



918012

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2021	.	
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The Committee on Banking and Insurance (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 190 - 944
and insert:
to an employee of a state agency under s. 112.1816(2), and
court-awarded attorney ~~attorney's~~ fees in other proceedings
against the state except for such awards in eminent domain or
for inverse condemnation or for awards by the Public Employees
Relations Commission. Unless specifically excluded by the
Department of Financial Services, the Insurance Risk Management



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11 Trust Fund must ~~shall~~ provide fleet automotive liability
12 coverage to motor vehicles titled to the state, or to any
13 department of the state, when such motor vehicles are used by
14 community transportation coordinators performing, under contract
15 to the appropriate department of the state, services for the
16 transportation disadvantaged under part I of chapter 427. Such
17 fleet automotive liability coverage is ~~shall be~~ primary and is
18 ~~shall be~~ subject to ~~the provisions of~~ s. 768.28 and parts II and
19 III of chapter 284, and applicable rules adopted thereunder, and
20 the terms and conditions of the certificate of coverage issued
21 by the Department of Financial Services.

22 Section 4. Section 284.385, Florida Statutes, is amended to
23 read:

24 284.385 Reporting and handling of claims.—

25 (1) All departments covered by the State Risk Management
26 Trust Fund under this part shall immediately report all known or
27 potential claims to the Department of Financial Services for
28 handling, except employment complaints that ~~which~~ have not been
29 filed with the Florida Human Relations Commission, Equal
30 Employment Opportunity Commission, or any similar agency. When
31 deemed necessary, the Department of Financial Services shall
32 assign or reassign the claim to counsel. The assigned counsel
33 shall report regularly to the Department of Financial Services
34 or to the covered department on the status of any such claims or
35 litigation as required by the Department of Financial Services.
36 ~~No~~ Such claims may not ~~claim shall~~ be compromised or settled for
37 monetary compensation without the prior approval of the
38 Department of Financial Services and prior notification to the
39 covered department. All departments shall cooperate with the



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40 Department of Financial Services in its handling of claims. The
41 Department of Financial Services and the Department of
42 Management Services, with the cooperation of the state attorneys
43 and the clerks of the courts, shall develop a system to
44 coordinate the exchange of information concerning claims for and
45 against the state, its agencies, and its subdivisions, to assist
46 in collection of amounts due to them. The covered department is
47 responsible ~~shall have the responsibility~~ for the settlement of
48 any claim for injunctive or affirmative relief under 42 U.S.C.
49 s. 1983 or similar federal or state statutes. The payment of a
50 settlement or judgment for any claim covered and reported under
51 this part may ~~shall~~ be made only from the State Risk Management
52 Trust Fund.

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

58 Section 5. Section 284.45, Florida Statutes, is created to
59 read:

60 284.45 Sexual harassment victims.-

61 (1) An individual working for an entity covered by the
62 State Risk Management Trust Fund may not engage in retaliatory
63 conduct of any kind against a sexual harassment victim. As used
64 in this section, the term "sexual harassment victim" means an
65 individual employed, or being considered for employment, with an
66 entity participating in the State Risk Management Trust Fund who
67 becomes a victim of workplace sexual harassment through the
68 course of employment, or while being considered for employment,



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69 with the entity.

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

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

78 497.101 Board of Funeral, Cemetery, and Consumer Services;
79 membership; appointment; terms.-

80 (1) The Board of Funeral, Cemetery, and Consumer Services
81 is created within the Department of Financial Services and shall
82 consist of 10 members, 9 of whom shall be appointed by the
83 Governor from nominations made by the Chief Financial Officer
84 and confirmed by the Senate. The Chief Financial Officer shall
85 nominate one to three persons for each of the nine vacancies on
86 the board, and the Governor shall fill each vacancy on the board
87 by appointing one of the ~~three~~ persons nominated by the Chief
88 Financial Officer to fill that vacancy. If the Governor objects
89 to each of the ~~three~~ nominations for a vacancy, she or he shall
90 inform the Chief Financial Officer in writing. Upon notification
91 of an objection by the Governor, the Chief Financial Officer
92 shall submit one to three additional nominations for that
93 vacancy until the vacancy is filled. One member must be the
94 State Health Officer or her or his designee.

