or laws; amending s. 633.304,  
118 F.S.; revising the training requirements for licenses  
119 and permits to install or maintain fire suppression  
120 equipment; amending s. 633.402, F.S.; revising the  
121 composition of the Firefighters Employment, Standards,  
122 and Training Council; amending s. 633.416, F.S.;  
123 providing that certain persons serving as volunteer  
124 firefighters may serve as regular or permanent  
125 firefighters for a limited period, subject to certain

126 restrictions; amending s. 648.30, F.S.; prohibiting  
 127 the aiding or abetting of unlicensed activity of a  
 128 bail bond agent or temporary bail bond agent;  
 129 providing criminal penalties; amending s. 843.08,  
 130 F.S.; prohibiting false personation of personnel or  
 131 representatives of the Division of Investigative and  
 132 Forensic Services; amending s. 943.045, F.S.; revising  
 133 the definition of the term "criminal justice agency"  
 134 to include the investigations component of the  
 135 department which investigates certain crimes;  
 136 providing effective dates.

137

138 Be It Enacted by the Legislature of the State of Florida:

139

140 Section 1. Paragraph (f) of subsection (2) of section  
 141 20.121, Florida Statutes, is amended to read:

142 20.121 Department of Financial Services.—There is created  
 143 a Department of Financial Services.

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

146 (f) The Division of Public Assistance Fraud, which shall  
 147 function as a criminal justice agency for purposes of ss.  
 148 943.045-943.08. The division shall conduct investigations  
 149 pursuant to s. 414.411 within or outside of the state as it  
 150 deems necessary. If, during an investigation, the division has

151 reason to believe that any criminal law of the state has or may  
152 have been violated, it shall refer any records supporting such  
153 violation to state or federal law enforcement or prosecutorial  
154 agencies and shall provide investigative assistance to those  
155 agencies as required.

156 Section 2. Section 284.30, Florida Statutes, is amended to  
157 read:

158 284.30 State Risk Management Trust Fund; coverages to be  
159 provided.—A state self-insurance fund, designated as the "State  
160 Risk Management Trust Fund," is created to be set up by the  
161 Department of Financial Services and administered with a program  
162 of risk management, which fund is to provide insurance, as  
163 authorized by s. 284.33, for workers' compensation, general  
164 liability, fleet automotive liability, federal civil rights  
165 actions under 42 U.S.C. s. 1983 or similar federal statutes,  
166 benefits payable under s. 112.1816(2), to an employee of a state  
167 agency or department covered under s. 284.31, and court-awarded  
168 attorney ~~attorney's~~ fees in other proceedings against the state  
169 except for such awards in eminent domain or for inverse  
170 condemnation or for awards by the Public Employees Relations  
171 Commission. A party to a suit in any court, to be entitled to  
172 have his or her attorney ~~attorney's~~ fees paid by the state or  
173 any of its agencies, must serve a copy of the pleading claiming  
174 the fees on the Department of Financial Services; and thereafter  
175 the department shall be entitled to participate with the agency

176 in the defense of the suit and any appeal thereof with respect  
177 to such fees.

178 Section 3. Section 284.31, Florida Statutes, is amended to  
179 read:

180 284.31 Scope and types of coverages; separate accounts.—  
181 The Insurance Risk Management Trust Fund must ~~shall~~, unless  
182 specifically excluded by the Department of Financial Services,  
183 cover all departments of the State of Florida and their  
184 employees, agents, and volunteers and must ~~shall~~ provide  
185 separate accounts for workers' compensation, general liability,  
186 fleet automotive liability, federal civil rights actions under  
187 42 U.S.C. s. 1983 or similar federal statutes, state agency  
188 firefighter cancer benefits payable under s. 112.1816(2), and  
189 court-awarded attorney ~~attorney's~~ fees in other proceedings  
190 against the state except for such awards in eminent domain or  
191 for inverse condemnation or for awards by the Public Employees  
192 Relations Commission. Unless specifically excluded by the  
193 Department of Financial Services, the Insurance Risk Management  
194 Trust Fund must ~~shall~~ provide fleet automotive liability  
195 coverage to motor vehicles titled to the state, or to any  
196 department of the state, when such motor vehicles are used by  
197 community transportation coordinators performing, under contract  
198 to the appropriate department of the state, services for the  
199 transportation disadvantaged under part I of chapter 427. Such  
200 fleet automotive liability coverage is ~~shall be~~ primary and is



201 ~~shall be~~ subject to ~~the provisions of~~ s. 768.28 and parts II and  
202 III of chapter 284, and applicable rules adopted thereunder, and  
203 the terms and conditions of the certificate of coverage issued  
204 by the Department of Financial Services.

205 Section 4. Section 284.385, Florida Statutes, is amended  
206 to read:

207 284.385 Reporting and handling of claims.—

208 (1) All departments covered by the State Risk Management  
209 Trust Fund under this part shall immediately report all known or  
210 potential claims to the Department of Financial Services for  
211 handling, except employment complaints that ~~which~~ have not been  
212 filed with the Florida Human Relations Commission, Equal  
213 Employment Opportunity Commission, or any similar agency. When  
214 deemed necessary, the Department of Financial Services shall  
215 assign or reassign the claim to counsel. The assigned counsel  
216 shall report regularly to the Department of Financial Services  
217 or to the covered department on the status of any such claims or  
218 litigation as required by the Department of Financial Services.  
219 ~~No~~ Such claims may not ~~claim shall~~ be compromised or settled for  
220 monetary compensation without the prior approval of the  
221 Department of Financial Services and prior notification to the  
222 covered department. All departments shall cooperate with the  
223 Department of Financial Services in its handling of claims. The  
224 Department of Financial Services and the Department of  
225 Management Services, with the cooperation of the state attorneys

226 and the clerks of the courts, shall develop a system to  
227 coordinate the exchange of information concerning claims for and  
228 against the state, its agencies, and its subdivisions, to assist  
229 in collection of amounts due to them. The covered department is  
230 responsible ~~shall have the responsibility~~ for the settlement of  
231 any claim for injunctive or affirmative relief under 42 U.S.C.  
232 s. 1983 or similar federal or state statutes. The payment of a  
233 settlement or judgment for any claim covered and reported under  
234 this part may ~~shall~~ be made only from the State Risk Management  
235 Trust Fund.

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

241 Section 5. Section 284.45, Florida Statutes, is created to  
242 read:

243 284.45 Sexual harassment victims.—

244 (1) An individual working for an entity covered by the  
245 State Risk Management Trust Fund may not engage in retaliatory  
246 conduct of any kind against a sexual harassment victim. As used  
247 in this section, the term "sexual harassment victim" means an  
248 individual employed, or being considered for employment, with an  
249 entity participating in the State Risk Management Trust Fund who  
250 becomes a victim of workplace sexual harassment through the

251 course of employment, or while being considered for employment,  
252 with the entity.

253 (2) The willful and knowing dissemination of personal  
254 identifying information of a sexual harassment victim, which is  
255 confidential and exempt pursuant to s. 119.071(2)(n), to any  
256 party other than a governmental entity in furtherance of its  
257 official duties or pursuant to a court order is a misdemeanor of  
258 the first degree, punishable as provided in s. 775.082.

