

By Senator Burgess

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

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30 quorum of the board; defining the term "communications
31 media technology"; deleting a requirement for the
32 department to adopt certain rules; making technical
33 changes; creating s. 497.1411, F.S.; defining terms;
34 providing for permanent disqualification of applicants
35 for licensure under ch. 497, F.S., for certain
36 offenses; providing for disqualifying periods for
37 applicants for certain offenses; requiring the board
38 to adopt rules; providing for calculation of
39 disqualifying periods; providing conditions for
40 licensure after completion of a disqualifying period;
41 specifying the effect of a pardon or restoration of
42 civil rights; providing for exemptions from
43 disqualification if certain conditions are met;
44 requiring an applicant for an exemption to provide
45 certain evidence that he or she will not present a
46 danger if licensed; granting the board the discretion
47 to approve or deny an exemption; providing
48 applicability; providing construction; amending s.
49 497.142, F.S.; revising criminal history disclosure
50 requirements for applicants seeking licensure under
51 ch. 497, F.S.; amending s. 497.157, F.S.; prohibiting
52 persons from acting as or advertising themselves as
53 being funeral directors, embalmers, direct disposers,
54 or preneed sales agents unless they are so licensed;
55 prohibiting persons from engaging in certain
56 activities requiring licensure without holding
57 required licenses; revising the criminal penalty for
58 unlicensed activity; making technical changes;

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59 amending s. 497.159, F.S.; conforming a provision to
60 changes made by the act; amending s. 552.081, F.S.;
61 revising the definition of the term "two-component
62 explosives" for the purpose of regulation by the
63 Division of State Fire Marshal; amending s. 553.7921,
64 F.S.; authorizing a contractor repairing certain
65 existing fire alarm systems to begin work after filing
66 an application for a required permit but before
67 receiving the permit; providing construction; amending
68 s. 626.2815, F.S.; revising continuing education
69 requirements for certain persons licensed to solicit,
70 sell, or adjust insurance; amending s. 626.371, F.S.;
71 requiring submission of renewal appointments of
72 certain insurance representatives within a certain
73 timeframe; requiring the department to notify certain
74 insurers or employers regarding inadvertent failures
75 to appoint; requiring insurers and employers to pay
76 certain fees and taxes within a certain timeframe;
77 authorizing the department to issue appointments under
78 certain circumstances; prohibiting the department from
79 considering inadvertent failures to appoint to be
80 violations under certain circumstances; requiring the
81 department to suspend an insurer's or employer's
82 authority to appoint licensees under certain
83 circumstances; amending s. 626.8443, F.S.; increasing
84 the maximum period of suspension of a title insurance
85 agent's or agency's license; making technical changes;
86 amending s. 626.916, F.S.; deleting a requirement for
87 agents to advise insureds that certain coverage may be

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88 available for personal residential property risks to
89 be eligible for export under the Surplus Lines Law;
90 amending s. 626.9551, F.S.; prohibiting requirements
91 for the provision of replacement cost estimators or
92 certain other proprietary business information under
93 certain circumstances; amending s. 627.715, F.S.;
94 providing an exemption from a diligent effort
95 requirement for surplus lines agents exporting
96 contracts or endorsements providing flood coverage;
97 amending s. 633.102, F.S.; revising the authority of
98 certain fire protection system contractors to design
99 or alter certain fire protection systems; providing
100 for resolution of conflicts between the Florida
101 Building Code and the Florida Fire Prevention Code;
102 amending s. 633.136, F.S.; replacing fire protection
103 agencies in the Fire and Emergency Incident
104 Information Reporting Program with fire service
105 providers; revising the composition of the Fire and
106 Emergency Incident Information System Technical
107 Advisory Panel; defining the term "fire service
108 provider"; amending s. 633.202, F.S.; extending a
109 deadline for certain buildings to comply with a
110 minimum radio signal strength requirement under the
111 Florida Fire Prevention Code; requiring such buildings
112 to meet certain conditions by a specified date;
113 revising a condition that existing apartment buildings
114 must meet by a specified date; making technical
115 changes; creating s. 633.217, F.S.; prohibiting
116 certain acts to influence a firesafety inspector to