95 (2) Two members of the board must ~~shall~~ be funeral
96 directors licensed under part III of this chapter who are
97 associated with a funeral establishment. One member of the board



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98 ~~must shall~~ be a funeral director licensed under part III of this
99 chapter who is associated with a funeral establishment licensed
100 under part III of this chapter which ~~that~~ has a valid preneed
101 license issued pursuant to this chapter and who owns or operates
102 a cinerator facility approved under chapter 403 and licensed
103 under part VI of this chapter. Two members of the board must
104 ~~shall~~ be persons whose primary occupation is associated with a
105 cemetery company licensed pursuant to this chapter. Two ~~Three~~
106 members of the board must ~~shall~~ be consumers who are residents
107 of this ~~the~~ state, have never been licensed as funeral directors
108 or embalmers, are not connected with a cemetery or cemetery
109 company licensed pursuant to this chapter, and are not connected
110 with the death care industry or the practice of embalming,
111 funeral directing, or direct disposition. One of the two
112 consumer members must ~~shall~~ be at least 60 years of age, ~~and one~~
113 ~~shall be licensed as a certified public accountant under chapter~~
114 473. One member of the board must be a consumer who is a
115 resident of this state; is licensed as a certified public
116 accountant under chapter 473; has never been licensed as a
117 funeral director or an embalmer; is not a principal or an
118 employee of any licensee licensed under this chapter; and does
119 not otherwise have control, as defined in s. 497.005, over any
120 licensee licensed under this chapter. One member of the board
121 must ~~shall~~ be a principal of a monument establishment licensed
122 under this chapter as a monument builder. One member must ~~shall~~
123 be the State Health Officer or her or his designee. There may
124 ~~shall~~ not be two or more board members who are principals or
125 employees of the same company or partnership or group of
126 companies or partnerships under common control.



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127 (3) Board members shall be appointed for terms of 4 years,
128 and the State Health Officer shall serve as long as that person
129 holds that office. The designee of the State Health Officer
130 shall serve at the pleasure of the Governor. ~~When the terms of~~
131 ~~the initial board members expire, the Chief Financial Officer~~
132 ~~shall stagger the terms of the successor members as follows: one~~
133 ~~funeral director, one cemetery representative, the monument~~
134 ~~builder, and one consumer member shall be appointed for terms of~~
135 ~~2 years, and the remaining members shall be appointed for terms~~
136 ~~of 4 years. All subsequent terms shall be for 4 years.~~

137 (6) The board shall maintain its headquarters and records
138 ~~of the board shall be~~ in the Division of Funeral, Cemetery, and
139 Consumer Services of the Department of Financial Services in the
140 City of Tallahassee. The board may be contacted through the
141 Division of Funeral, Cemetery, and Consumer Services of the
142 Department of Financial Services in the City of Tallahassee. The
143 Chief Financial Officer shall annually appoint from among the
144 board members a chair and vice chair of the board. The board
145 shall meet at least every 6 months, and more often as necessary.
146 Special meetings of the board shall be convened upon the
147 direction of the Chief Financial Officer. A quorum is necessary
148 for the conduct of business by the board. The participation by a
149 board member in a meeting conducted through communications media
150 technology constitutes that individual's presence at such
151 meeting. Board members appearing at a board meeting in person as
152 well as board members appearing through the use of
153 communications media technology shall be counted for the
154 determination of a quorum. As used in this subsection,
155 "communications media technology" means the electronic



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156 transmission of printed matter, audio, full-motion video,
157 freeze-frame video, compressed video, and digital video by any
158 method available. Unless otherwise provided by law, a majority
159 of the board members eligible to vote constitutes a quorum for
160 the purpose of conducting its business ~~six board members shall~~
161 ~~constitute a quorum for the conduct of the board's business.~~

