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LEGISLATIVE ACTION

Senate

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House

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Senator Burgess moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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

(f) The Division of Public Assistance Fraud, which shall



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

21 Section 2. Section 284.30, Florida Statutes, is amended to  
22 read:

23 284.30 State Risk Management Trust Fund; coverages to be  
24 provided.—A state self-insurance fund, designated as the “State  
25 Risk Management Trust Fund,” is created to be set up by the  
26 Department of Financial Services and administered with a program  
27 of risk management, which fund is to provide insurance, as  
28 authorized by s. 284.33, for workers’ compensation, general  
29 liability, fleet automotive liability, federal civil rights  
30 actions under 42 U.S.C. s. 1983 or similar federal statutes,  
31 benefits payable under s. 112.1816(2), to an employee of a state  
32 agency or department covered under s. 284.31, and court-awarded  
33 attorney ~~attorney’s~~ fees in other proceedings against the state  
34 except for such awards in eminent domain or for inverse  
35 condemnation or for awards by the Public Employees Relations  
36 Commission. A party to a suit in any court, to be entitled to  
37 have his or her attorney ~~attorney’s~~ fees paid by the state or  
38 any of its agencies, must serve a copy of the pleading claiming  
39 the fees on the Department of Financial Services; and thereafter  
40 the department shall be entitled to participate with the agency



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41 in the defense of the suit and any appeal thereof with respect  
42 to such fees.

43 Section 3. Section 284.31, Florida Statutes, is amended to  
44 read:

45 284.31 Scope and types of coverages; separate accounts.—The  
46 Insurance Risk Management Trust Fund must ~~shall~~, unless  
47 specifically excluded by the Department of Financial Services,  
48 cover all departments of the State of Florida and their  
49 employees, agents, and volunteers and must ~~shall~~ provide  
50 separate accounts for workers' compensation, general liability,  
51 fleet automotive liability, federal civil rights actions under  
52 42 U.S.C. s. 1983 or similar federal statutes, state agency  
53 firefighter cancer benefits payable under s. 112.1816(2), and  
54 court-awarded attorney ~~attorney's~~ fees in other proceedings  
55 against the state except for such awards in eminent domain or  
56 for inverse condemnation or for awards by the Public Employees  
57 Relations Commission. Unless specifically excluded by the  
58 Department of Financial Services, the Insurance Risk Management  
59 Trust Fund must ~~shall~~ provide fleet automotive liability  
60 coverage to motor vehicles titled to the state, or to any  
61 department of the state, when such motor vehicles are used by  
62 community transportation coordinators performing, under contract  
63 to the appropriate department of the state, services for the  
64 transportation disadvantaged under part I of chapter 427. Such  
65 fleet automotive liability coverage is ~~shall be~~ primary and is  
66 ~~shall be~~ subject to ~~the provisions of~~ s. 768.28 and parts II and  
67 III of chapter 284, and applicable rules adopted thereunder, and  
68 the terms and conditions of the certificate of coverage issued  
69 by the Department of Financial Services.



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70 Section 4. Section 284.385, Florida Statutes, is amended to  
71 read:

72 284.385 Reporting and handling of claims.—

73 (1) All departments covered by the State Risk Management  
74 Trust Fund under this part shall immediately report all known or  
75 potential claims to the Department of Financial Services for  
76 handling, except employment complaints that ~~which~~ have not been  
77 filed with the Florida Human Relations Commission, Equal  
78 Employment Opportunity Commission, or any similar agency. When  
79 deemed necessary, the Department of Financial Services shall  
80 assign or reassign the claim to counsel. The assigned counsel  
81 shall report regularly to the Department of Financial Services  
82 or to the covered department on the status of any such claims or  
83 litigation as required by the Department of Financial Services.  
84 ~~No~~ Such claims may not ~~claim shall~~ be compromised or settled for  
85 monetary compensation without the prior approval of the  
86 Department of Financial Services and prior notification to the  
87 covered department. All departments shall cooperate with the  
88 Department of Financial Services in its handling of claims. The  
89 Department of Financial Services and the Department of  
90 Management Services, with the cooperation of the state attorneys  
91 and the clerks of the courts, shall develop a system to  
92 coordinate the exchange of information concerning claims for and  
93 against the state, its agencies, and its subdivisions, to assist  
94 in collection of amounts due to them. The covered department is  
95 responsible ~~shall have the responsibility~~ for the settlement of  
96 any claim for injunctive or affirmative relief under 42 U.S.C.  
97 s. 1983 or similar federal or state statutes. The payment of a  
98 settlement or judgment for any claim covered and reported under



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99 this part may ~~shall~~ be made only from the State Risk Management  
100 Trust Fund.

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

106 Section 5. Section 284.45, Florida Statutes, is created to  
107 read:

108 284.45 Sexual harassment victims.-

109 (1) An individual working for an entity covered by the  
110 State Risk Management Trust Fund may not engage in retaliatory  
111 conduct of any kind against a sexual harassment victim. As used  
112 in this section, the term "sexual harassment victim" means an  
113 individual employed, or being considered for employment, with an  
114 entity participating in the State Risk Management Trust Fund who  
115 becomes a victim of workplace sexual harassment through the  
116 course of employment, or while being considered for employment,  
117 with the entity.

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

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

126 497.101 Board of Funeral, Cemetery, and Consumer Services;  
127 membership; appointment; terms.-



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128           (1) The Board of Funeral, Cemetery, and Consumer Services  
129 is created within the Department of Financial Services and shall  
130 consist of 10 members, 9 of whom shall be appointed by the  
131 Governor from nominations made by the Chief Financial Officer  
132 and confirmed by the Senate. The Chief Financial Officer shall  
133 nominate one to three persons for each of the nine vacancies on  
134 the board, and the Governor shall fill each vacancy on the board  
135 by appointing one of the ~~three~~ persons nominated by the Chief  
136 Financial Officer to fill that vacancy. If the Governor objects  
137 to each of the ~~three~~ nominations for a vacancy, she or he shall  
138 inform the Chief Financial Officer in writing. Upon notification  
139 of an objection by the Governor, the Chief Financial Officer  
140 shall submit one to three additional nominations for that  
141 vacancy until the vacancy is filled. One member must be the  
142 State Health Officer or her or his designee.

143           (2) Two members of the board must ~~shall~~ be funeral  
144 directors licensed under part III of this chapter who are  
145 associated with a funeral establishment. One member of the board  
146 must ~~shall~~ be a funeral director licensed under part III of this  
147 chapter who is associated with a funeral establishment licensed  
148 under part III of this chapter which ~~that~~ has a valid preneed  
149 license issued pursuant to this chapter and who owns or operates  
150 a cinerator facility approved under chapter 403 and licensed  
151 under part VI of this chapter. Two members of the board must  
152 ~~shall~~ be persons whose primary occupation is associated with a  
153 cemetery company licensed pursuant to this chapter. Two ~~Three~~  
154 members of the board must ~~shall~~ be consumers who are residents  
155 of this ~~the~~ state, have never been licensed as funeral directors  
156 or embalmers, are not connected with a cemetery or cemetery



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157 company licensed pursuant to this chapter, and are not connected  
158 with the death care industry or the practice of embalming,  
159 funeral directing, or direct disposition. One of the two  
160 consumer members must ~~shall~~ be at least 60 years of age, ~~and one~~  
161 ~~shall be licensed as a certified public accountant under chapter~~  
162 473. One member of the board must be a consumer who is a  
163 resident of this state; is licensed as a certified public  
164 accountant under chapter 473; has never been licensed as a  
165 funeral director or an embalmer; is not a principal or an  
166 employee of any licensee licensed under this chapter; and does  
167 not otherwise have control, as defined in s. 497.005, over any  
168 licensee licensed under this chapter. One member of the board  
169 must ~~shall~~ be a principal of a monument establishment licensed  
170 under this chapter as a monument builder. One member must ~~shall~~  
171 be the State Health Officer or her or his designee. There may  
172 ~~shall~~ not be two or more board members who are principals or  
173 employees of the same company or partnership or group of  
174 companies or partnerships under common control.