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117 violate certain laws; prohibiting a firesafety
118 inspector from knowingly and willfully accepting an
119 attempt to influence him or her to violate certain
120 laws; amending s. 633.402, F.S.; revising the
121 composition of the Firefighters Employment, Standards,
122 and Training Council; amending s. 633.416, F.S.;
123 providing that certain persons serving as volunteer
124 firefighters may serve as a regular or permanent
125 firefighter for a limited period, subject to certain
126 restrictions; amending s. 648.30, F.S.; prohibiting
127 the aiding or abetting of unlicensed activity of a
128 bail bond agent or temporary bail bond agent;
129 providing criminal penalties; amending s. 843.08,
130 F.S.; prohibiting false personation of personnel or
131 representatives of the Division of Investigative and
132 Forensic Services; amending s. 943.045, F.S.; revising
133 the definition of the term "criminal justice agency"
134 to include the investigations component of the
135 department which investigates certain crimes;
136 reenacting s. 497.141(5)(a), F.S., relating to
137 licensing and general application procedures, to
138 incorporate the amendment made to s. 497.142, F.S., in
139 a reference thereto; providing effective dates.

140

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

142

143 Section 1. Paragraph (f) of subsection (2) of section
144 20.121, Florida Statutes, is amended to read:

145 20.121 Department of Financial Services.—There is created a

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146 Department of Financial Services.

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

149 (f) The Division of Public Assistance Fraud, which shall
150 function as a criminal justice agency for purposes of ss.
151 943.045-943.08. The division shall conduct investigations
152 pursuant to s. 414.411 within or outside of this state as it
153 deems necessary. If, during an investigation, the division has
154 reason to believe that any criminal law of this state has or may
155 have been violated, it shall refer any records supporting such
156 violation to state or federal law enforcement or prosecutorial
157 agencies and shall provide investigative assistance to those
158 agencies as required.

159 Section 2. Section 284.30, Florida Statutes, is amended to
160 read:

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

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175 any of its agencies, must serve a copy of the pleading claiming
176 the fees on the Department of Financial Services; and thereafter
177 the department shall be entitled to participate with the agency
178 in the defense of the suit and any appeal thereof with respect
179 to such fees.

180 Section 3. Section 284.31, Florida Statutes, is amended to
181 read:

182 284.31 Scope and types of coverages; separate accounts.—The
183 Insurance Risk Management Trust Fund must ~~shall~~, unless
184 specifically excluded by the Department of Financial Services,
185 cover all departments of the State of Florida and their
186 employees, agents, and volunteers and must ~~shall~~ provide
187 separate accounts for workers' compensation, general liability,
188 fleet automotive liability, federal civil rights actions under
189 42 U.S.C. s. 1983 or similar federal statutes, benefits payable
190 under s. 112.1816(2), and court-awarded attorney ~~attorney's~~ fees
191 in other proceedings against the state except for such awards in
192 eminent domain or for inverse condemnation or for awards by the
193 Public Employees Relations Commission. Unless specifically
194 excluded by the Department of Financial Services, the Insurance
195 Risk Management Trust Fund must ~~shall~~ provide fleet automotive
196 liability coverage to motor vehicles titled to the state, or to
197 any department of the state, when such motor vehicles are used
198 by community transportation coordinators performing, under
199 contract to the appropriate department of the state, services
200 for the transportation disadvantaged under part I of chapter
201 427. Such fleet automotive liability coverage is ~~shall be~~
202 primary and is ~~shall be~~ subject to ~~the provisions of~~ s. 768.28
203 and parts II and III of chapter 284, and applicable rules

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204 adopted thereunder, and the terms and conditions of the
205 certificate of coverage issued by the Department of Financial
206 Services.

207 Section 4. Section 284.385, Florida Statutes, is amended to
208 read:

209 284.385 Reporting and handling of claims.—

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

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233 any claim for injunctive or affirmative relief under 42 U.S.C.
234 s. 1983 or similar federal or state statutes. The payment of a
235 settlement or judgment for any claim covered and reported under
236 this part may ~~shall~~ be made only from the State Risk Management
237 Trust Fund.

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

243 Section 5. Section 284.45, Florida Statutes, is created to
244 read:

245 284.45 Sexual harassment victims.—

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

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

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262 information" includes the name of the sexual harassment victim
263 and his or her:

264 (a) Home address;

265 (b) Home phone number;

266 (c) Cellular phone number;

267 (d) E-mail address;

268 (e) Social media account username or uniform resource
269 locator (URL); or

270 (f) Any other information that could reasonably be used to
271 identify an alleged sexual harassment victim.