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

261 497.101 Board of Funeral, Cemetery, and Consumer Services;  
262 membership; appointment; terms.—

263 (1) The Board of Funeral, Cemetery, and Consumer Services  
264 is created within the Department of Financial Services and shall  
265 consist of 10 members, 9 of whom shall be appointed by the  
266 Governor from nominations made by the Chief Financial Officer  
267 and confirmed by the Senate. The Chief Financial Officer shall  
268 nominate one to three persons for each of the nine vacancies on  
269 the board, and the Governor shall fill each vacancy on the board  
270 by appointing one of the ~~three~~ persons nominated by the Chief  
271 Financial Officer to fill that vacancy. If the Governor objects  
272 to each of the ~~three~~ nominations for a vacancy, she or he shall  
273 inform the Chief Financial Officer in writing. Upon notification  
274 of an objection by the Governor, the Chief Financial Officer  
275 shall submit one to three additional nominations for that

276 | vacancy until the vacancy is filled. One member must be the  
 277 | State Health Officer or her or his designee.

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

301 employee of any licensee licensed under this chapter; and does  
 302 not otherwise have control, as defined in s. 497.005, over any  
 303 licensee licensed under this chapter. One member of the board  
 304 must ~~shall~~ be a principal of a monument establishment licensed  
 305 under this chapter as a monument builder. One member must ~~shall~~  
 306 be the State Health Officer or her or his designee. There may  
 307 ~~shall~~ not be two or more board members who are principals or  
 308 employees of the same company or partnership or group of  
 309 companies or partnerships under common control.

310 (3) Board members shall be appointed for terms of 4 years,  
 311 and the State Health Officer shall serve as long as that person  
 312 holds that office. The designee of the State Health Officer  
 313 shall serve at the pleasure of the Governor. ~~When the terms of~~  
 314 ~~the initial board members expire, the Chief Financial Officer~~  
 315 ~~shall stagger the terms of the successor members as follows: one~~  
 316 ~~funeral director, one cemetery representative, the monument~~  
 317 ~~builder, and one consumer member shall be appointed for terms of~~  
 318 ~~2 years, and the remaining members shall be appointed for terms~~  
 319 ~~of 4 years. All subsequent terms shall be for 4 years.~~

320 (6) The board shall maintain its headquarters and records  
 321 ~~of the board shall be~~ in the Division of Funeral, Cemetery, and  
 322 Consumer Services of the Department of Financial Services in the  
 323 City of Tallahassee. The board may be contacted through the  
 324 Division of Funeral, Cemetery, and Consumer Services of the  
 325 Department of Financial Services in the City of Tallahassee. The

326 Chief Financial Officer shall annually appoint from among the  
327 board members a chair and vice chair of the board. The board  
328 shall meet at least every 6 months, and more often as necessary.  
329 Special meetings of the board shall be convened upon the  
330 direction of the Chief Financial Officer. A quorum is necessary  
331 for the conduct of business by the board. The participation by a  
332 board member in a meeting conducted through communications media  
333 technology constitutes that individual's presence at such  
334 meeting. Board members appearing at a board meeting in person as  
335 well as board members appearing through the use of  
336 communications media technology shall be counted for the  
337 determination of a quorum. As used in this subsection,  
338 "communications media technology" means the electronic  
339 transmission of printed matter, audio, full-motion video,  
340 freeze-frame video, compressed video, and digital video by any  
341 method available. Unless otherwise provided by law, six board  
342 members shall constitute a quorum for the conduct of the board's  
343 business.

344 ~~(8) The department shall adopt rules establishing forms by~~  
345 ~~which persons may apply for membership on the board and~~  
346 ~~procedures for applying for such membership. Such forms shall~~  
347 ~~require disclosure of the existence and nature of all current~~  
348 ~~and past employments by or contracts with, and direct or~~  
349 ~~indirect affiliations or interests in, any entity or business~~  
350 ~~that at any time was licensed by the board or by the former~~

351 ~~Board of Funeral and Cemetery Services or the former Board of~~  
352 ~~Funeral Directors and Embalmers or that is or was otherwise~~  
353 ~~involved in the death care industry, as specified by department~~  
354 ~~rule.~~

355 Section 7. Subsections (2) through (5) of section 497.157,  
356 Florida Statutes, are renumbered as subsections (4) through (7),  
357 respectively, present subsection (3) is amended, and new  
358 subsections (2) and (3) and subsection (8) are added to that  
359 section, to read:

360 497.157 Unlicensed practice; remedies concerning  
361 violations by unlicensed persons.—

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

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

371 (5)~~(3)~~ Where the department determines that an emergency  
372 exists regarding any violation of this chapter by any unlicensed  
373 person or entity, the department may issue and serve an  
374 immediate final order upon such unlicensed person or entity, in  
375 accordance with s. 120.569(2)(n). Such an immediate final order

376 may impose such prohibitions and requirements as are reasonably  
 377 necessary to protect the public health, safety, and welfare, and  
 378 is ~~shall be~~ effective when served.

379 (a) For the purpose of enforcing such an immediate final  
 380 order, the department may file an emergency or other proceeding  
 381 in the circuit courts of the state seeking enforcement of the  
 382 immediate final order by injunctive or other order of the court.  
 383 The court shall issue its injunction or other order enforcing  
 384 the immediate final order pending administrative resolution of  
 385 the matter under subsection (4) ~~(2)~~, unless the court determines  
 386 that such action would work a manifest injustice under the  
 387 circumstances. Venue for judicial actions under this paragraph  
 388 must ~~shall~~ be, at the election of the department, in the courts  
 389 of Leon County, or in a county where the respondent resides or  
 390 has a place of business.

391 (b) After serving an immediate final order to cease and  
 392 desist upon any person or entity, the department shall within 10  
 393 days issue and serve upon the same person or entity an  
 394 administrative complaint as set forth in subsection (4) ~~(2)~~,  
 395 except that, absent order of a court to the contrary, the  
 396 immediate final order will ~~shall~~ be effective throughout the  
 397 pendency of proceedings under subsection (4) ~~(2)~~.

398 (8) Any person who is not licensed under this chapter and  
 399 who engages in activity requiring licensure under this chapter  
 400 commits a felony of the third degree, punishable as provided in



401 s. 775.082, s. 775.083, or s. 775.084.

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

404 497.159 Crimes.—

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

409 Section 9. Paragraphs (f) and (g) of subsection (1) of  
410 section 497.273, Florida Statutes, are redesignated as  
411 paragraphs (e) and (f), respectively, subsections (2), (3), and  
412 (4) are renumbered as subsections (3), (4), and (5),  
413 respectively, paragraph (e) of subsection (1) is amended, and a  
414 new subsection (2) is added to that section, to read:

415 497.273 Cemetery companies; authorized functions.—

416 (1) Within the boundaries of the cemetery lands it owns, a  
417 cemetery company may perform the following functions:

418 ~~(e) The nonexclusive preneed and at-need sale of~~  
419 ~~monuments, memorials, markers, burial vaults, urns, flower~~  
420 ~~vases, floral arrangements, and other similar merchandise for~~  
421 ~~use within the cemetery.~~

422 (2) A cemetery company may perform the nonexclusive  
423 preneed and at-need sale of monuments, memorials, markers,  
424 burial vaults, urns, flower vases, floral arrangements, and  
425 other similar merchandise for use within a cemetery, regardless

426 of whether the cemetery is within the boundaries of the cemetery  
 427 lands the company owns.