175 (3) Board members shall be appointed for terms of 4 years,  
176 and the State Health Officer shall serve as long as that person  
177 holds that office. The designee of the State Health Officer  
178 shall serve at the pleasure of the Governor. ~~When the terms of~~  
179 ~~the initial board members expire, the Chief Financial Officer~~  
180 ~~shall stagger the terms of the successor members as follows: one~~  
181 ~~funeral director, one cemetery representative, the monument~~  
182 ~~builder, and one consumer member shall be appointed for terms of~~  
183 ~~2 years, and the remaining members shall be appointed for terms~~  
184 ~~of 4 years. All subsequent terms shall be for 4 years.~~

185 (6) The board shall maintain its headquarters and records



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186 ~~of the board shall be~~ in the Division of Funeral, Cemetery, and  
187 Consumer Services of the Department of Financial Services in the  
188 City of Tallahassee. The board may be contacted through the  
189 Division of Funeral, Cemetery, and Consumer Services of the  
190 Department of Financial Services in the City of Tallahassee. The  
191 Chief Financial Officer shall annually appoint from among the  
192 board members a chair and vice chair of the board. The board  
193 shall meet at least every 6 months, and more often as necessary.  
194 Special meetings of the board shall be convened upon the  
195 direction of the Chief Financial Officer. A quorum is necessary  
196 for the conduct of business by the board. The participation by a  
197 board member in a meeting conducted through communications media  
198 technology constitutes that individual's presence at such  
199 meeting. Board members appearing at a board meeting in person as  
200 well as board members appearing through the use of  
201 communications media technology shall be counted for the  
202 determination of a quorum. As used in this subsection,  
203 "communications media technology" means the electronic  
204 transmission of printed matter, audio, full-motion video,  
205 freeze-frame video, compressed video, and digital video by any  
206 method available. Unless otherwise provided by law, six board  
207 members shall constitute a quorum for the conduct of the board's  
208 business.

209 ~~(8) The department shall adopt rules establishing forms by~~  
210 ~~which persons may apply for membership on the board and~~  
211 ~~procedures for applying for such membership. Such forms shall~~  
212 ~~require disclosure of the existence and nature of all current~~  
213 ~~and past employments by or contracts with, and direct or~~  
214 ~~indirect affiliations or interests in, any entity or business~~





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215 ~~that at any time was licensed by the board or by the former~~  
216 ~~Board of Funeral and Cemetery Services or the former Board of~~  
217 ~~Funeral Directors and Embalmers or that is or was otherwise~~  
218 ~~involved in the death care industry, as specified by department~~  
219 ~~rule.~~

220 Section 7. Subsections (2) through (5) of section 497.157,  
221 Florida Statutes, are renumbered as subsections (4) through (7),  
222 respectively, present subsection (3) is amended, and new  
223 subsections (2) and (3) and subsection (8) are added to that  
224 section, to read:

225 497.157 Unlicensed practice; remedies concerning violations  
226 by unlicensed persons.-

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

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

236 (5)~~(3)~~ Where the department determines that an emergency  
237 exists regarding any violation of this chapter by any unlicensed  
238 person or entity, the department may issue and serve an  
239 immediate final order upon such unlicensed person or entity, in  
240 accordance with s. 120.569(2)(n). Such an immediate final order  
241 may impose such prohibitions and requirements as are reasonably  
242 necessary to protect the public health, safety, and welfare, and  
243 is ~~shall be~~ effective when served.



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244 (a) For the purpose of enforcing such an immediate final  
245 order, the department may file an emergency or other proceeding  
246 in the circuit courts of the state seeking enforcement of the  
247 immediate final order by injunctive or other order of the court.  
248 The court shall issue its injunction or other order enforcing  
249 the immediate final order pending administrative resolution of  
250 the matter under subsection (4) ~~(2)~~, unless the court determines  
251 that such action would work a manifest injustice under the  
252 circumstances. Venue for judicial actions under this paragraph  
253 must ~~shall~~ be, at the election of the department, in the courts  
254 of Leon County~~,~~ or in a county where the respondent resides or  
255 has a place of business.

256 (b) After serving an immediate final order to cease and  
257 desist upon any person or entity, the department shall within 10  
258 days issue and serve upon the same person or entity an  
259 administrative complaint as set forth in subsection (4) ~~(2)~~,  
260 except that, absent order of a court to the contrary, the  
261 immediate final order will ~~shall~~ be effective throughout the  
262 pendency of proceedings under subsection (4) ~~(2)~~.

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

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

269 497.159 Crimes.—

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



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

274 Section 9. Paragraphs (f) and (g) of subsection (1) of  
275 section 497.273, Florida Statutes, are redesignated as  
276 paragraphs (e) and (f), respectively, subsections (2), (3), and  
277 (4) are renumbered as subsections (3), (4), and (5),  
278 respectively, paragraph (e) of subsection (1) is amended, and a  
279 new subsection (2) is added to that section, to read:

280 497.273 Cemetery companies; authorized functions.—

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

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

287 (2) A cemetery company may perform the nonexclusive preneed  
288 and at-need sale of monuments, memorials, markers, burial  
289 vaults, urns, flower vases, floral arrangements, and other  
290 similar merchandise for use within a cemetery, regardless of  
291 whether the cemetery is within the boundaries of the cemetery  
292 lands the company owns.

293 Section 10. Paragraph (a) of subsection (4) of section  
294 497.375, Florida Statutes, is amended, paragraph (e) is added to  
295 subsection (4), and paragraphs (b) and (c) of subsection (4) of  
296 that section are republished, to read:

297 497.375 Funeral directing; licensure of a funeral director  
298 intern.—

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



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302 (b) A funeral director intern who is eligible for licensure  
303 under subparagraph (1)(b)2. may renew her or his funeral  
304 director intern license for an additional 1-year period if the  
305 funeral director in charge of the funeral director intern  
306 training agency certifies to the licensing authority that the  
307 intern has completed at least one-half of the course of study in  
308 mortuary science or funeral service arts.

309 (c) The licensing authority may adopt rules that allow a  
310 funeral director intern to renew her or his funeral director  
311 intern license for an additional 1-year period if the funeral  
312 director intern demonstrates her or his failure to complete the  
313 internship before expiration of the license due to illness,  
314 personal injury, or other substantial hardship beyond her or his  
315 reasonable control or demonstrates that she or he has completed  
316 the requirements for licensure as a funeral director but is  
317 awaiting the results of a licensure examination. However, a  
318 funeral director intern who renews her or his license under  
319 paragraph (b) is not eligible to renew the license under this  
320 paragraph.

321 (e) Upon expiration of a funeral director intern license,  
322 any intern that has completed the educational credentials  
323 required for a license as a funeral director and has applied for  
324 licensure may continue to perform the tasks, functions, and  
325 duties related to funeral directing in the manner provided in  
326 paragraph (1)(d) until a license is issued or denied, or for a  
327 period of 90 days, whichever occurs sooner.