162 ~~(8) The department shall adopt rules establishing forms by~~
163 ~~which persons may apply for membership on the board and~~
164 ~~procedures for applying for such membership. Such forms shall~~
165 ~~require disclosure of the existence and nature of all current~~
166 ~~and past employments by or contracts with, and direct or~~
167 ~~indirect affiliations or interests in, any entity or business~~
168 ~~that at any time was licensed by the board or by the former~~
169 ~~Board of Funeral and Cemetery Services or the former Board of~~
170 ~~Funeral Directors and Embalmers or that is or was otherwise~~
171 ~~involved in the death care industry, as specified by department~~
172 ~~rule.~~

173 Section 7. Section 497.1411, Florida Statutes, is created
174 to read:

175 497.1411 Disqualification of applicants and licensees;
176 penalties against licensees; rulemaking.-

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

178 (a) "Applicant" means an individual applying for licensure
179 or relicensure under this chapter, or an officer, a director, a
180 majority owner, a partner, a manager, or another person who
181 manages or controls an entity applying for licensure or
182 relicensure under this chapter.

183 (b) "Felony of the first degree" or "capital felony"
184 includes all felonies designated as such in this state at the



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185 time of the commission of the offense, as well as any offense in
186 another jurisdiction which is substantially similar to an
187 offense so designated in this state.

188 (c) "Financial services business" means any financial
189 activity regulated by the department, the Office of Insurance
190 Regulation, or the Office of Financial Regulation.

191 (2) An applicant who has been found guilty of, or has
192 pleaded guilty or nolo contendere to any of the following
193 crimes, regardless of adjudication, is permanently barred from
194 licensure under this chapter:

195 (a) A felony of the first degree.

196 (b) A capital felony.

197 (c) A felony money laundering offense.

198 (d) A felony embezzlement.

199 (3) An applicant who has been found guilty of, or has
200 pleaded guilty or nolo contendere to a crime not included in
201 subsection (2), regardless of adjudication, is subject to:

202 (a) A 10-year disqualifying period for all felonies
203 involving moral turpitude which are not specifically included in
204 the permanent bar from licensure contained in subsection (2).

205 (b) A 5-year disqualifying period for all felonies to which
206 neither the permanent bar from licensure in subsection (2) nor
207 the 10-year disqualifying period in paragraph (a) applies.

208 (c) A 5-year disqualifying period for all misdemeanors
209 directly related to the financial services business.

210 (4) The board shall adopt rules to administer this section.
211 The rules must provide for additional disqualifying periods due
212 to the commitment of multiple crimes and may include other
213 factors reasonably related to the applicant's criminal history.



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214 The rules must provide for mitigating and aggravating factors.
215 However, mitigation may not result in a period of
216 disqualification of less than 5 years and may not mitigate the
217 disqualifying periods in paragraphs (3) (b) and (c).

218 (5) For purposes of this section, a disqualifying period
219 begins upon the applicant's final release from supervision or
220 upon completion of the applicant's criminal sentence. The
221 department may not issue a license to an applicant unless all
222 related fines, court costs and fees, and court-ordered
223 restitution have been paid.

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

229 (7) Notwithstanding subsections (2) and (3), an applicant
230 who has been found guilty of, or has pleaded guilty or nolo
231 contendere to, a crime in subsection (2) or subsection (3) and
232 who has subsequently been granted a pardon or the restoration of
233 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
234 State Constitution, or a pardon or the restoration of civil
235 rights under the laws of another jurisdiction with respect to a
236 conviction in that jurisdiction, is not barred or disqualified
237 from licensure under this chapter. However, such a pardon or
238 restoration of civil rights does not require the department to
239 award such license.

240 (8) (a) The board may grant an exemption from
241 disqualification to any person disqualified from licensure under
242 subsection (3) if:



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

247 2. At least 5 years have elapsed since the applicant
248 completed or has been lawfully released from confinement,
249 supervision, or a nonmonetary condition imposed by the court for
250 a disqualifying offense.

251 (b) For the board to grant an exemption under this
252 subsection, the applicant must clearly and convincingly
253 demonstrate that he or she would not pose a risk to persons or
254 property if licensed under this chapter, evidence of which must
255 include, but need not be limited to, facts and circumstances
256 surrounding the disqualifying offense, the time that has elapsed
257 since the offense, the nature of the offense and harm caused to
258 the victim, the applicant's history before and after the
259 offense, and any other evidence or circumstances indicating that
260 the applicant will not present a danger if licensed or
261 certified.