428 Section 10. Paragraph (a) of subsection (4) of section  
 429 497.375, Florida Statutes, is amended, paragraph (e) is added to  
 430 subsection (4), and paragraphs (b) and (c) of subsection (4) of  
 431 that section are republished, to read:

432 497.375 Funeral directing; licensure of a funeral director  
 433 intern.—

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

437 (b) A funeral director intern who is eligible for  
 438 licensure under subparagraph (1) (b) 2. may renew her or his  
 439 funeral director intern license for an additional 1-year period  
 440 if the funeral director in charge of the funeral director intern  
 441 training agency certifies to the licensing authority that the  
 442 intern has completed at least one-half of the course of study in  
 443 mortuary science or funeral service arts.

444 (c) The licensing authority may adopt rules that allow a  
 445 funeral director intern to renew her or his funeral director  
 446 intern license for an additional 1-year period if the funeral  
 447 director intern demonstrates her or his failure to complete the  
 448 internship before expiration of the license due to illness,  
 449 personal injury, or other substantial hardship beyond her or his  
 450 reasonable control or demonstrates that she or he has completed

451 the requirements for licensure as a funeral director but is  
452 awaiting the results of a licensure examination. However, a  
453 funeral director intern who renews her or his license under  
454 paragraph (b) is not eligible to renew the license under this  
455 paragraph.

456 (e) Upon expiration of a funeral director intern license,  
457 any intern that has completed the educational credentials  
458 required for a license as a funeral director and has applied for  
459 licensure may continue to perform the tasks, functions, and  
460 duties related to funeral directing in the manner provided in  
461 paragraph (1) (d) until a license is issued or denied, or for a  
462 period of 90 days, whichever occurs sooner.

463 Section 11. Paragraph (d) of subsection (2) of section  
464 497.377, Florida Statutes, is amended, and paragraph (c) of  
465 subsection (2) of that subsection is republished, to read:

466 497.377 Combination funeral director and embalmer  
467 internships.—

468 (2)

469 (c) A combination funeral director and embalmer intern may  
470 perform only the tasks, functions, and duties relating to  
471 funeral directing and embalming which are performed under the  
472 direct supervision of a licensed funeral director who has an  
473 active, valid license under s. 497.373 or s. 497.374(1) and an  
474 embalmer who has an active, valid license under s. 497.368 or s.  
475 497.369. However, a combination funeral director and embalmer

476 intern may perform such tasks, functions, and duties under the  
477 general supervision of a licensed funeral director and embalmer  
478 upon graduation from a college accredited by ABFSE with a degree  
479 as specified in s. 497.373(1)(d) and upon passage of the  
480 examination required under s. 497.373(2)(b) if the funeral  
481 director in charge of the internship training establishment,  
482 after 6 months of direct supervision, certifies to the licensing  
483 authority that the intern is competent to complete the  
484 internship under general supervision.

485 (d)1. A combination funeral director and embalmer intern  
486 license expires 1 year after issuance and, except as provided in  
487 subparagraph 2., may not be renewed; however, upon expiration of  
488 a combination funeral director and embalmer intern license, any  
489 intern that has completed the educational credentials required  
490 for a combination license as both funeral director and embalmer  
491 and has applied for licensure may continue to perform the tasks,  
492 functions, and duties related to funeral directing and embalming  
493 in the manner provided in paragraph (c) until a license is  
494 issued or denied, or for a period of 90 days, whichever occurs  
495 sooner.

496 2. The licensing authority may adopt rules that allow a  
497 combination funeral director and embalmer intern to renew her or  
498 his combination funeral director and embalmer intern license for  
499 an additional 1 year if the combination funeral director and  
500 embalmer intern demonstrates her or his failure to complete the

501 internship before expiration of the license due to illness,  
502 personal injury, or other substantial hardship beyond her or his  
503 reasonable control or demonstrates that she or he has completed  
504 the requirements for licensure as a combination funeral director  
505 and embalmer but is awaiting the results of a licensure  
506 examination.

507 Section 12. Paragraph (c) of subsection (1) of section  
508 497.458, Florida Statutes, is amended, and paragraph (a) of  
509 subsection (1) of that section is republished, to read:

510 497.458 Disposition of proceeds received on contracts.—

511 (1) (a) Any person who is paid, collects, or receives funds  
512 under a preneed contract for funeral services or merchandise or  
513 burial services or merchandise shall deposit an amount at least  
514 equal to the sum of 70 percent of the purchase price collected  
515 for all services sold and facilities rented; 100 percent of the  
516 purchase price collected for all cash advance items sold; and 30  
517 percent of the purchase price collected or 110 percent of the  
518 wholesale cost, whichever is greater, for each item of  
519 merchandise sold. The board may, by rule, specify criteria for  
520 the classification of items sold in a preneed contract as  
521 services, cash advances, or merchandise.

522 (c) Unless the preneed contract has been fulfilled, such  
523 deposits shall be made within 30 days after the end of the  
524 calendar month in which payment is received, under the terms of  
525 a revocable trust instrument entered into with a trust company,

526 with a national or state bank holding trust powers, or with a  
527 federal or state savings and loan association holding trust  
528 powers.

529 Section 13. Paragraph (d) of subsection (1) of section  
530 497.550, Florida Statutes, is amended to read:

531 497.550 Licensure of monument establishments required;  
532 procedures and criteria.—

533 (1) LICENSE REQUIRED.—No person shall conduct, maintain,  
534 manage, or operate a monument establishment in this state unless  
535 the monument establishment is licensed pursuant to this part.

536 (d) The requirements of this chapter apply to both  
537 monument retailers and monument builders, except as provided in  
538 this paragraph. Each monument establishment shall be a physical  
539 structure that is located at a specific street address, in  
540 compliance with zoning regulations of the appropriate local  
541 government, and not located on property that is exempt from  
542 taxation, but a monument retailer may not otherwise be required  
543 to comply with s. 497.552(4) ~~s. 497.552~~ or be subject to  
544 ~~inspection under this chapter.~~

545 Section 14. Subsection (13) of section 552.081, Florida  
546 Statutes, is amended to read:

547 552.081 Definitions.—As used in this chapter:

548 (13) "Two-component explosives" means any two inert  
549 components that ~~which~~, when mixed, become capable of detonation  
550 by a detonator ~~a No. 6 blasting cap~~, and shall be classified as

551 a Class "A" explosive when so mixed.

552 Section 15. Subsection (2) of section 553.7921, Florida  
553 Statutes, is renumbered as subsection (3), subsection (1) of  
554 that section is amended, and a new subsection (2) is added to  
555 that section, to read:

556 553.7921 Fire alarm permit application to local  
557 enforcement agency.—

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

562 ~~(a) installing or replacing a fire alarm,~~ if the local  
563 enforcement agency requires a plan review for the installation  
564 or replacement; ~~or~~

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

568 (2) If the local enforcement agency requires a fire alarm  
569 permit to repair an existing alarm system that was previously  
570 permitted by the local enforcement agency, a contractor may  
571 begin work after filing a Uniform Fire Alarm Permit Application  
572 as provided in subsection (3). A fire alarm repaired pursuant to  
573 this subsection may not be considered compliant until the  
574 required permit is issued and the local enforcement agency  
575 approves the repair.

576 Section 16. Effective January 1, 2022, subsection (3) and  
577 paragraph (i) of subsection (7) of section 626.2815, Florida  
578 Statutes, are amended to read:

579 626.2815 Continuing education requirements.—

580 (3) Each licensee except a title insurance agent must  
581 complete a 4-hour ~~5-hour~~ update course every 2 years which is  
582 specific to the license held by the licensee. The course must be  
583 developed and offered by providers and approved by the  
584 department. The content of the course must address all lines of  
585 insurance for which examination and licensure are required and  
586 include the following subject areas: insurance law updates,  
587 ethics for insurance professionals, disciplinary trends and case  
588 studies, industry trends, premium discounts, determining  
589 suitability of products and services, and other similar  
590 insurance-related topics the department determines are relevant  
591 to legally and ethically carrying out the responsibilities of  
592 the license granted. A licensee who holds multiple insurance  
593 licenses must complete an update course that is specific to at  
594 least one of the licenses held. Except as otherwise specified,  
595 any remaining required hours of continuing education are  
596 elective and may consist of any continuing education course  
597 approved by the department under this section.