328 Section 11. Paragraph (d) of subsection (2) of section  
329 497.377, Florida Statutes, is amended, and paragraph (c) of  
330 subsection (2) of that subsection is republished, to read:



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331 497.377 Combination funeral director and embalmer  
332 internships.—

333 (2)

334 (c) A combination funeral director and embalmer intern may  
335 perform only the tasks, functions, and duties relating to  
336 funeral directing and embalming which are performed under the  
337 direct supervision of a licensed funeral director who has an  
338 active, valid license under s. 497.373 or s. 497.374(1) and an  
339 embalmer who has an active, valid license under s. 497.368 or s.  
340 497.369. However, a combination funeral director and embalmer  
341 intern may perform such tasks, functions, and duties under the  
342 general supervision of a licensed funeral director and embalmer  
343 upon graduation from a college accredited by ABFSE with a degree  
344 as specified in s. 497.373(1)(d) and upon passage of the  
345 examination required under s. 497.373(2)(b) if the funeral  
346 director in charge of the internship training establishment,  
347 after 6 months of direct supervision, certifies to the licensing  
348 authority that the intern is competent to complete the  
349 internship under general supervision.

350 (d)1. A combination funeral director and embalmer intern  
351 license expires 1 year after issuance and, except as provided in  
352 subparagraph 2., may not be renewed; however, upon expiration of  
353 a combination funeral director and embalmer intern license, any  
354 intern that has completed the educational credentials required  
355 for a combination license as both funeral director and embalmer  
356 and has applied for licensure may continue to perform the tasks,  
357 functions, and duties related to funeral directing and embalming  
358 in the manner provided in paragraph (c) until a license is  
359 issued or denied, or for a period of 90 days, whichever occurs



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360 sooner.

361         2. The licensing authority may adopt rules that allow a  
362 combination funeral director and embalmer intern to renew her or  
363 his combination funeral director and embalmer intern license for  
364 an additional 1 year if the combination funeral director and  
365 embalmer intern demonstrates her or his failure to complete the  
366 internship before expiration of the license due to illness,  
367 personal injury, or other substantial hardship beyond her or his  
368 reasonable control or demonstrates that she or he has completed  
369 the requirements for licensure as a combination funeral director  
370 and embalmer but is awaiting the results of a licensure  
371 examination.

372         Section 12. Paragraph (c) of subsection (1) of section  
373 497.458, Florida Statutes, is amended, and paragraph (a) of  
374 subsection (1) of that section is republished, to read:

375         497.458 Disposition of proceeds received on contracts.—

376         (1) (a) Any person who is paid, collects, or receives funds  
377 under a preneed contract for funeral services or merchandise or  
378 burial services or merchandise shall deposit an amount at least  
379 equal to the sum of 70 percent of the purchase price collected  
380 for all services sold and facilities rented; 100 percent of the  
381 purchase price collected for all cash advance items sold; and 30  
382 percent of the purchase price collected or 110 percent of the  
383 wholesale cost, whichever is greater, for each item of  
384 merchandise sold. The board may, by rule, specify criteria for  
385 the classification of items sold in a preneed contract as  
386 services, cash advances, or merchandise.

387         (c) Unless the preneed contract has been fulfilled, such  
388 deposits shall be made within 30 days after the end of the



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389 calendar month in which payment is received, under the terms of  
390 a revocable trust instrument entered into with a trust company,  
391 with a national or state bank holding trust powers, or with a  
392 federal or state savings and loan association holding trust  
393 powers.

394 Section 13. Paragraph (d) of subsection (1) of section  
395 497.550, Florida Statutes, is amended to read:

396 497.550 Licensure of monument establishments required;  
397 procedures and criteria.—

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

401 (d) The requirements of this chapter apply to both monument  
402 retailers and monument builders, except as provided in this  
403 paragraph. Each monument establishment shall be a physical  
404 structure that is located at a specific street address, in  
405 compliance with zoning regulations of the appropriate local  
406 government, and not located on property that is exempt from  
407 taxation, but a monument retailer may not otherwise be required  
408 to comply with s. 497.552(4) ~~s. 497.552~~ or be subject to  
409 ~~inspection under this chapter.~~

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

412 552.081 Definitions.—As used in this chapter:

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

417 Section 15. Subsection (2) of section 553.7921, Florida



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418 Statutes, is renumbered as subsection (3), subsection (1) of  
419 that section is amended, and a new subsection (2) is added to  
420 that section, to read:

421 553.7921 Fire alarm permit application to local enforcement  
422 agency.—

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

427 ~~(a) installing or replacing a fire alarm, if the local~~  
428 ~~enforcement agency requires a plan review for the installation~~  
429 ~~or replacement; or~~

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

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

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

444 626.2815 Continuing education requirements.—

445 (3) Each licensee except a title insurance agent must  
446 complete a 4-hour ~~5-hour~~ update course every 2 years which is





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

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

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

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

475 (d) An individual who holds a license as a customer



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476 representative and who is not a licensed life or health agent  
477 must also complete a minimum of 6 ~~5~~ hours of continuing  
478 education courses every 2 years.

479 (e) An individual subject to chapter 648 must complete the  
480 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of  
481 elective continuing education courses every 2 years.

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

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

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

503 (i) For compliance periods beginning on or after October 1,  
504 2014, any person who holds a license as a title insurance agent



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505 must complete a minimum of 10 hours of continuing education  
506 credit every 2 years in title insurance and escrow management  
507 specific to this state and approved by the department, which  
508 must ~~shall~~ include at least 3 hours of continuing education on  
509 the subject matter of ethics, rules, or compliance with state  
510 and federal regulations relating specifically to title insurance  
511 and closing services.

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

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

518 (i) Any part of the Claims and Litigation Management  
519 Alliance (CLM) Universal Claims Certification (UCC) professional  
520 designation: 20 ~~19~~ hours of elective continuing education and 4  
521 ~~5~~ hours of the continuing education required under subsection  
522 (3).

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

525 626.371 Payment of fees, taxes for appointment period  
526 without appointment.—

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

531 (2) (a) If, upon application and qualification for an  
532 initial or renewal appointment and such investigation as the  
533 department may make, ~~it appears to~~ the department determines



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534 that an individual has not been properly appointed to represent  
535 an insurer or employer, that such individual who was formerly  
536 licensed or is currently licensed, but not properly appointed to  
537 represent an insurer or employer and that such individual who  
538 has been actively engaged or is currently actively engaged as  
539 such an appointee, but without being appointed as required, the  
540 department shall may, if it finds that such failure to be  
541 appointed was an inadvertent error on the part of the insurer or  
542 employer so represented, notify the insurer or employer of its  
543 finding and of the requirement to pay all fees and taxes due  
544 pursuant to paragraph (b) within 21 days.

545 (b) The department may nevertheless issue or authorize the  
546 issuance of the appointment upon the insurer's or employer's  
547 timely payment to the department of as applied for but subject  
548 to the condition that, before the appointment is issued, all  
549 fees and taxes that which would have been due had the applicant  
550 been properly se appointed during such current and prior  
551 periods, including with applicable fees and taxes that would  
552 have been due pursuant to s. 624.501 for such current and prior  
553 periods of appointment, shall be paid to the department.

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

559 (d) If the insurer or employer does not pay the fees and  
560 taxes due pursuant to paragraph (b) within 21 days after notice  
561 by the department, the department shall suspend the insurer's or  
562 employer's authority to appoint licensees until all outstanding



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563 fees and taxes have been paid.