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

265 (9) The disqualification periods provided in this section
266 do not apply to the renewal of a license or to a new application
267 for licensure if the applicant has an active license as of July
268 1, 2021, and the applicable criminal history was considered by
269 the board on the prior approval of any active license held by
270 the applicant. This subsection does not affect any criminal
271 history disclosure requirements of this chapter.



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272 Section 8. Subsection (9) and paragraph (c) of subsection
273 (10) of section 497.142, Florida Statutes, are amended to read:
274 497.142 Licensing; fingerprinting and criminal background
275 checks.-

276 (9) If any applicant under this chapter has been, ~~within~~
277 ~~the 10 years preceding the application under this chapter,~~
278 convicted or found guilty of, or entered a plea of nolo
279 contendere to, regardless of adjudication, any crime in any
280 jurisdiction, the application shall not be deemed complete until
281 such time as the applicant provides such certified true copies
282 of the court records evidencing the conviction, finding, or plea
283 as required by this section or, as the licensing authority may
284 by rule require.

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

286 1. Any felony ~~or misdemeanor~~, no matter when committed,
287 ~~that was directly or indirectly related to or involving any~~
288 ~~aspect of the practice or business of funeral directing,~~
289 ~~embalming, direct disposition, cremation, funeral or cemetery~~
290 ~~preneed sales, funeral establishment operations, cemetery~~
291 ~~operations, or cemetery monument or marker sales or~~
292 ~~installation.~~

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

298 3. Any other misdemeanor not already disclosed under
299 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
300 the 5 years immediately preceding the application under this



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301 chapter.

302 Section 9. Present subsections (2) through (5) of section
303 497.157, Florida Statutes, are redesignated as subsections (4)
304 through (7), respectively, new subsections (2) and (3) and
305 subsection (8) are added to that section, and present subsection
306 (3) of that section is amended, to read:

307 497.157 Unlicensed practice; remedies concerning violations
308 by unlicensed persons.—

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

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

318 (5)~~(3)~~ Where the department determines that an emergency
319 exists regarding any violation of this chapter by any unlicensed
320 person or entity, the department may issue and serve an
321 immediate final order upon such unlicensed person or entity, in
322 accordance with s. 120.569(2)(n). Such an immediate final order
323 may impose such prohibitions and requirements as are reasonably
324 necessary to protect the public health, safety, and welfare, and
325 is ~~shall be~~ effective when served.

326 (a) For the purpose of enforcing such an immediate final
327 order, the department may file an emergency or other proceeding
328 in the circuit courts of the state seeking enforcement of the
329 immediate final order by injunctive or other order of the court.



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330 The court shall issue its injunction or other order enforcing
331 the immediate final order pending administrative resolution of
332 the matter under subsection (4) ~~(2)~~, unless the court determines
333 that such action would work a manifest injustice under the
334 circumstances. Venue for judicial actions under this paragraph
335 must ~~shall~~ be, at the election of the department, in the courts
336 of Leon County~~7~~ or in a county where the respondent resides or
337 has a place of business.

338 (b) After serving an immediate final order to cease and
339 desist upon any person or entity, the department shall within 10
340 days issue and serve upon the same person or entity an
341 administrative complaint as set forth in subsection (4) ~~(2)~~,
342 except that, absent order of a court to the contrary, the
343 immediate final order will ~~shall~~ be effective throughout the
344 pendency of proceedings under subsection (4) ~~(2)~~.

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

349 Section 10. Subsection (6) of section 497.159, Florida
350 Statutes, is amended to read:

351 497.159 Crimes.—

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

356 Section 11. Subsection (13) of section 552.081, Florida
357 Statutes, is amended to read:

358 552.081 Definitions.—As used in this chapter:



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

363 Section 12. Present subsection (2) of section 553.7921,
364 Florida Statutes, is redesignated as subsection (3), a new
365 subsection (2) is added to that section, and subsection (1) of
366 that section is amended, to read:

367 553.7921 Fire alarm permit application to local enforcement
368 agency.—

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

373 ~~(a) installing or replacing a fire alarm,~~ if the local
374 enforcement agency requires a plan review for the installation
375 or replacement; ~~or~~

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

379 (2) If the local enforcement agency requires a fire alarm
380 permit to repair an existing alarm system that was previously
381 permitted by the local enforcement agency, a contractor may
382 begin work after filing a Uniform Fire Alarm Permit Application
383 as provided in subsection (3). A fire alarm repaired pursuant to
384 this subsection may not be considered compliant until the
385 required permit is issued and the local enforcement agency
386 approves the repair.