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



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

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

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

614 (e) An individual subject to chapter 648 must complete the  
615 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of  
616 elective continuing education courses every 2 years.

617 (f) Elective continuing education courses for public  
618 adjusters must be specifically designed for public adjusters and  
619 approved by the department. Notwithstanding this subsection,  
620 public adjusters for workers' compensation insurance or health  
621 insurance are not required to take continuing education courses  
622 pursuant to this section.

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

625 (h) An individual teaching an approved course of

626 instruction or lecturing at any approved seminar and attending  
627 the entire course or seminar qualifies for the same number of  
628 classroom hours as would be granted to a person taking and  
629 successfully completing such course or seminar. Credit is  
630 limited to the number of hours actually taught unless a person  
631 attends the entire course or seminar. An individual who is an  
632 official of or employed by a governmental entity in this state  
633 and serves as a professor, instructor, or in another position or  
634 office, the duties and responsibilities of which are determined  
635 by the department to require monitoring and review of insurance  
636 laws or insurance regulations and practices, is exempt from this  
637 section.

638 (i) For compliance periods beginning on or after October  
639 1, 2014, any person who holds a license as a title insurance  
640 agent must complete a minimum of 10 hours of continuing  
641 education credit every 2 years in title insurance and escrow  
642 management specific to this state and approved by the  
643 department, which must ~~shall~~ include at least 3 hours of  
644 continuing education on the subject matter of ethics, rules, or  
645 compliance with state and federal regulations relating  
646 specifically to title insurance and closing services.

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

651 (7) The following courses may be completed in order to  
 652 meet the elective continuing education course requirements:

653 (i) Any part of the Claims and Litigation Management  
 654 Alliance (CLM) Universal Claims Certification (UCC) professional  
 655 designation: 20 ~~19~~ hours of elective continuing education and 4  
 656 ~~5~~ hours of the continuing education required under subsection  
 657 (3).

658 Section 17. Subsections (1) and (2) of section 626.371,  
 659 Florida Statutes, are amended to read:

660 626.371 Payment of fees, taxes for appointment period  
 661 without appointment.—

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

666 (2) (a) If, upon application and qualification for an  
 667 initial or renewal appointment and such investigation as the  
 668 department may make, ~~it appears to~~ the department determines  
 669 that an individual has not been properly appointed to represent  
 670 an insurer or employer, that such individual ~~who~~ was formerly  
 671 licensed or is currently licensed, ~~but not properly appointed to~~  
 672 ~~represent an insurer or employer~~ and that such individual ~~who~~  
 673 has been actively engaged or is currently actively engaged as  
 674 such an appointee, ~~but without being appointed as required,~~ the  
 675 department shall ~~may~~, if it finds that such failure to be

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

680 (b) The department may nevertheless issue or authorize the  
681 issuance of the appointment upon the insurer's or employer's  
682 timely payment to the department of ~~as applied for but subject~~  
683 ~~to the condition that, before the appointment is issued,~~ all  
684 fees and taxes that ~~which~~ would have been due had the applicant  
685 been properly ~~so~~ appointed during such current and prior  
686 periods, including with applicable fees and taxes that would  
687 have been due pursuant to s. 624.501 for such current and prior  
688 periods of appointment, ~~shall be paid to the department.~~

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

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

699 Section 18. Subsection (3) of section 626.7351, Florida  
700 Statutes, is amended to read:

701           626.7351 Qualifications for customer representative's  
702 license.—The department shall not grant or issue a license as  
703 customer representative to any individual found by it to be  
704 untrustworthy or incompetent, or who does not meet each of the  
705 following qualifications:

706           (3) Within 4 years preceding the date that the application  
707 for license was filed with the department, the applicant has  
708 earned the designation of Accredited Advisor in Insurance (AAI),  
709 Associate in General Insurance (AINS), or Accredited Customer  
710 Service Representative (ACSR) from the Insurance Institute of  
711 America; the designation of Certified Insurance Counselor (CIC)  
712 from the Society of Certified Insurance Service Counselors; the  
713 designation of Certified Professional Service Representative  
714 (CPSR) from the National Foundation for CPSR; the designation of  
715 Certified Insurance Service Representative (CISR) from the  
716 Society of Certified Insurance Service Representatives; the  
717 designation of Certified Insurance Representative (CIR) from  
718 All-Lines Training; the designation of Professional Customer  
719 Service Representative (PCSR) from the Professional Career  
720 Institute; the designation of Insurance Customer Service  
721 Representative (ICSR) from Statewide Insurance Associates LLC;  
722 the designation of Registered Customer Service Representative  
723 (RCSR) from a regionally accredited postsecondary institution in  
724 the state whose curriculum is approved by the department and  
725 includes comprehensive analysis of basic property and casualty

726 lines of insurance and testing which demonstrates mastery of the  
727 subject; or a degree from an accredited institution of higher  
728 learning approved by the department when the degree includes a  
729 minimum of 9 credit hours of insurance instruction, including  
730 specific instruction in the areas of property, casualty, and  
731 inland marine insurance. The department shall adopt rules  
732 establishing standards for the approval of curriculum.

733 Section 19. Subsection (1) of section 626.8443, Florida  
734 Statutes, is amended to read:

735 626.8443 Duration of suspension or revocation.—

736 (1) The department shall, in its order suspending a title  
737 insurance agent's or agency's license or appointment or in its  
738 order suspending the eligibility of a person to hold or apply  
739 for such license or appointment, specify the period during which  
740 the suspension is to be in effect, but such period may ~~shall~~ not  
741 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or  
742 eligibility will ~~shall~~ remain suspended during the period so  
743 specified, subject, however, to any rescission or modification  
744 of the order by the department, or modification or reversal  
745 thereof by the court, prior to expiration of the suspension  
746 period. A license, appointment, or eligibility that ~~which~~ has  
747 been suspended may not be reinstated except upon request for  
748 such reinstatement, but the department may ~~shall~~ not grant such  
749 reinstatement if it finds that the circumstance or circumstances  
750 for which the license, appointment, and eligibility was

751 suspended still exist or are likely to recur.

752 Section 20. Paragraph (e) of subsection (1) and paragraph  
753 (b) of subsection (3) of section 626.916, Florida Statutes, are  
754 amended, and paragraphs (a) through (d) of subsection (1) of  
755 that section are republished, to read:

756 626.916 Eligibility for export.—

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

759 (a) The full amount of insurance required must not be  
760 procurable, after a diligent effort has been made by the  
761 producing agent to do so, from among the insurers authorized to  
762 transact and actually writing that kind and class of insurance  
763 in this state, and the amount of insurance exported shall be  
764 only the excess over the amount so procurable from authorized  
765 insurers. Surplus lines agents must verify that a diligent  
766 effort has been made by requiring a properly documented  
767 statement of diligent effort from the retail or producing agent.  
768 However, to be in compliance with the diligent effort  
769 requirement, the surplus lines agent's reliance must be  
770 reasonable under the particular circumstances surrounding the  
771 export of that particular risk. Reasonableness shall be assessed  
772 by taking into account factors which include, but are not  
773 limited to, a regularly conducted program of verification of the  
774 information provided by the retail or producing agent.  
775 Declinations must be documented on a risk-by-risk basis. If it

776 is not possible to obtain the full amount of insurance required  
777 by layering the risk, it is permissible to export the full  
778 amount.