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

566 626.7351 Qualifications for customer representative's  
567 license.—The department shall not grant or issue a license as  
568 customer representative to any individual found by it to be  
569 untrustworthy or incompetent, or who does not meet each of the  
570 following qualifications:

571 (3) Within 4 years preceding the date that the application  
572 for license was filed with the department, the applicant has  
573 earned the designation of Accredited Advisor in Insurance (AAI),  
574 Associate in General Insurance (AINS), or Accredited Customer  
575 Service Representative (ACSR) from the Insurance Institute of  
576 America; the designation of Certified Insurance Counselor (CIC)  
577 from the Society of Certified Insurance Service Counselors; the  
578 designation of Certified Professional Service Representative  
579 (CPSR) from the National Foundation for CPSR; the designation of  
580 Certified Insurance Service Representative (CISR) from the  
581 Society of Certified Insurance Service Representatives; the  
582 designation of Certified Insurance Representative (CIR) from  
583 All-Lines Training; the designation of Professional Customer  
584 Service Representative (PCSR) from the Professional Career  
585 Institute; the designation of Insurance Customer Service  
586 Representative (ICSR) from Statewide Insurance Associates LLC;  
587 the designation of Registered Customer Service Representative  
588 (RCSR) from a regionally accredited postsecondary institution in  
589 the state whose curriculum is approved by the department and  
590 includes comprehensive analysis of basic property and casualty  
591 lines of insurance and testing which demonstrates mastery of the



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592 subject; or a degree from an accredited institution of higher  
593 learning approved by the department when the degree includes a  
594 minimum of 9 credit hours of insurance instruction, including  
595 specific instruction in the areas of property, casualty, and  
596 inland marine insurance. The department shall adopt rules  
597 establishing standards for the approval of curriculum.

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

600 626.8443 Duration of suspension or revocation.—

601 (1) The department shall, in its order suspending a title  
602 insurance agent's or agency's license or appointment or in its  
603 order suspending the eligibility of a person to hold or apply  
604 for such license or appointment, specify the period during which  
605 the suspension is to be in effect, but such period may ~~shall~~ not  
606 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or  
607 eligibility will ~~shall~~ remain suspended during the period so  
608 specified, subject, however, to any rescission or modification  
609 of the order by the department, or modification or reversal  
610 thereof by the court, prior to expiration of the suspension  
611 period. A license, appointment, or eligibility that ~~which~~ has  
612 been suspended may not be reinstated except upon request for  
613 such reinstatement, but the department may ~~shall~~ not grant such  
614 reinstatement if it finds that the circumstance or circumstances  
615 for which the license, appointment, and eligibility was  
616 suspended still exist or are likely to recur.

617 Section 20. Paragraph (e) of subsection (1) and paragraph  
618 (b) of subsection (3) of section 626.916, Florida Statutes, are  
619 amended, and paragraphs (a) through (d) of subsection (1) of  
620 that section are republished, to read:



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621           626.916 Eligibility for export.-

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

624           (a) The full amount of insurance required must not be  
625 procurable, after a diligent effort has been made by the  
626 producing agent to do so, from among the insurers authorized to  
627 transact and actually writing that kind and class of insurance  
628 in this state, and the amount of insurance exported shall be  
629 only the excess over the amount so procurable from authorized  
630 insurers. Surplus lines agents must verify that a diligent  
631 effort has been made by requiring a properly documented  
632 statement of diligent effort from the retail or producing agent.  
633 However, to be in compliance with the diligent effort  
634 requirement, the surplus lines agent's reliance must be  
635 reasonable under the particular circumstances surrounding the  
636 export of that particular risk. Reasonableness shall be assessed  
637 by taking into account factors which include, but are not  
638 limited to, a regularly conducted program of verification of the  
639 information provided by the retail or producing agent.  
640 Declinations must be documented on a risk-by-risk basis. If it  
641 is not possible to obtain the full amount of insurance required  
642 by layering the risk, it is permissible to export the full  
643 amount.

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

648           (c) The policy or contract form under which the insurance  
649 is exported shall not be more favorable to the insured as to the



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650 coverage or rate than under similar contracts on file and in  
651 actual current use in this state by the majority of authorized  
652 insurers actually writing similar coverages on similar risks;  
653 except that a coverage may be exported under a unique form of  
654 policy designed for use with respect to a particular subject of  
655 insurance if a copy of such form is filed with the office by the  
656 surplus lines agent desiring to use the same and is subject to  
657 the disapproval of the office within 10 days of filing such form  
658 exclusive of Saturdays, Sundays, and legal holidays if it finds  
659 that the use of such special form is not reasonably necessary  
660 for the principal purposes of the coverage or that its use would  
661 be contrary to the purposes of this Surplus Lines Law with  
662 respect to the reasonable protection of authorized insurers from  
663 unwarranted competition by unauthorized insurers.

664 (d) Except as to extended coverage in connection with fire  
665 insurance policies and except as to windstorm insurance, the  
666 policy or contract under which the insurance is exported shall  
667 not provide for deductible amounts, in determining the existence  
668 or extent of the insurer's liability, other than those available  
669 under similar policies or contracts in actual and current use by  
670 one or more authorized insurers.

671 ~~(e) For personal residential property risks, the retail or~~  
672 ~~producing agent must advise the insured in writing that coverage~~  
673 ~~may be available and may be less expensive from Citizens~~  
674 ~~Property Insurance Corporation. The notice must include other~~  
675 ~~information that states that assessments by Citizens Property~~  
676 ~~Insurance Corporation are higher and the coverage provided by~~  
677 ~~Citizens Property Insurance Corporation may be less than the~~  
678 ~~property's existing coverage. If the notice is signed by the~~





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679 ~~insured, it is presumed that the insured has been informed and~~  
680 ~~knows that policies from Citizens Property Insurance Corporation~~  
681 ~~may be less expensive, may provide less coverage, and will be~~  
682 ~~accompanied by higher assessments.~~

683 (3)

684 (b) Subsection (1) does ~~Paragraphs (1) (a) - (d) do~~ not apply  
685 to classes of insurance which are related to indemnity of  
686 deductibles for property insurance or are subject to s.

687 627.062(3)(d)1. These classes may be exportable under the  
688 following conditions:

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

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

692 3. The insured must sign a disclosure that substantially  
693 provides the following: "You are agreeing to place coverage in  
694 the surplus lines market. Superior coverage may be available in  
695 the admitted market and at a lesser cost. Persons insured by  
696 surplus lines carriers are not protected under the Florida  
697 Insurance Guaranty Act with respect to any right of recovery for  
698 the obligation of an insolvent unlicensed insurer." If the  
699 notice is signed by the insured, the insured is presumed to have  
700 been informed and to know that other coverage may be available,  
701 and, with respect to the diligent-effort requirement under  
702 subsection (1), there is no liability on the part of, and no  
703 cause of action arises against, the retail agent presenting the  
704 form.

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

707 626.9551 Favored agent or insurer; coercion of debtors.—



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708           (1) No person may:  
709           (e) Require an insurance agent or agency to directly or  
710 indirectly provide the replacement cost estimator or other  
711 underwriting information of an insurer underwriting an insurance  
712 policy covering real property, as a condition precedent or  
713 condition subsequent to the lending of money or extension of  
714 credit to be secured by real property, when such information is  
715 the proprietary business information of an insurer, as defined  
716 in s. 624.4212(1), nor may an agent or agency provide this  
717 information.

718           Section 22. Subsections (4) through (10) of section  
719 627.715, Florida Statutes, are renumbered as subsections (5)  
720 through (11), respectively, and a new subsection (4) is added to  
721 that section, to read:

722           627.715 Flood insurance.—An authorized insurer may issue an  
723 insurance policy, contract, or endorsement providing personal  
724 lines residential coverage for the peril of flood or excess  
725 coverage for the peril of flood on any structure or the contents  
726 of personal property contained therein, subject to this section.  
727 This section does not apply to commercial lines residential or  
728 commercial lines nonresidential coverage for the peril of flood.  
729 An insurer may issue flood insurance policies, contracts,  
730 endorsements, or excess coverage on a standard, preferred,  
731 customized, flexible, or supplemental basis.