387 Section 13. Effective January 1, 2022, subsection (3) of



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388 section 626.2815, Florida Statutes, is amended to read:

389 626.2815 Continuing education requirements.—

390 (3) Each licensee except a title insurance agent must
391 complete a 4-hour ~~5-hour~~ update course every 2 years which is
392 specific to the license held by the licensee. The course must be
393 developed and offered by providers and approved by the
394 department. The content of the course must address all lines of
395 insurance for which examination and licensure are required and
396 include the following subject areas: insurance law updates,
397 ethics for insurance professionals, disciplinary trends and case
398 studies, industry trends, premium discounts, determining
399 suitability of products and services, and other similar
400 insurance-related topics the department determines are relevant
401 to legally and ethically carrying out the responsibilities of
402 the license granted. A licensee who holds multiple insurance
403 licenses must complete an update course that is specific to at
404 least one of the licenses held. Except as otherwise specified,
405 any remaining required hours of continuing education are
406 elective and may consist of any continuing education course
407 approved by the department under this section.

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

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

414 (c) A licensee who has been licensed for 25 years or more
415 and is a CLU or a CPCU or has a Bachelor of Science degree in
416 risk management or insurance with evidence of 18 or more



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417 semester hours in insurance-related courses must also complete a
418 minimum of 6 ~~5~~ hours of elective continuing education courses
419 every 2 years.

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

424 (e) An individual subject to chapter 648 must complete the
425 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of
426 elective continuing education courses every 2 years.

427 (f) Elective continuing education courses for public
428 adjusters must be specifically designed for public adjusters and
429 approved by the department. Notwithstanding this subsection,
430 public adjusters for workers' compensation insurance or health
431 insurance are not required to take continuing education courses
432 pursuant to this section.

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

435 (h) An individual teaching an approved course of
436 instruction or lecturing at any approved seminar and attending
437 the entire course or seminar qualifies for the same number of
438 classroom hours as would be granted to a person taking and
439 successfully completing such course or seminar. Credit is
440 limited to the number of hours actually taught unless a person
441 attends the entire course or seminar. An individual who is an
442 official of or employed by a governmental entity in this state
443 and serves as a professor, instructor, or in another position or
444 office, the duties and responsibilities of which are determined
445 by the department to require monitoring and review of insurance



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446 laws or insurance regulations and practices, is exempt from this
447 section.

448 (i) For compliance periods beginning on or after October 1,
449 2014, any person who holds a license as a title insurance agent
450 must complete a minimum of 10 hours of continuing education
451 credit every 2 years in title insurance and escrow management
452 specific to this state and approved by the department, which
453 must ~~shall~~ include at least 3 hours of continuing education on
454 the subject matter of ethics, rules, or compliance with state
455 and federal regulations relating specifically to title insurance
456 and closing services.

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

461 Section 14. Subsections (1) and (2) of section 626.371,
462 Florida Statutes, are amended to read:

463 626.371 Payment of fees, taxes for appointment period
464 without appointment.-

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

469 (2) (a) If, upon application and qualification for an
470 initial or renewal appointment and such investigation as the
471 department may make, ~~it appears to~~ the department determines
472 that an individual has not been properly appointed to represent
473 an insurer or employer, that such individual ~~who~~ was formerly
474 licensed or is currently licensed, ~~but not properly appointed to~~



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475 ~~represent an insurer or employer and that such individual who~~
476 has been actively engaged or is currently actively engaged as
477 such an appointee, ~~but without being appointed as required,~~ the
478 department shall ~~may~~, if it finds that such failure to be
479 appointed was an inadvertent error on the part of the insurer or
480 employer so represented, notify the insurer or employer of its
481 finding and of the requirement to pay all fees and taxes due
482 pursuant to paragraph (b) within 21 days.