779 (b) The premium rate at which the coverage is exported  
780 shall not be lower than that rate applicable, if any, in actual  
781 and current use by a majority of the authorized insurers for the  
782 same coverage on a similar risk.

783 (c) The policy or contract form under which the insurance  
784 is exported shall not be more favorable to the insured as to the  
785 coverage or rate than under similar contracts on file and in  
786 actual current use in this state by the majority of authorized  
787 insurers actually writing similar coverages on similar risks;  
788 except that a coverage may be exported under a unique form of  
789 policy designed for use with respect to a particular subject of  
790 insurance if a copy of such form is filed with the office by the  
791 surplus lines agent desiring to use the same and is subject to  
792 the disapproval of the office within 10 days of filing such form  
793 exclusive of Saturdays, Sundays, and legal holidays if it finds  
794 that the use of such special form is not reasonably necessary  
795 for the principal purposes of the coverage or that its use would  
796 be contrary to the purposes of this Surplus Lines Law with  
797 respect to the reasonable protection of authorized insurers from  
798 unwarranted competition by unauthorized insurers.

799 (d) Except as to extended coverage in connection with fire  
800 insurance policies and except as to windstorm insurance, the



801 policy or contract under which the insurance is exported shall  
 802 not provide for deductible amounts, in determining the existence  
 803 or extent of the insurer's liability, other than those available  
 804 under similar policies or contracts in actual and current use by  
 805 one or more authorized insurers.

806 ~~(c) For personal residential property risks, the retail or~~  
 807 ~~producing agent must advise the insured in writing that coverage~~  
 808 ~~may be available and may be less expensive from Citizens~~  
 809 ~~Property Insurance Corporation. The notice must include other~~  
 810 ~~information that states that assessments by Citizens Property~~  
 811 ~~Insurance Corporation are higher and the coverage provided by~~  
 812 ~~Citizens Property Insurance Corporation may be less than the~~  
 813 ~~property's existing coverage. If the notice is signed by the~~  
 814 ~~insured, it is presumed that the insured has been informed and~~  
 815 ~~knows that policies from Citizens Property Insurance Corporation~~  
 816 ~~may be less expensive, may provide less coverage, and will be~~  
 817 ~~accompanied by higher assessments.~~

818 (3)

819 (b) Subsection (1) does ~~Paragraphs (1)(a)-(d) do~~ not apply  
 820 to classes of insurance which are related to indemnity of  
 821 deductibles for property insurance or are subject to s.  
 822 627.062(3)(d)1. These classes may be exportable under the  
 823 following conditions:

824 1. The insurance must be placed only by or through a  
 825 surplus lines agent licensed in this state;

826 2. The insurer must be made eligible under s. 626.918; and

827 3. The insured must sign a disclosure that substantially  
 828 provides the following: "You are agreeing to place coverage in  
 829 the surplus lines market. Superior coverage may be available in  
 830 the admitted market and at a lesser cost. Persons insured by  
 831 surplus lines carriers are not protected under the Florida  
 832 Insurance Guaranty Act with respect to any right of recovery for  
 833 the obligation of an insolvent unlicensed insurer." If the  
 834 notice is signed by the insured, the insured is presumed to have  
 835 been informed and to know that other coverage may be available,  
 836 and, with respect to the diligent-effort requirement under  
 837 subsection (1), there is no liability on the part of, and no  
 838 cause of action arises against, the retail agent presenting the  
 839 form.

840 Section 21. Paragraph (e) is added to subsection (1) of  
 841 section 626.9551, Florida Statutes, to read:

842 626.9551 Favored agent or insurer; coercion of debtors.—

843 (1) No person may:

844 (e) Require an insurance agent or agency to directly or  
 845 indirectly provide the replacement cost estimator or other  
 846 underwriting information of an insurer underwriting an insurance  
 847 policy covering real property, as a condition precedent or  
 848 condition subsequent to the lending of money or extension of  
 849 credit to be secured by real property, when such information is  
 850 the proprietary business information of an insurer, as defined

851 in s. 624.4212(1), nor may an agent or agency provide this  
852 information.

853 Section 22. Subsections (4) through (10) of section  
854 627.715, Florida Statutes, are renumbered as subsections (5)  
855 through (11), respectively, and a new subsection (4) is added to  
856 that section, to read:

857 627.715 Flood insurance.—An authorized insurer may issue  
858 an insurance policy, contract, or endorsement providing personal  
859 lines residential coverage for the peril of flood or excess  
860 coverage for the peril of flood on any structure or the contents  
861 of personal property contained therein, subject to this section.  
862 This section does not apply to commercial lines residential or  
863 commercial lines nonresidential coverage for the peril of flood.  
864 An insurer may issue flood insurance policies, contracts,  
865 endorsements, or excess coverage on a standard, preferred,  
866 customized, flexible, or supplemental basis.

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

871 Section 23. Subsection (3) of section 633.102, Florida  
872 Statutes, is amended to read:

873 633.102 Definitions.—As used in this chapter, the term:

874 (3) (a) "Contractor I" means a contractor whose business  
875 includes the execution of contracts requiring the ability to lay

876 out, fabricate, install, inspect, alter, repair, and service all  
 877 types of fire protection systems, excluding preengineered  
 878 systems.

879 (b) "Contractor II" means a contractor whose business is  
 880 limited to the execution of contracts requiring the ability to  
 881 lay out, fabricate, install, inspect, alter, repair, and service  
 882 water sprinkler systems, water spray systems, foam-water  
 883 sprinkler systems, foam-water spray systems, standpipes,  
 884 combination standpipes and sprinkler risers, all piping that is  
 885 an integral part of the system beginning at the point of service  
 886 as defined in this section, sprinkler tank heaters, air lines,  
 887 thermal systems used in connection with sprinklers, and tanks  
 888 and pumps connected thereto, excluding preengineered systems.

889 (c) "Contractor III" means a contractor whose business is  
 890 limited to the execution of contracts requiring the ability to  
 891 fabricate, install, inspect, alter, repair, and service carbon  
 892 dioxide systems, foam extinguishing systems, dry chemical  
 893 systems, and Halon and other chemical systems, excluding  
 894 preengineered systems.

895 (d) "Contractor IV" means a contractor whose business is  
 896 limited to the execution of contracts requiring the ability to  
 897 lay out, fabricate, install, inspect, alter, repair, and service  
 898 automatic fire sprinkler systems for detached one-family  
 899 dwellings, detached two-family dwellings, and mobile homes,  
 900 excluding preengineered systems and excluding single-family

901 homes in cluster units, such as apartments, condominiums, and  
 902 assisted living facilities or any building that is connected to  
 903 other dwellings. A Contractor IV is limited to the scope of  
 904 practice specified in NFPA 13D.