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

736           Section 23. Subsection (3) of section 633.102, Florida



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737 Statutes, is amended to read:

738 633.102 Definitions.—As used in this chapter, the term:

739 (3) (a) "Contractor I" means a contractor whose business  
740 includes the execution of contracts requiring the ability to lay  
741 out, fabricate, install, inspect, alter, repair, and service all  
742 types of fire protection systems, excluding preengineered  
743 systems.

744 (b) "Contractor II" means a contractor whose business is  
745 limited to the execution of contracts requiring the ability to  
746 lay out, fabricate, install, inspect, alter, repair, and service  
747 water sprinkler systems, water spray systems, foam-water  
748 sprinkler systems, foam-water spray systems, standpipes,  
749 combination standpipes and sprinkler risers, all piping that is  
750 an integral part of the system beginning at the point of service  
751 as defined in this section, sprinkler tank heaters, air lines,  
752 thermal systems used in connection with sprinklers, and tanks  
753 and pumps connected thereto, excluding preengineered systems.

754 (c) "Contractor III" means a contractor whose business is  
755 limited to the execution of contracts requiring the ability to  
756 fabricate, install, inspect, alter, repair, and service carbon  
757 dioxide systems, foam extinguishing systems, dry chemical  
758 systems, and Halon and other chemical systems, excluding  
759 preengineered systems.

760 (d) "Contractor IV" means a contractor whose business is  
761 limited to the execution of contracts requiring the ability to  
762 lay out, fabricate, install, inspect, alter, repair, and service  
763 automatic fire sprinkler systems for detached one-family  
764 dwellings, detached two-family dwellings, and mobile homes,  
765 excluding preengineered systems and excluding single-family



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

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

777  
778 ~~The definitions in~~ This subsection may not be construed to  
779 include engineers or architects within the defined terms and  
780 does ~~de~~ not limit or prohibit a licensed fire protection  
781 engineer or architect with fire protection design experience  
782 from designing any type of fire protection system. A distinction  
783 is made between system design concepts prepared by the design  
784 professional and system layout as defined in this section and  
785 typically prepared by the contractor. However, a person  
786 certified as a Contractor I or, Contractor II, ~~or Contractor IV~~  
787 ~~under this chapter~~ may design new fire protection systems of 49  
788 or fewer sprinklers; ~~and~~ may design the alteration of an  
789 existing fire sprinkler system if the alteration consists of the  
790 relocation, addition, or deletion of ~~not more than 49~~ or fewer  
791 sprinklers, notwithstanding the size of the existing fire  
792 sprinkler system; or may design the alteration of an existing  
793 fire sprinkler system if the alteration consists of the  
794 relocation or deletion of 249 or fewer sprinklers,



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795 notwithstanding the size of the existing fire sprinkler system,  
796 if there is no change of occupancy, as defined in the Florida  
797 Building Code and the Florida Fire Prevention Code, of the  
798 affected areas and there is no change in the water demand as  
799 defined in NFPA 13, "Standard for the Installation of Sprinkler  
800 Systems," and if the occupancy hazard classification as defined  
801 in NFPA 13 is reduced or remains the same as a result of the  
802 alteration. Conflicts between the Florida Building Code and the  
803 Florida Fire Prevention Code shall be resolved pursuant to s.  
804 553.73(1)(d). A person certified as a Contractor I, Contractor  
805 II, or Contractor IV may design or alter a fire protection  
806 system, the scope of which complies with NFPA 13D, "Standard for  
807 the Installation of Sprinkler Systems in One- and Two-Family  
808 Dwellings and Manufactured Homes," as adopted by the State Fire  
809 Marshal, notwithstanding the number of fire sprinklers.  
810 Contractor-developed plans may not be required by any local  
811 permitting authority to be sealed by a registered professional  
812 engineer.

813 Section 24. Section 633.136, Florida Statutes, is amended  
814 to read:

815 633.136 Fire and Emergency Incident Information Reporting  
816 Program; duties; fire reports.—

817 (1) (a) The Fire and Emergency Incident Information  
818 Reporting Program is created within the division. The program  
819 shall:

820 1. Establish and maintain an electronic communication  
821 system capable of transmitting fire and emergency incident  
822 information to and between fire service providers ~~protection~~  
823 ~~agencies~~.



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824           2. Initiate a Fire and Emergency Incident Information  
825 Reporting System that is ~~shall be~~ responsible for:  
826           a. Receiving fire and emergency incident information from  
827 fire service providers ~~protection agencies~~.  
828           b. Preparing and disseminating annual reports to the  
829 Governor, the President of the Senate, the Speaker of the House  
830 of Representatives, fire service providers ~~protection agencies~~,  
831 and, upon request, the public. Each report must ~~shall~~ include,  
832 but not be limited to, the information listed in the National  
833 Fire Incident Reporting System.  
834           c. Upon request, providing other states and federal  
835 agencies with fire and emergency incident data of this state.  
836           3. Adopt rules to effectively and efficiently implement,  
837 administer, manage, maintain, and use the Fire and Emergency  
838 Incident Information Reporting Program. The rules shall be  
839 considered minimum requirements and may ~~shall~~ not preclude a  
840 fire service provider ~~protection agency~~ from implementing its  
841 own requirements that ~~which~~ may not conflict with the rules of  
842 the division.  
843           4. By rule, establish procedures and a format for each fire  
844 service provider ~~protection agency~~ to voluntarily monitor its  
845 records and submit reports to the program.  
846           5. Maintain ~~Establish~~ an electronic information database  
847 that is accessible and searchable by fire service providers  
848 ~~protection agencies~~.  
849           (b) The division shall consult with the Florida Forest  
850 Service of the Department of Agriculture and Consumer Services  
851 and the State Surgeon General of the Department of Health to  
852 coordinate data, ensure accuracy of the data, and limit



853 duplication of efforts in data collection, analysis, and  
854 reporting.

855 (2) The Fire and Emergency Incident Information System  
856 Technical Advisory Panel is created within the division. The  
857 panel shall advise, review, and recommend to the State Fire  
858 Marshal with respect to the requirements of this section. The  
859 membership of the panel consists ~~shall consist~~ of the following  
860 15 members:

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

863 ~~(b) One member from the Florida Forest Service of the~~  
864 ~~Department of Agriculture and Consumer Services, appointed by~~  
865 ~~the director of the Florida Forest Service.~~

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

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

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

874 633.202 Florida Fire Prevention Code.—

875 (18) The authority having jurisdiction shall determine the  
876 minimum radio signal strength for fire department communications  
877 in all new high-rise and existing high-rise buildings. Existing  
878 buildings are not required to comply with minimum radio strength  
879 for fire department communications and two-way radio system  
880 enhancement communications as required by the Florida Fire  
881 Prevention Code until January 1, 2025 ~~2022~~. However, by January



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882 1, 2024 ~~December 31, 2019~~, an existing building that is not in  
883 compliance with the requirements for minimum radio strength for  
884 fire department communications must apply for an appropriate  
885 permit for the required installation with the local government  
886 agency having jurisdiction and must demonstrate that the  
887 building will become compliant by January 1, 2025 ~~2022~~. Existing  
888 apartment buildings are not required to comply until January 1,  
889 2025. However, existing apartment buildings are required to  
890 apply for the appropriate permit for the required communications  
891 installation by January 1, 2024 ~~December 31, 2022~~.

892 Section 26. Section 633.217, Florida Statutes, is created  
893 to read:

894 633.217 Influencing a firesafety inspector; prohibited  
895 acts.-

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

897 (a) Threatening, coercing, tricking, or attempting to  
898 threaten, coerce, or trick the firesafety inspector into  
899 violating any provision of the Florida Fire Prevention Code, any  
900 rule adopted by the State Fire Marshal, or any provision of this  
901 chapter.