483 (b) The department may nevertheless issue or authorize the
484 issuance of the appointment upon the insurer's or employer's
485 timely payment to the department of as applied for but subject
486 to the condition that, before the appointment is issued, all
487 fees and taxes that which would have been due had the applicant
488 been properly se appointed during such current and prior
489 periods, including with applicable fees and taxes that would
490 have been due pursuant to s. 624.501 for such current and prior
491 periods of appointment, shall be paid to the department.

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

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

502 Section 15. Subsection (1) of section 626.8443, Florida
503 Statutes, is amended to read:



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504 626.8443 Duration of suspension or revocation.—

505 (1) The department shall, in its order suspending a title
506 insurance agent's or agency's license or appointment or in its
507 order suspending the eligibility of a person to hold or apply
508 for such license or appointment, specify the period during which
509 the suspension is to be in effect, but such period may ~~shall~~ not
510 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or
511 eligibility will ~~shall~~ remain suspended during the period so
512 specified, subject, however, to any rescission or modification
513 of the order by the department, or modification or reversal
514 thereof by the court, prior to expiration of the suspension
515 period. A license, appointment, or eligibility that ~~which~~ has
516 been suspended may not be reinstated except upon request for
517 such reinstatement, but the department may ~~shall~~ not grant such
518 reinstatement if it finds that the circumstance or circumstances
519 for which the license, appointment, and eligibility was
520 suspended still exist or are likely to recur.

521 Section 16. Paragraph (e) of subsection (1) of section
522 626.916, Florida Statutes, is amended to read:

523 626.916 Eligibility for export.—

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

526 ~~(c) For personal residential property risks, the retail or~~
527 ~~producing agent must advise the insured in writing that coverage~~
528 ~~may be available and may be less expensive from Citizens~~
529 ~~Property Insurance Corporation. The notice must include other~~
530 ~~information that states that assessments by Citizens Property~~
531 ~~Insurance Corporation are higher and the coverage provided by~~
532 ~~Citizens Property Insurance Corporation may be less than the~~



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533 ~~property's existing coverage. If the notice is signed by the~~
534 ~~insured, it is presumed that the insured has been informed and~~
535 ~~knows that policies from Citizens Property Insurance Corporation~~
536 ~~may be less expensive, may provide less coverage, and will be~~
537 ~~accompanied by higher assessments.~~

538 Section 17. Paragraph (e) is added to subsection (1) of
539 section 626.9551, Florida Statutes, to read:

540 626.9551 Favored agent or insurer; coercion of debtors.—

541 (1) No person may:

542 (e) Require an insurance agent or agency to directly or
543 indirectly provide the replacement cost estimator or other
544 underwriting information of an insurer underwriting an insurance
545 policy covering real property as a condition precedent or
546 condition subsequent to the lending of money or extension of
547 credit to be secured by real property when such information is
548 the proprietary business information of an insurer as defined in
549 s. 624.4212(1). An insurance agent or agency may not provide
550 such information to any person without authorization from the
551 insurer.

552 Section 18. Present subsections (4) through (10) of section
553 627.715, Florida Statutes, are redesignated as subsections (5)
554 through (11), respectively, and a new subsection (4) is added to
555 that section, to read:

556 627.715 Flood insurance.—An authorized insurer may issue an
557 insurance policy, contract, or endorsement providing personal
558 lines residential coverage for the peril of flood or excess
559 coverage for the peril of flood on any structure or the contents
560 of personal property contained therein, subject to this section.
561 This section does not apply to commercial lines residential or



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562 commercial lines nonresidential coverage for the peril of flood.
563 An insurer may issue flood insurance policies, contracts,
564 endorsements, or excess coverage on a standard, preferred,
565 customized, flexible, or supplemental basis.

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

570 Section 19. Section 633.136, Florida Statutes, is amended
571 to read:

572 633.136 Fire and Emergency Incident Information Reporting
573 Program; duties; fire reports.—

574 (1) (a) The Fire and Emergency Incident Information
575 Reporting Program is created within the division. The program
576 shall:

577 1. Establish and maintain an electronic communication
578 system capable of transmitting fire and emergency incident
579 information to and between fire service providers ~~protection~~
580 ~~agencies~~.