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

912  
 913 ~~The definitions in~~ This subsection may not be construed to  
 914 include engineers or architects within the defined terms and  
 915 does ~~de~~ not limit or prohibit a licensed fire protection  
 916 engineer or architect with fire protection design experience  
 917 from designing any type of fire protection system. A distinction  
 918 is made between system design concepts prepared by the design  
 919 professional and system layout as defined in this section and  
 920 typically prepared by the contractor. However, a person  
 921 certified as a Contractor I or, ~~Contractor II, or Contractor IV~~  
 922 ~~under this chapter~~ may design new fire protection systems of 49  
 923 or fewer sprinklers; ~~and~~ may design the alteration of an  
 924 existing fire sprinkler system if the alteration consists of the  
 925 relocation, addition, or deletion of ~~not more than~~ 49 or fewer

926 | sprinklers, notwithstanding the size of the existing fire  
927 | sprinkler system; or may design the alteration of an existing  
928 | fire sprinkler system if the alteration consists of the  
929 | relocation or deletion of 249 or fewer sprinklers,  
930 | notwithstanding the size of the existing fire sprinkler system,  
931 | if there is no change of occupancy, as defined in the Florida  
932 | Building Code and the Florida Fire Prevention Code, of the  
933 | affected areas and there is no change in the water demand as  
934 | defined in NFPA 13, "Standard for the Installation of Sprinkler  
935 | Systems," and if the occupancy hazard classification as defined  
936 | in NFPA 13 is reduced or remains the same as a result of the  
937 | alteration. Conflicts between the Florida Building Code and the  
938 | Florida Fire Prevention Code shall be resolved pursuant to s.  
939 | 553.73(1)(d). A person certified as a Contractor I, Contractor  
940 | II, or Contractor IV may design or alter a fire protection  
941 | system, the scope of which complies with NFPA 13D, "Standard for  
942 | the Installation of Sprinkler Systems in One- and Two-Family  
943 | Dwellings and Manufactured Homes," as adopted by the State Fire  
944 | Marshal, notwithstanding the number of fire sprinklers.  
945 | Contractor-developed plans may not be required by any local  
946 | permitting authority to be sealed by a registered professional  
947 | engineer.

948 |       Section 24. Section 633.136, Florida Statutes, is amended  
949 | to read:

950 |       633.136 Fire and Emergency Incident Information Reporting

951 Program; duties; fire reports.—

952 (1) (a) The Fire and Emergency Incident Information  
953 Reporting Program is created within the division. The program  
954 shall:

955 1. Establish and maintain an electronic communication  
956 system capable of transmitting fire and emergency incident  
957 information to and between fire service providers ~~protection~~  
958 ~~agencies~~.

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

961 a. Receiving fire and emergency incident information from  
962 fire service providers ~~protection agencies~~.

963 b. Preparing and disseminating annual reports to the  
964 Governor, the President of the Senate, the Speaker of the House  
965 of Representatives, fire service providers ~~protection agencies~~,  
966 and, upon request, the public. Each report must ~~shall~~ include,  
967 but not be limited to, the information listed in the National  
968 Fire Incident Reporting System.

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

971 3. Adopt rules to effectively and efficiently implement,  
972 administer, manage, maintain, and use the Fire and Emergency  
973 Incident Information Reporting Program. The rules shall be  
974 considered minimum requirements and may ~~shall~~ not preclude a  
975 fire service provider ~~protection agency~~ from implementing its

976 own requirements that ~~which~~ may not conflict with the rules of  
977 the division.

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

981 5. Maintain ~~Establish~~ an electronic information database  
982 that is accessible and searchable by fire service providers  
983 ~~protection agencies~~.

984 (b) The division shall consult with the Florida Forest  
985 Service of the Department of Agriculture and Consumer Services  
986 and the State Surgeon General of the Department of Health to  
987 coordinate data, ensure accuracy of the data, and limit  
988 duplication of efforts in data collection, analysis, and  
989 reporting.

990 (2) The Fire and Emergency Incident Information System  
991 Technical Advisory Panel is created within the division. The  
992 panel shall advise, review, and recommend to the State Fire  
993 Marshal with respect to the requirements of this section. The  
994 membership of the panel consists ~~shall consist~~ of the ~~following~~  
995 15 members:

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

998 ~~(b) One member from the Florida Forest Service of the~~  
999 ~~Department of Agriculture and Consumer Services, appointed by~~  
1000 ~~the director of the Florida Forest Service.~~



1001 ~~(c) One member from the Department of Health, appointed by~~  
 1002 ~~the State Surgeon General.~~

1003 (3) As used in ~~For the purpose of~~ this section, the term  
 1004 "fire service provider" has the same meaning as in s. 633.102  
 1005 "~~fire protection agency~~" shall be defined by rule by the  
 1006 ~~division.~~

1007 Section 25. Subsection (18) of section 633.202, Florida  
 1008 Statutes, is amended to read:

1009 633.202 Florida Fire Prevention Code.—

1010 (18) The authority having jurisdiction shall determine the  
 1011 minimum radio signal strength for fire department communications  
 1012 in all new high-rise and existing high-rise buildings. Existing  
 1013 buildings are not required to comply with minimum radio strength  
 1014 for fire department communications and two-way radio system  
 1015 enhancement communications as required by the Florida Fire  
 1016 Prevention Code until January 1, 2025 ~~2022~~. However, by January  
 1017 1, 2024 ~~December 31, 2019~~, an existing building that is not in  
 1018 compliance with the requirements for minimum radio strength for  
 1019 fire department communications must apply for an appropriate  
 1020 permit for the required installation with the local government  
 1021 agency having jurisdiction and must demonstrate that the  
 1022 building will become compliant by January 1, 2025 ~~2022~~. Existing  
 1023 apartment buildings are not required to comply until January 1,  
 1024 2025. However, existing apartment buildings are required to  
 1025 apply for the appropriate permit for the required communications

1026 installation by January 1, 2024 ~~December 31, 2022~~.

1027 Section 26. Section 633.217, Florida Statutes, is created  
1028 to read:

1029 633.217 Influencing a firesafety inspector; prohibited  
1030 acts.—

1031 (1) A person may not influence a firesafety inspector by:

1032 (a) Threatening, coercing, tricking, or attempting to  
1033 threaten, coerce, or trick the firesafety inspector into  
1034 violating any provision of the Florida Fire Prevention Code, any  
1035 rule adopted by the State Fire Marshal, or any provision of this  
1036 chapter.

1037 (b) Offering any compensation to the firesafety inspector  
1038 to induce a violation of the Florida Fire Prevention Code, any  
1039 rule adopted by the State Fire Marshal, or any provision of this  
1040 chapter.

1041 (2) A firesafety inspector may not knowingly and  
1042 intentionally request, solicit, accept, or agree to accept  
1043 compensation offered as described in paragraph (1) (b).

1044 Section 27. Paragraphs (d), (g), and (h) of subsection (4)  
1045 of section 633.304, Florida Statutes, are amended to read:

1046 633.304 Fire suppression equipment; license to install or  
1047 maintain.—

1048 (4)

1049 (d) A license of any class may not be issued or renewed by  
1050 the division and a license of any class does not remain

1051 operative unless:

1052 1. The applicant has submitted to the State Fire Marshal  
1053 evidence of registration as a Florida corporation or evidence of  
1054 compliance with s. 865.09.

1055 2. The State Fire Marshal or his or her designee has by  
1056 inspection determined that the applicant possesses the equipment  
1057 required for the class of license sought. The State Fire Marshal  
1058 shall give an applicant a reasonable opportunity to correct any  
1059 deficiencies discovered by inspection. To obtain such  
1060 inspection, an applicant with facilities located outside this  
1061 state must:

1062 a. Provide a notarized statement from a professional  
1063 engineer licensed by the applicant's state of domicile  
1064 certifying that the applicant possesses the equipment required  
1065 for the class of license sought and that all such equipment is  
1066 operable; or

1067 b. Allow the State Fire Marshal or her or his designee to  
1068 inspect the facility. All costs associated with the State Fire  
1069 Marshal's inspection must be paid by the applicant. The State  
1070 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
1071 establish standards for the calculation and establishment of the  
1072 amount of costs associated with any inspection conducted by the  
1073 State Fire Marshal under this section. Such rules must include  
1074 procedures for invoicing and receiving funds in advance of the  
1075 inspection.