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

274 497.101 Board of Funeral, Cemetery, and Consumer Services;
275 membership; appointment; terms.—

276 (1) The Board of Funeral, Cemetery, and Consumer Services
277 is created within the Department of Financial Services and shall
278 consist of 10 members, 9 of whom shall be appointed by the
279 Governor from nominations made by the Chief Financial Officer
280 and confirmed by the Senate. The Chief Financial Officer shall
281 nominate one to three persons for each of the nine vacancies on
282 the board, and the Governor shall fill each vacancy on the board
283 by appointing one of the ~~three~~ persons nominated by the Chief
284 Financial Officer to fill that vacancy. If the Governor objects
285 to each of the ~~three~~ nominations for a vacancy, she or he shall
286 inform the Chief Financial Officer in writing. Upon notification
287 of an objection by the Governor, the Chief Financial Officer
288 shall submit one to three additional nominations for that
289 vacancy until the vacancy is filled. One member must be the
290 State Health Officer or her or his designee.

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291 (2) Two members of the board must ~~shall~~ be funeral
292 directors licensed under part III of this chapter who are
293 associated with a funeral establishment. One member of the board
294 must ~~shall~~ be a funeral director licensed under part III of this
295 chapter who is associated with a funeral establishment licensed
296 under part III of this chapter which ~~that~~ has a valid preneed
297 license issued pursuant to this chapter and who owns or operates
298 a cinerator facility approved under chapter 403 and licensed
299 under part VI of this chapter. Two members of the board must
300 ~~shall~~ be persons whose primary occupation is associated with a
301 cemetery company licensed pursuant to this chapter. Two ~~Three~~
302 members of the board must ~~shall~~ be consumers who are residents
303 of this ~~the~~ state, have never been licensed as funeral directors
304 or embalmers, are not connected with a cemetery or cemetery
305 company licensed pursuant to this chapter, and are not connected
306 with the death care industry or the practice of embalming,
307 funeral directing, or direct disposition. One of the two
308 consumer members must ~~shall~~ be at least 60 years of age, ~~and one~~
309 ~~shall be licensed as a certified public accountant under chapter~~
310 473. One member of the board must be a consumer who is a
311 resident of this state; is licensed as a certified public
312 accountant under chapter 473; has never been licensed as a
313 funeral director or an embalmer; is not a principal or an
314 employee of any licensee licensed under this chapter; and does
315 not otherwise have control, as defined in s. 497.005, over any
316 licensee licensed under this chapter. One member of the board
317 must ~~shall~~ be a principal of a monument establishment licensed
318 under this chapter as a monument builder. One member must ~~shall~~
319 be the State Health Officer or her or his designee. There may

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320 ~~shall~~ not be two or more board members who are principals or
321 employees of the same company or partnership or group of
322 companies or partnerships under common control.

323 (3) Board members shall be appointed for terms of 4 years,
324 and the State Health Officer shall serve as long as that person
325 holds that office. The designee of the State Health Officer
326 shall serve at the pleasure of the Governor. ~~When the terms of~~
327 ~~the initial board members expire, the Chief Financial Officer~~
328 ~~shall stagger the terms of the successor members as follows: one~~
329 ~~funeral director, one cemetery representative, the monument~~
330 ~~builder, and one consumer member shall be appointed for terms of~~
331 ~~2 years, and the remaining members shall be appointed for terms~~
332 ~~of 4 years. All subsequent terms shall be for 4 years.~~

333 (6) The board shall maintain its headquarters and records
334 ~~of the board shall be~~ in the Division of Funeral, Cemetery, and
335 Consumer Services of the Department of Financial Services in the
336 City of Tallahassee. The board may be contacted through the
337 Division of Funeral, Cemetery, and Consumer Services of the
338 Department of Financial Services in the City of Tallahassee. The
339 Chief Financial Officer shall annually appoint from among the
340 board members a chair and vice chair of the board. The board
341 shall meet at least every 6 months, and more often as necessary.
342 Special meetings of the board shall be convened upon the
343 direction of the Chief Financial Officer. A quorum is necessary
344 for the conduct of business by the board. The participation by a
345 board member in a meeting conducted through communications media
346 technology constitutes that individual's presence at such
347 meeting. Board members appearing at a board meeting in person as
348 well as board members appearing through the use of

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349 communications media technology shall be counted for the
350 determination of a quorum. As used in this subsection,
351 "communications media technology" means the electronic
352 transmission of printed matter, audio, full-motion video,
353 freeze-frame video, compressed video, and digital video by any
354 method available. Unless otherwise provided by law, a majority
355 of the board members eligible to vote constitutes a quorum for
356 the purpose of conducting its business ~~six board members shall~~
357 ~~constitute a quorum for the conduct of the board's business.~~