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

583 a. Receiving fire and emergency incident information from
584 fire service providers ~~protection agencies~~.

585 b. Preparing and disseminating annual reports to the
586 Governor, the President of the Senate, the Speaker of the House
587 of Representatives, fire service providers ~~protection agencies~~,
588 and, upon request, the public. Each report must ~~shall~~ include,
589 but not be limited to, the information listed in the National
590 Fire Incident Reporting System.



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

593 3. Adopt rules to effectively and efficiently implement,
594 administer, manage, maintain, and use the Fire and Emergency
595 Incident Information Reporting Program. The rules shall be
596 considered minimum requirements and may ~~shall~~ not preclude a
597 fire service provider ~~protection agency~~ from implementing its
598 own requirements that ~~which~~ may not conflict with the rules of
599 the division.

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

603 5. Maintain ~~Establish~~ an electronic information database
604 that is accessible and searchable by fire service providers
605 ~~protection agencies~~.

606 (b) The division shall consult with the Florida Forest
607 Service of the Department of Agriculture and Consumer Services
608 and the State Surgeon General of the Department of Health to
609 coordinate data, ensure accuracy of the data, and limit
610 duplication of efforts in data collection, analysis, and
611 reporting.

612 (2) The Fire and Emergency Incident Information System
613 Technical Advisory Panel is created within the division. The
614 panel shall advise, review, and recommend to the State Fire
615 Marshal with respect to the requirements of this section. The
616 membership of the panel consists ~~shall consist~~ of the ~~following~~
617 15 members:

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



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620 ~~(b) One member from the Florida Forest Service of the~~
621 ~~Department of Agriculture and Consumer Services, appointed by~~
622 ~~the director of the Florida Forest Service.~~

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

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

629 Section 20. Subsection (18) of section 633.202, Florida
630 Statutes, is amended to read:

631 633.202 Florida Fire Prevention Code.-

632 (18) The authority having jurisdiction shall determine the
633 minimum radio signal strength for fire department communications
634 in all new high-rise and existing high-rise buildings. Existing
635 buildings are not required to comply with minimum radio strength
636 for fire department communications and two-way radio system
637 enhancement communications as required by the Florida Fire
638 Prevention Code until January 1, 2023 ~~2022~~. However, by January
639 1, 2022 ~~December 31, 2019~~, an existing building that is not in
640 compliance with the requirements for minimum radio strength for
641 fire department communications must have completed a minimum
642 radio strength assessment ~~apply for an appropriate permit~~ for
643 the required installation with the local government agency
644 having jurisdiction and must demonstrate that the building will
645 become compliant by January 1, 2023 ~~2022~~. Existing apartment
646 buildings are not required to comply until January 1, 2025.
647 However, existing apartment buildings must have completed a
648 minimum radio strength assessment ~~are required to apply for the~~



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649 ~~appropriate permit~~ for the required communications installation
650 by December 31, 2022.

651 Section 21. Section 633.217, Florida Statutes, is created
652 to read:

653 633.217 Influencing a firesafety inspector; prohibited
654 acts.-

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

656 (a) Threatening, coercing, tricking, or attempting to
657 threaten, coerce, or trick the firesafety inspector into
658 violating any provision of the Florida Fire Prevention Code, any
659 rule adopted by the State Fire Marshal, or any provision of this
660 chapter.

661 (b) Offering any compensation to the firesafety inspector
662 to induce a violation of the Florida Fire Prevention Code, any
663 rule adopted by the State Fire Marshal, or any provision of this
664 chapter.