902 (b) Offering any compensation to the firesafety inspector  
903 to induce a violation of the Florida Fire Prevention Code, any  
904 rule adopted by the State Fire Marshal, or any provision of this  
905 chapter.

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

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





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911           633.304 Fire suppression equipment; license to install or  
912 maintain.—

913           (4)

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

917           1. The applicant has submitted to the State Fire Marshal  
918 evidence of registration as a Florida corporation or evidence of  
919 compliance with s. 865.09.

920           2. The State Fire Marshal or his or her designee has by  
921 inspection determined that the applicant possesses the equipment  
922 required for the class of license sought. The State Fire Marshal  
923 shall give an applicant a reasonable opportunity to correct any  
924 deficiencies discovered by inspection. To obtain such  
925 inspection, an applicant with facilities located outside this  
926 state must:

927           a. Provide a notarized statement from a professional  
928 engineer licensed by the applicant's state of domicile  
929 certifying that the applicant possesses the equipment required  
930 for the class of license sought and that all such equipment is  
931 operable; or

932           b. Allow the State Fire Marshal or her or his designee to  
933 inspect the facility. All costs associated with the State Fire  
934 Marshal's inspection must be paid by the applicant. The State  
935 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
936 establish standards for the calculation and establishment of the  
937 amount of costs associated with any inspection conducted by the  
938 State Fire Marshal under this section. Such rules must include  
939 procedures for invoicing and receiving funds in advance of the



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940 inspection.

941           3. The applicant has submitted to the State Fire Marshal  
942 proof of insurance providing coverage for comprehensive general  
943 liability for bodily injury and property damage, products  
944 liability, completed operations, and contractual liability. The  
945 State Fire Marshal shall adopt rules providing for the amounts  
946 of such coverage, but such amounts may not be less than \$300,000  
947 for Class A or Class D licenses, \$200,000 for Class B licenses,  
948 and \$100,000 for Class C licenses; and the total coverage for  
949 any class of license held in conjunction with a Class D license  
950 may not be less than \$300,000. The State Fire Marshal may, at  
951 any time after the issuance of a license or its renewal, require  
952 upon demand, and in no event more than 30 days after notice of  
953 such demand, the licensee to provide proof of insurance, on the  
954 insurer's form, containing confirmation of insurance coverage as  
955 required by this chapter. Failure, for any length of time, to  
956 provide proof of insurance coverage as required must result in  
957 the immediate suspension of the license until proof of proper  
958 insurance is provided to the State Fire Marshal. An insurer that  
959 provides such coverage shall notify the State Fire Marshal of  
960 any change in coverage or of any termination, cancellation, or  
961 nonrenewal of any coverage.

962           4. The applicant applies to the State Fire Marshal,  
963 provides proof of experience, and successfully completes a  
964 prescribed training course that includes both written and  
965 practical training offered by the State Fire College or an  
966 equivalent course approved by the State Fire Marshal as  
967 applicable to the class of license being sought. This  
968 subparagraph does not apply to any holder of or applicant for a



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969 permit under paragraph (g) or to a business organization or a  
970 governmental entity seeking initial licensure or renewal of an  
971 existing license solely for the purpose of inspecting,  
972 servicing, repairing, marking, recharging, and maintaining fire  
973 extinguishers used and located on the premises of and owned by  
974 such organization or entity.

975         5. The applicant has a current retestor identification  
976 number that is appropriate for the license for which the  
977 applicant is applying and that is listed with the United States  
978 Department of Transportation.

979         6. The applicant has passed, with a grade of at least 70  
980 percent, a written examination testing his or her knowledge of  
981 the rules and statutes governing the activities authorized by  
982 the license and demonstrating his or her knowledge and ability  
983 to perform those tasks in a competent, lawful, and safe manner.  
984 Such examination must be developed and administered by the State  
985 Fire Marshal, or his or her designee in accordance with policies  
986 and procedures of the State Fire Marshal. An applicant shall pay  
987 a nonrefundable examination fee of \$50 for each examination or  
988 reexamination scheduled. A reexamination may not be scheduled  
989 sooner than 30 days after any administration of an examination  
990 to an applicant. An applicant may not be permitted to take an  
991 examination for any level of license more than a total of four  
992 times during 1 year, regardless of the number of applications  
993 submitted. As a prerequisite to licensure of the applicant, he  
994 or she:

- 995             a. Must be at least 18 years of age.
- 996             b. Must have 4 years of proven experience as a fire  
997 equipment permittee at a level equal to or greater than the



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998 level of license applied for or have a combination of education  
999 and experience determined to be equivalent thereto by the State  
1000 Fire Marshal. Having held a permit at the appropriate level for  
1001 the required period constitutes the required experience.

1002 c. Must not have been convicted of a felony or a crime  
1003 punishable by imprisonment of 1 year or more under the law of  
1004 the United States or of any state thereof or under the law of  
1005 any other country. "Convicted" means a finding of guilt or the  
1006 acceptance of a plea of guilty or nolo contendere in any federal  
1007 or state court or a court in any other country, without regard  
1008 to whether a judgment of conviction has been entered by the  
1009 court having jurisdiction of the case. If an applicant has been  
1010 convicted of any such felony, the applicant is excluded from  
1011 licensure for a period of 4 years after expiration of sentence  
1012 or final release by the Florida Commission on Offender Review  
1013 unless the applicant, before the expiration of the 4-year  
1014 period, has received a full pardon or has had her or his civil  
1015 rights restored.

1016  
1017 This subparagraph does not apply to any holder of or applicant  
1018 for a permit under paragraph (g) or to a business organization  
1019 or a governmental entity seeking initial licensure or renewal of  
1020 an existing license solely for the purpose of inspecting,  
1021 servicing, repairing, marking, recharging, hydrotesting, and  
1022 maintaining fire extinguishers used and located on the premises  
1023 of and owned by such organization or entity.

1024 (g) A permit of any class may not be issued or renewed to a  
1025 person by the division, and a permit of any class does not  
1026 remain operative, unless the person has:



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1027           1. Submitted a nonrefundable examination fee in the amount  
1028 of \$50.

1029           2. Successfully completed a training course that includes  
1030 both written and practical training ~~offered by the State Fire~~  
1031 ~~College or an equivalent~~ course approved by the State Fire  
1032 Marshal as applicable to the class of license being sought.

1033           3. Passed, with a grade of at least 70 percent, a written  
1034 examination testing his or her knowledge of the rules and  
1035 statutes governing the activities authorized by the permit and  
1036 demonstrating his or her knowledge and ability to perform those  
1037 tasks in a competent, lawful, and safe manner. Such examination  
1038 must be developed and administered by the State Fire Marshal in  
1039 accordance with the policies and procedures of the State Fire  
1040 Marshal. An examination fee must be paid for each examination  
1041 scheduled. A reexamination may not be scheduled sooner than 30  
1042 days after any administration of an examination to an applicant.  
1043 An applicant may not be permitted to take an examination for any  
1044 level of permit more than four times during 1 year, regardless  
1045 of the number of applications submitted. As a prerequisite to  
1046 taking the permit examination, the applicant must be at least 16  
1047 years of age.