1076           3. The applicant has submitted to the State Fire Marshal  
1077 proof of insurance providing coverage for comprehensive general  
1078 liability for bodily injury and property damage, products  
1079 liability, completed operations, and contractual liability. The  
1080 State Fire Marshal shall adopt rules providing for the amounts  
1081 of such coverage, but such amounts may not be less than \$300,000  
1082 for Class A or Class D licenses, \$200,000 for Class B licenses,  
1083 and \$100,000 for Class C licenses; and the total coverage for  
1084 any class of license held in conjunction with a Class D license  
1085 may not be less than \$300,000. The State Fire Marshal may, at  
1086 any time after the issuance of a license or its renewal, require  
1087 upon demand, and in no event more than 30 days after notice of  
1088 such demand, the licensee to provide proof of insurance, on the  
1089 insurer's form, containing confirmation of insurance coverage as  
1090 required by this chapter. Failure, for any length of time, to  
1091 provide proof of insurance coverage as required must result in  
1092 the immediate suspension of the license until proof of proper  
1093 insurance is provided to the State Fire Marshal. An insurer that  
1094 provides such coverage shall notify the State Fire Marshal of  
1095 any change in coverage or of any termination, cancellation, or  
1096 nonrenewal of any coverage.

1097           4. The applicant applies to the State Fire Marshal,  
1098 provides proof of experience, and successfully completes a  
1099 prescribed training course that includes both written and  
1100 practical training ~~offered by the State Fire College or an~~

1101 ~~equivalent course~~ approved by the State Fire Marshal as  
1102 applicable to the class of license being sought. This  
1103 subparagraph does not apply to any holder of or applicant for a  
1104 permit under paragraph (g) or to a business organization or a  
1105 governmental entity seeking initial licensure or renewal of an  
1106 existing license solely for the purpose of inspecting,  
1107 servicing, repairing, marking, recharging, and maintaining fire  
1108 extinguishers used and located on the premises of and owned by  
1109 such organization or entity.

1110 5. The applicant has a current retestor identification  
1111 number that is appropriate for the license for which the  
1112 applicant is applying and that is listed with the United States  
1113 Department of Transportation.

1114 6. The applicant has passed, with a grade of at least 70  
1115 percent, a written examination testing his or her knowledge of  
1116 the rules and statutes governing the activities authorized by  
1117 the license and demonstrating his or her knowledge and ability  
1118 to perform those tasks in a competent, lawful, and safe manner.  
1119 Such examination must be developed and administered by the State  
1120 Fire Marshal, or his or her designee in accordance with policies  
1121 and procedures of the State Fire Marshal. An applicant shall pay  
1122 a nonrefundable examination fee of \$50 for each examination or  
1123 reexamination scheduled. A reexamination may not be scheduled  
1124 sooner than 30 days after any administration of an examination  
1125 to an applicant. An applicant may not be permitted to take an

1126 examination for any level of license more than a total of four  
1127 times during 1 year, regardless of the number of applications  
1128 submitted. As a prerequisite to licensure of the applicant, he  
1129 or she:

1130 a. Must be at least 18 years of age.

1131 b. Must have 4 years of proven experience as a fire  
1132 equipment permittee at a level equal to or greater than the  
1133 level of license applied for or have a combination of education  
1134 and experience determined to be equivalent thereto by the State  
1135 Fire Marshal. Having held a permit at the appropriate level for  
1136 the required period constitutes the required experience.

1137 c. Must not have been convicted of a felony or a crime  
1138 punishable by imprisonment of 1 year or more under the law of  
1139 the United States or of any state thereof or under the law of  
1140 any other country. "Convicted" means a finding of guilt or the  
1141 acceptance of a plea of guilty or nolo contendere in any federal  
1142 or state court or a court in any other country, without regard  
1143 to whether a judgment of conviction has been entered by the  
1144 court having jurisdiction of the case. If an applicant has been  
1145 convicted of any such felony, the applicant is excluded from  
1146 licensure for a period of 4 years after expiration of sentence  
1147 or final release by the Florida Commission on Offender Review  
1148 unless the applicant, before the expiration of the 4-year  
1149 period, has received a full pardon or has had her or his civil  
1150 rights restored.

1151  
1152 This subparagraph does not apply to any holder of or applicant  
1153 for a permit under paragraph (g) or to a business organization  
1154 or a governmental entity seeking initial licensure or renewal of  
1155 an existing license solely for the purpose of inspecting,  
1156 servicing, repairing, marking, recharging, hydrotesting, and  
1157 maintaining fire extinguishers used and located on the premises  
1158 of and owned by such organization or entity.

1159 (g) A permit of any class may not be issued or renewed to  
1160 a person by the division, and a permit of any class does not  
1161 remain operative, unless the person has:

1162 1. Submitted a nonrefundable examination fee in the amount  
1163 of \$50.

1164 2. Successfully completed a training course that includes  
1165 both written and practical training ~~offered by the State Fire~~  
1166 ~~College or an equivalent course~~ approved by the State Fire  
1167 Marshal as applicable to the class of license being sought.

1168 3. Passed, with a grade of at least 70 percent, a written  
1169 examination testing his or her knowledge of the rules and  
1170 statutes governing the activities authorized by the permit and  
1171 demonstrating his or her knowledge and ability to perform those  
1172 tasks in a competent, lawful, and safe manner. Such examination  
1173 must be developed and administered by the State Fire Marshal in  
1174 accordance with the policies and procedures of the State Fire  
1175 Marshal. An examination fee must be paid for each examination

1176 | scheduled. A reexamination may not be scheduled sooner than 30  
1177 | days after any administration of an examination to an applicant.  
1178 | An applicant may not be permitted to take an examination for any  
1179 | level of permit more than four times during 1 year, regardless  
1180 | of the number of applications submitted. As a prerequisite to  
1181 | taking the permit examination, the applicant must be at least 16  
1182 | years of age.

1183 |         (h) An applicant for a license or permit under this  
1184 | section who fails the examination may take it three more times  
1185 | during the 1-year period after he or she originally filed an  
1186 | application for the examination. If the applicant fails the  
1187 | examination within 1 year after the application date and he or  
1188 | she seeks to retake the examination, he or she must file a new  
1189 | application, pay the application and examination fees, and  
1190 | successfully complete a prescribed training course that includes  
1191 | both written and practical training ~~offered by the State Fire~~  
1192 | ~~College or an equivalent course~~ approved by the State Fire  
1193 | Marshal as applicable to the class of license being sought. The  
1194 | applicant may not submit a new application within 6 months after  
1195 | the date of his or her fourth reexamination. An applicant who  
1196 | passes the examination but does not meet the remaining  
1197 | qualifications prescribed by law and rule within 1 year after  
1198 | the application date must file a new application, pay the  
1199 | application and examination fee, successfully complete a  
1200 | prescribed training course that includes both written and



1201 practical training ~~approved by the State Fire College or an~~  
 1202 ~~equivalent~~ course approved by the State Fire Marshal as  
 1203 applicable to the class of license being sought, and pass the  
 1204 written examination.