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

668
669 ===== T I T L E A M E N D M E N T =====

670 And the title is amended as follows:

671 Delete lines 23 - 120

672 and insert:

673 circumstances; amending s. 497.101, F.S.; revising
674 provisions relating to membership of the Board of
675 Funeral, Cemetery, and Consumer Services within the
676 Department of Financial Services; authorizing use of
677 communications media technology for board member



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678 participation and determination of a quorum of the
679 board; defining the term "communications media
680 technology"; deleting a requirement for the department
681 to adopt certain rules; making technical changes;
682 creating s. 497.1411, F.S.; defining terms; providing
683 for permanent disqualification of applicants for
684 licensure under ch. 497, F.S., for certain offenses;
685 providing for disqualifying periods for applicants for
686 certain offenses; requiring the board to adopt rules;
687 providing for calculation of disqualifying periods;
688 providing conditions for licensure after completion of
689 a disqualifying period; specifying the effect of a
690 pardon or restoration of civil rights; providing for
691 exemptions from disqualification if certain conditions
692 are met; requiring an applicant for an exemption to
693 provide certain evidence that he or she will not
694 present a danger if licensed; granting the board the
695 discretion to approve or deny an exemption; providing
696 applicability; providing construction; amending s.
697 497.142, F.S.; revising criminal history disclosure
698 requirements for applicants seeking licensure under
699 ch. 497, F.S.; amending s. 497.157, F.S.; prohibiting
700 persons from acting as or advertising themselves as
701 being funeral directors, embalmers, direct disposers,
702 or preneed sales agents unless they are so licensed;
703 prohibiting persons from engaging in certain
704 activities requiring licensure without holding
705 required licenses; revising the criminal penalty for
706 unlicensed activity; making technical changes;



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707 amending s. 497.159, F.S.; conforming a provision to
708 changes made by the act; amending s. 552.081, F.S.;
709 revising the definition of the term "two-component
710 explosives" for the purpose of regulation by the
711 Division of State Fire Marshal; amending s. 553.7921,
712 F.S.; authorizing a contractor repairing certain
713 existing fire alarm systems to begin work after filing
714 an application for a required permit but before
715 receiving the permit; providing construction; amending
716 s. 626.2815, F.S.; revising continuing education
717 requirements for certain persons licensed to solicit,
718 sell, or adjust insurance; amending s. 626.371, F.S.;
719 requiring submission of renewal appointments of
720 certain insurance representatives within a certain
721 timeframe; requiring the department to notify certain
722 insurers or employers regarding inadvertent failures
723 to appoint; requiring insurers and employers to pay
724 certain fees and taxes within a certain timeframe;
725 authorizing the department to issue appointments under
726 certain circumstances; prohibiting the department from
727 considering inadvertent failures to appoint to be
728 violations under certain circumstances; requiring the
729 department to suspend an insurer's or employer's
730 authority to appoint licensees under certain
731 circumstances; amending s. 626.8443, F.S.; increasing
732 the maximum period of suspension of a title insurance
733 agent's or agency's license; making technical changes;
734 amending s. 626.916, F.S.; deleting a requirement for
735 agents to advise insureds that certain coverage may be



736 available for personal residential property risks to
737 be eligible for export under the Surplus Lines Law;
738 amending s. 626.9551, F.S.; prohibiting a person from
739 requiring an insurance agent or agency to provide
740 replacement cost estimators or certain other
741 proprietary business information under certain
742 circumstances; prohibiting an insurance agent or
743 agency from providing replacement cost estimators or
744 certain other proprietary business information without
745 written authorization; amending s. 627.715, F.S.;
746 providing an exemption from a diligent effort
747 requirement for agents exporting contracts or
748 endorsements providing flood coverage; amending s.
749 633.136, F.S.; replacing fire protection agencies in
750 the Fire and Emergency Incident Information Reporting
751 Program with fire service providers; revising the
752 composition of the Fire and Emergency Incident
753 Information System Technical Advisory Panel; defining
754 the term "fire service provider"; amending s. 633.202,
755 F.S.; extending a deadline for certain buildings to
756 comply with a minimum radio signal strength
757 requirement under the Florida Fire Prevention Code;
758 requiring such buildings to meet certain conditions by
759 a specified date; revising a condition that existing
760 apartment buildings must meet by a specified date;
761 making technical changes; creating s. 633.217, F.S.;
762 prohibiting certain acts to influence a firesafety
763 inspector to violate certain laws; prohibiting a
764 firesafety inspector from knowingly and intentionally



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765 requesting, soliciting, accepting, or agreeing to
766 accept certain compensation; amending s. 633.402,
767 F.S.; revising the