1048           (h) An applicant for a license or permit under this section  
1049 who fails the examination may take it three more times during  
1050 the 1-year period after he or she originally filed an  
1051 application for the examination. If the applicant fails the  
1052 examination within 1 year after the application date and he or  
1053 she seeks to retake the examination, he or she must file a new  
1054 application, pay the application and examination fees, and  
1055 successfully complete a prescribed training course that includes



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1056 both written and practical training offered by the State Fire  
1057 College or an equivalent course approved by the State Fire  
1058 Marshal as applicable to the class of license being sought. The  
1059 applicant may not submit a new application within 6 months after  
1060 the date of his or her fourth reexamination. An applicant who  
1061 passes the examination but does not meet the remaining  
1062 qualifications prescribed by law and rule within 1 year after  
1063 the application date must file a new application, pay the  
1064 application and examination fee, successfully complete a  
1065 prescribed training course that includes both written and  
1066 practical training approved by the State Fire College or an  
1067 equivalent course approved by the State Fire Marshal as  
1068 applicable to the class of license being sought, and pass the  
1069 written examination.

1070 Section 28. Subsection (1) of section 633.402, Florida  
1071 Statutes, is amended to read:

1072 633.402 Firefighters Employment, Standards, and Training  
1073 Council; organization; meetings; quorum; compensation; seal;  
1074 special powers; firefighter training.-

1075 (1) There is created within the department a Firefighters  
1076 Employment, Standards, and Training Council of 15 ~~14~~ members.

1077 (a) The members shall be appointed as follows:

1078 1. Two fire chiefs appointed by the Florida Fire Chiefs  
1079 Association.

1080 2. Two firefighters, who are not officers, appointed by the  
1081 Florida Professional Firefighters Association.

1082 3. Two firefighter officers, who are not fire chiefs,  
1083 appointed by the State Fire Marshal.

1084 4. One individual appointed by the Florida League of



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1085 Cities.

1086         5. One individual appointed by the Florida Association of  
1087 Counties.

1088         6. One individual appointed by the Florida Association of  
1089 Special Districts.

1090         7. One individual appointed by the Florida Fire Marshals'  
1091 and Inspectors' Association.

1092         8. One employee of the Florida Forest Service of the  
1093 Department of Agriculture and Consumer Services appointed by the  
1094 director of the Florida Forest Service.

1095         9. One individual appointed by the State Fire Marshal.

1096         10. One director or instructor of a state-certified  
1097 firefighting training facility appointed by the State Fire  
1098 Marshal.

1099         11. One individual ~~The remaining member, who shall be~~  
1100 appointed by the State Fire Marshal, who may not be a member or  
1101 representative of the firefighting profession or of any local  
1102 government.

1103         12. One individual from the Department of Health, appointed  
1104 by the Surgeon General.

1105         (b) To be eligible for appointment as a member under  
1106 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,  
1107 subparagraph (a)8., or subparagraph (a)10., a person must have  
1108 had at least 4 years' experience in the firefighting profession.  
1109 Members shall serve only as long as they continue to meet the  
1110 criteria under which they were appointed, or unless a member has  
1111 failed to appear at three consecutive and properly noticed  
1112 meetings unless excused by the chair.

1113         Section 29. Subsection (1) of section 633.416, Florida



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1114 Statutes, is amended to read:

1115 633.416 Firefighter employment and volunteer firefighter  
1116 service; saving clause.—

1117 (1) A fire service provider may not employ an individual  
1118 to:

1119 (a) Extinguish fires for the protection of life or property  
1120 or to supervise individuals who perform such services unless the  
1121 individual holds a current and valid Firefighter Certificate of  
1122 Compliance. However, a person who is currently serving as a  
1123 volunteer firefighter and holds a volunteer firefighter  
1124 certificate of completion with a fire service provider, who is  
1125 then employed as a regular or permanent firefighter by such fire  
1126 service provider, may function, for a period of 1 year under the  
1127 direct supervision of an individual holding a valid Firefighter  
1128 Certificate of Compliance, in the same capacity in which he or  
1129 she acted as a volunteer firefighter, provided that he or she  
1130 has completed all training required by the volunteer  
1131 organization. Under no circumstance can this period extend  
1132 beyond 1 year either collectively or consecutively from the  
1133 start of employment to obtain a Firefighter Certificate of  
1134 Compliance; or

1135 (b) Serve as the administrative and command head of a fire  
1136 service provider for a period in excess of 1 year unless the  
1137 individual holds a current and valid Firefighter Certificate of  
1138 Compliance or Special Certificate of Compliance.

1139 Section 30. Section 648.30, Florida Statutes, is amended to  
1140 read:

1141 648.30 Licensure and appointment required; prohibited acts;  
1142 penalties.—





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1143 (1) A person may not act in the capacity of a bail bond  
1144 agent or temporary bail bond agent or perform any of the  
1145 functions, duties, or powers prescribed for bail bond agents or  
1146 temporary bail bond agents under this chapter unless that person  
1147 is qualified, licensed, and appointed as provided in this  
1148 chapter.

1149 (2) A person may not represent himself or herself to be a  
1150 bail enforcement agent, bounty hunter, or other similar title in  
1151 this state.

1152 (3) A person, other than a certified law enforcement  
1153 officer, may not apprehend, detain, or arrest a principal on a  
1154 bond, wherever issued, unless that person is qualified,  
1155 licensed, and appointed as provided in this chapter or licensed  
1156 as a bail bond agent or bail bond enforcement agent, or holds an  
1157 equivalent license by the state where the bond was written.

1158 (4) Any person who violates this section commits a felony  
1159 of the third degree, punishable as provided in s. 775.082, s.  
1160 775.083, or s. 775.084.

1161 (5) Any licensee under this chapter who knowingly aids or  
1162 abets an unlicensed person in violating this section commits a  
1163 felony of the third degree, punishable as provided in s.  
1164 775.082, s. 775.083, or s. 775.084.

1165 Section 31. Section 843.08, Florida Statutes, is amended to  
1166 read:

1167 843.08 False personation.—A person who falsely assumes or  
1168 pretends to be a firefighter, a sheriff, an officer of the  
1169 Florida Highway Patrol, an officer of the Fish and Wildlife  
1170 Conservation Commission, an officer of the Department of  
1171 Environmental Protection, ~~a fire or arson investigator of the~~



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1172 ~~Department of Financial Services~~, an officer of the Department  
1173 of Financial Services, any personnel or representative of the  
1174 Division of Investigative and Forensic Services, an officer of  
1175 the Department of Corrections, a correctional probation officer,  
1176 a deputy sheriff, a state attorney or an assistant state  
1177 attorney, a statewide prosecutor or an assistant statewide  
1178 prosecutor, a state attorney investigator, a coroner, a police  
1179 officer, a lottery special agent or lottery investigator, a  
1180 beverage enforcement agent, a school guardian as described in s.  
1181 30.15(1)(k), a security officer licensed under chapter 493, any  
1182 member of the Florida Commission on Offender Review or any  
1183 administrative aide or supervisor employed by the commission,  
1184 any personnel or representative of the Department of Law  
1185 Enforcement, or a federal law enforcement officer as defined in  
1186 s. 901.1505, and takes upon himself or herself to act as such,  
1187 or to require any other person to aid or assist him or her in a  
1188 matter pertaining to the duty of any such officer, commits a  
1189 felony of the third degree, punishable as provided in s.  
1190 775.082, s. 775.083, or s. 775.084. However, a person who  
1191 falsely personates any such officer during the course of the  
1192 commission of a felony commits a felony of the second degree,  
1193 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1194 If the commission of the felony results in the death or personal  
1195 injury of another human being, the person commits a felony of  
1196 the first degree, punishable as provided in s. 775.082, s.  
1197 775.083, or s. 775.084.

1198 Section 32. Paragraph (f) is added to subsection (11) of  
1199 section 943.045, Florida Statutes, to read:

1200 943.045 Definitions; ss. 943.045-943.08.—The following



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1201 words and phrases as used in ss. 943.045-943.08 shall have the  
1202 following meanings:

1203 (11) "Criminal justice agency" means:

1204 (f) The investigations component of the Department of  
1205 Financial Services which investigates the crimes of fraud and  
1206 official misconduct in all public assistance given to residents  
1207 of this state or provided to others by this state.