1205 Section 28. Subsection (1) of section 633.402, Florida  
 1206 Statutes, is amended to read:

1207 633.402 Firefighters Employment, Standards, and Training  
 1208 Council; organization; meetings; quorum; compensation; seal;  
 1209 special powers; firefighter training.—

1210 (1) There is created within the department a Firefighters  
 1211 Employment, Standards, and Training Council of 15 ~~14~~ members.

1212 (a) The members shall be appointed as follows:

1213 1. Two fire chiefs appointed by the Florida Fire Chiefs  
 1214 Association.

1215 2. Two firefighters, who are not officers, appointed by  
 1216 the Florida Professional Firefighters Association.

1217 3. Two firefighter officers, who are not fire chiefs,  
 1218 appointed by the State Fire Marshal.

1219 4. One individual appointed by the Florida League of  
 1220 Cities.

1221 5. One individual appointed by the Florida Association of  
 1222 Counties.

1223 6. One individual appointed by the Florida Association of  
 1224 Special Districts.

1225 7. One individual appointed by the Florida Fire Marshals'

1226 and Inspectors' Association.

1227 8. One employee of the Florida Forest Service of the  
 1228 Department of Agriculture and Consumer Services appointed by the  
 1229 director of the Florida Forest Service.

1230 9. One individual appointed by the State Fire Marshal.

1231 10. One director or instructor of a state-certified  
 1232 firefighting training facility appointed by the State Fire  
 1233 Marshal.

1234 11. One individual ~~The remaining member, who shall be~~  
 1235 appointed by the State Fire Marshal, who may not be a member or  
 1236 representative of the firefighting profession or of any local  
 1237 government.

1238 12. One individual from the Department of Health,  
 1239 appointed by the Surgeon General.

1240 (b) To be eligible for appointment as a member under  
 1241 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,  
 1242 subparagraph (a)8., or subparagraph (a)10., a person must have  
 1243 had at least 4 years' experience in the firefighting profession.  
 1244 Members shall serve only as long as they continue to meet the  
 1245 criteria under which they were appointed, or unless a member has  
 1246 failed to appear at three consecutive and properly noticed  
 1247 meetings unless excused by the chair.

1248 Section 29. Subsection (1) of section 633.416, Florida  
 1249 Statutes, is amended to read:

1250 633.416 Firefighter employment and volunteer firefighter

1251 service; saving clause.—

1252 (1) A fire service provider may not employ an individual  
1253 to:

1254 (a) Extinguish fires for the protection of life or  
1255 property or to supervise individuals who perform such services  
1256 unless the individual holds a current and valid Firefighter  
1257 Certificate of Compliance. However, a person who is currently  
1258 serving as a volunteer firefighter and holds a volunteer  
1259 firefighter certificate of completion with a fire service  
1260 provider, who is then employed as a regular or permanent  
1261 firefighter by such fire service provider, may function, for a  
1262 period of 1 year under the direct supervision of an individual  
1263 holding a valid Firefighter Certificate of Compliance, in the  
1264 same capacity in which he or she acted as a volunteer  
1265 firefighter, provided that he or she has completed all training  
1266 required by the volunteer organization. Under no circumstance  
1267 can this period extend beyond 1 year either collectively or  
1268 consecutively from the start of employment to obtain a  
1269 Firefighter Certificate of Compliance; or

1270 (b) Serve as the administrative and command head of a fire  
1271 service provider for a period in excess of 1 year unless the  
1272 individual holds a current and valid Firefighter Certificate of  
1273 Compliance or Special Certificate of Compliance.

1274 Section 30. Section 648.30, Florida Statutes, is amended  
1275 to read:

1276           648.30 Licensure and appointment required; prohibited  
 1277 acts; penalties.—

1278           (1) A person may not act in the capacity of a bail bond  
 1279 agent or temporary bail bond agent or perform any of the  
 1280 functions, duties, or powers prescribed for bail bond agents or  
 1281 temporary bail bond agents under this chapter unless that person  
 1282 is qualified, licensed, and appointed as provided in this  
 1283 chapter.

1284           (2) A person may not represent himself or herself to be a  
 1285 bail enforcement agent, bounty hunter, or other similar title in  
 1286 this state.

1287           (3) A person, other than a certified law enforcement  
 1288 officer, may not apprehend, detain, or arrest a principal on a  
 1289 bond, wherever issued, unless that person is qualified,  
 1290 licensed, and appointed as provided in this chapter or licensed  
 1291 as a bail bond agent or bail bond enforcement agent, or holds an  
 1292 equivalent license by the state where the bond was written.

1293           (4) Any person who violates this section commits a felony  
 1294 of the third degree, punishable as provided in s. 775.082, s.  
 1295 775.083, or s. 775.084.

1296           (5) Any licensee under this chapter who knowingly aids or  
 1297 abets an unlicensed person in violating this section commits a  
 1298 felony of the third degree, punishable as provided in s.  
 1299 775.082, s. 775.083, or s. 775.084.

1300           Section 31. Section 843.08, Florida Statutes, is amended

1301 to read:

1302 843.08 False personation.—A person who falsely assumes or

1303 pretends to be a firefighter, a sheriff, an officer of the

1304 Florida Highway Patrol, an officer of the Fish and Wildlife

1305 Conservation Commission, an officer of the Department of

1306 Environmental Protection, ~~a fire or arson investigator of the~~

1307 ~~Department of Financial Services,~~ an officer of the Department

1308 of Financial Services, any personnel or representative of the

1309 Division of Investigative and Forensic Services, an officer of

1310 the Department of Corrections, a correctional probation officer,

1311 a deputy sheriff, a state attorney or an assistant state

1312 attorney, a statewide prosecutor or an assistant statewide

1313 prosecutor, a state attorney investigator, a coroner, a police

1314 officer, a lottery special agent or lottery investigator, a

1315 beverage enforcement agent, a school guardian as described in s.

1316 30.15(1)(k), a security officer licensed under chapter 493, any

1317 member of the Florida Commission on Offender Review or any

1318 administrative aide or supervisor employed by the commission,

1319 any personnel or representative of the Department of Law

1320 Enforcement, or a federal law enforcement officer as defined in

1321 s. 901.1505, and takes upon himself or herself to act as such,

1322 or to require any other person to aid or assist him or her in a

1323 matter pertaining to the duty of any such officer, commits a

1324 felony of the third degree, punishable as provided in s.

1325 775.082, s. 775.083, or s. 775.084. However, a person who

1326 | falsely personates any such officer during the course of the  
 1327 | commission of a felony commits a felony of the second degree,  
 1328 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1329 | If the commission of the felony results in the death or personal  
 1330 | injury of another human being, the person commits a felony of  
 1331 | the first degree, punishable as provided in s. 775.082, s.  
 1332 | 775.083, or s. 775.084.

1333 |       Section 32. Paragraph (f) is added to subsection (11) of  
 1334 | section 943.045, Florida Statutes, to read:

1335 |       943.045 Definitions; ss. 943.045-943.08.—The following  
 1336 | words and phrases as used in ss. 943.045-943.08 shall have the  
 1337 | following meanings:

1338 |       (11) "Criminal justice agency" means:

1339 |       (f) The investigations component of the Department of  
 1340 | Financial Services which investigates the crimes of fraud and  
 1341 | official misconduct in all public assistance given to residents  
 1342 | of this state or provided to others by this state.

1343 |       Section 33. Except as otherwise expressly provided in this  
 1344 | act, this act shall take effect July 1, 2021.