1208 Section 33. Except as otherwise expressly provided in this  
1209 act, this act shall take effect July 1, 2021.

1210  
1211 ===== T I T L E A M E N D M E N T =====

1212 And the title is amended as follows:

1213 Delete everything before the enacting clause  
1214 and insert:

1215 A bill to be entitled  
1216 An act relating to the Department of Financial  
1217 Services; amending s. 20.121, F.S.; specifying powers  
1218 and duties of the Division of Public Assistance Fraud;  
1219 amending s. 284.30, F.S.; requiring the State Risk  
1220 Management Trust Fund to provide insurance for certain  
1221 firefighter cancer-related benefits; making technical  
1222 changes; amending s. 284.31, F.S.; requiring the  
1223 Insurance Risk Management Trust Fund to provide a  
1224 separate account for certain firefighter cancer-  
1225 related benefits; making technical changes; amending  
1226 s. 284.385, F.S.; specifying conditions that must be  
1227 met before certain firefighter cancer-related benefits  
1228 may be paid from the State Risk Management Trust Fund;  
1229 making technical changes; creating s. 284.45, F.S.;



1230 prohibiting individuals working for entities covered  
1231 by the State Risk Management Trust Fund from engaging  
1232 in retaliatory conduct against sexual harassment  
1233 victims; defining the term "sexual harassment victim";  
1234 specifying a criminal penalty for the willful and  
1235 knowing dissemination of a sexual harassment victim's  
1236 personal identifying information, except under certain  
1237 circumstances; amending s. 497.101, F.S.; revising  
1238 membership and terms of the Board of Funeral,  
1239 Cemetery, and Consumer Services within the Department  
1240 of Financial Services; authorizing the use of  
1241 communications media technology for board member  
1242 participation; defining the term "communications media  
1243 technology"; deleting a requirement for the department  
1244 to adopt certain rules; amending s. 497.157, F.S.;  
1245 prohibiting unlicensed persons from acting as or  
1246 advertising themselves as funeral directors,  
1247 embalmers, direct disposers, or preneed sales agents  
1248 unless they are so licensed; providing penalties;  
1249 amending s. 497.159, F.S.; conforming a provision to  
1250 changes made by the act; amending s. 497.273, F.S.;  
1251 authorizing a cemetery company to sell specified items  
1252 for use on cemetery lands other than lands the company  
1253 owns; amending s. 497.375, F.S.; authorizing licensed  
1254 funeral director interns to continue performing  
1255 certain tasks while transitioning to licensed funeral  
1256 directors; amending s. 497.377, F.S.; authorizing  
1257 licensed combination funeral director and embalmer  
1258 interns to continue performing certain tasks while



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1259 transitioning to licensed combination funeral director  
1260 and embalmers; amending s. 497.458, F.S.; specifying  
1261 that certain deposits under preneed contracts for  
1262 funeral services or merchandise or burial services or  
1263 merchandise must be made unless the preneed contracts  
1264 have been fulfilled; amending s. 497.550, F.S.;  
1265 requiring monument retailers to comply with specified  
1266 requirements relating to place of business and  
1267 operations; subjecting monument retailers to  
1268 inspection; amending s. 552.081, F.S.; revising the  
1269 definition of the term "two-component explosives" for  
1270 the purpose of regulation by the Division of State  
1271 Fire Marshal; amending s. 553.7921, F.S.; authorizing  
1272 a contractor repairing certain existing fire alarm  
1273 systems to begin work after filing an application for  
1274 a required permit but before receiving the permit;  
1275 providing construction; amending s. 626.2815, F.S.;  
1276 revising continuing education requirements for certain  
1277 persons licensed to solicit, sell, or adjust  
1278 insurance; amending s. 626.371, F.S.; requiring  
1279 submission of renewal appointments of certain  
1280 insurance representatives within a certain timeframe;  
1281 requiring the department to notify certain insurers or  
1282 employers regarding inadvertent failures to appoint;  
1283 requiring insurers and employers to pay certain fees  
1284 and taxes within a certain timeframe; authorizing the  
1285 department to issue appointments under certain  
1286 circumstances; prohibiting the department from  
1287 considering inadvertent failures to appoint to be



1288 violations under certain circumstances; requiring the  
1289 department to suspend an insurer's or employer's  
1290 authority to appoint licensees under certain  
1291 circumstances; amending s. 626.7351, F.S.; revising  
1292 the qualifications for customer representative  
1293 licenses; amending s. 626.8443, F.S.; increasing the  
1294 maximum period of suspension of a title insurance  
1295 agent's or agency's license; making technical changes;  
1296 amending s. 626.916, F.S.; deleting a requirement for  
1297 agents to advise insureds that certain coverage may be  
1298 available for personal residential property risks to  
1299 be eligible for export under the Surplus Lines Law;  
1300 establishing conditions under which coverage for  
1301 indemnity of property insurance deductibles may be  
1302 exported to surplus lines; amending s. 626.9551, F.S.;  
1303 prohibiting requirements for the provision of  
1304 replacement cost estimators or certain other  
1305 proprietary business information under certain  
1306 circumstances; amending s. 627.715, F.S.; providing an  
1307 exemption from a diligent effort requirement for  
1308 surplus lines agents exporting contracts or  
1309 endorsements providing flood coverage; amending s.  
1310 633.102, F.S.; revising the authority of certain fire  
1311 protection system contractors to design or alter  
1312 certain fire protection systems; providing for  
1313 resolution of conflicts between the Florida Building  
1314 Code and the Florida Fire Prevention Code; amending s.  
1315 633.136, F.S.; replacing fire protection agencies in  
1316 the Fire and Emergency Incident Information Reporting



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1317 Program with fire service providers; revising the  
1318 composition of the Fire and Emergency Incident  
1319 Information System Technical Advisory Panel; defining  
1320 the term "fire service provider"; amending s. 633.202,  
1321 F.S.; extending a deadline for certain buildings to  
1322 comply with a minimum radio signal strength  
1323 requirement under the Florida Fire Prevention Code;  
1324 extending a deadline for certain buildings to apply  
1325 for a specified permit; creating s. 633.217, F.S.;  
1326 prohibiting certain acts to influence a firesafety  
1327 inspector to violate certain laws; prohibiting a  
1328 firesafety inspector from knowingly and intentionally  
1329 requesting, soliciting, accepting, or agreeing to  
1330 accept compensation offered to induce a violation of  
1331 certain codes, rules, or laws; amending s. 633.304,  
1332 F.S.; revising the training requirements for licenses  
1333 and permits to install or maintain fire suppression  
1334 equipment; amending s. 633.402, F.S.; revising the  
1335 composition of the Firefighters Employment, Standards,  
1336 and Training Council; amending s. 633.416, F.S.;  
1337 providing that certain persons serving as volunteer  
1338 firefighters may serve as regular or permanent  
1339 firefighters for a limited period, subject to certain  
1340 restrictions; amending s. 648.30, F.S.; prohibiting  
1341 the aiding or abetting of unlicensed activity of a  
1342 bail bond agent or temporary bail bond agent;  
1343 providing criminal penalties; amending s. 843.08,  
1344 F.S.; prohibiting false personation of personnel or  
1345 representatives of the Division of Investigative and



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1346 Forensic Services; amending s. 943.045, F.S.; revising  
1347 the definition of the term "criminal justice agency"  
1348 to include the investigations component of the  
1349 department which investigates certain crimes;  
1350 providing effective dates.