358 ~~(8) The department shall adopt rules establishing forms by~~
359 ~~which persons may apply for membership on the board and~~
360 ~~procedures for applying for such membership. Such forms shall~~
361 ~~require disclosure of the existence and nature of all current~~
362 ~~and past employments by or contracts with, and direct or~~
363 ~~indirect affiliations or interests in, any entity or business~~
364 ~~that at any time was licensed by the board or by the former~~
365 ~~Board of Funeral and Cemetery Services or the former Board of~~
366 ~~Funeral Directors and Embalmers or that is or was otherwise~~
367 ~~involved in the death care industry, as specified by department~~
368 ~~rule.~~

369 Section 7. Section 497.1411, Florida Statutes, is created
370 to read:

371 497.1411 Disqualification of applicants and licensees;
372 penalties against licensees; rulemaking.-

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

374 (a) "Applicant" means an individual applying for licensure
375 or relicensure under this chapter, or an officer, a director, a
376 majority owner, a partner, a manager, or another person who
377 manages or controls an entity applying for licensure or

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378 relicensure under this chapter.

379 (b) "Felony of the first degree" or "capital felony"
380 includes all felonies designated as such in this state at the
381 time of the commission of the offense, as well as any offense in
382 another jurisdiction which is substantially similar to an
383 offense so designated in this state.

384 (c) "Financial services business" means any financial
385 activity regulated by the department, the Office of Insurance
386 Regulation, or the Office of Financial Regulation.

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

391 (a) A felony of the first degree.

392 (b) A capital felony.

393 (c) A felony money laundering offense.

394 (d) A felony embezzlement.

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

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

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

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

406 (4) The board shall adopt rules to administer this section.

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407 The rules must provide for additional disqualifying periods due
408 to the commitment of multiple crimes and may include other
409 factors reasonably related to the applicant's criminal history.
410 The rules must provide for mitigating and aggravating factors.
411 However, mitigation may not result in a period of
412 disqualification of less than 5 years and may not mitigate the
413 disqualifying periods in paragraphs (3) (b) and (c).

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

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

425 (7) Notwithstanding subsections (2) and (3), an applicant
426 who has been found guilty of, or has pleaded guilty or nolo
427 contendere to, a crime in subsection (2) or subsection (3) and
428 who has subsequently been granted a pardon or the restoration of
429 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
430 State Constitution, or a pardon or the restoration of civil
431 rights under the laws of another jurisdiction with respect to a
432 conviction in that jurisdiction, is not barred or disqualified
433 from licensure under this chapter. However, such a pardon or
434 restoration of civil rights does not require the department to
435 award such license.

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436 (8) (a) The board may grant an exemption from
437 disqualification to any person disqualified from licensure under
438 subsection (3) if:

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

443 2. At least 5 years have elapsed since the applicant
444 completed or has been lawfully released from confinement,
445 supervision, or a nonmonetary condition imposed by the court for
446 a disqualifying offense.

447 (b) For the board to grant an exemption under this
448 subsection, the applicant must clearly and convincingly
449 demonstrate that he or she would not pose a risk to persons or
450 property if licensed under this chapter, evidence of which must
451 include, but need not be limited to, facts and circumstances
452 surrounding the disqualifying offense, the time that has elapsed
453 since the offense, the nature of the offense and harm caused to
454 the victim, the applicant's history before and after the
455 offense, and any other evidence or circumstances indicating that
456 the applicant will not present a danger if licensed or
457 certified.

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

461 (9) The disqualification periods provided in this section
462 do not apply to the renewal of a license or to a new application
463 for licensure if the applicant has an active license as of July
464 1, 2021, and the applicable criminal history was considered by

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465 the board on the prior approval of any active license held by
466 the applicant. This subsection does not affect any criminal
467 history disclosure requirements of this chapter.

468 Section 8. Subsection (9) and paragraph (c) of subsection
469 (10) of section 497.142, Florida Statutes, are amended to read:
470 497.142 Licensing; fingerprinting and criminal background
471 checks.—

472 (9) If any applicant under this chapter has been, ~~within~~
473 ~~the 10 years preceding the application under this chapter,~~
474 convicted or found guilty of, or entered a plea of nolo
475 contendere to, regardless of adjudication, any crime in any
476 jurisdiction, the application shall not be deemed complete until
477 such time as the applicant provides such certified true copies
478 of the court records evidencing the conviction, finding, or plea
479 as required by this section or, as the licensing authority may
480 by rule require.

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

482 1. Any felony ~~or misdemeanor,~~ no matter when committed,
483 ~~that was directly or indirectly related to or involving any~~
484 ~~aspect of the practice or business of funeral directing,~~
485 ~~embalming, direct disposition, cremation, funeral or cemetery~~
486 ~~preneed sales, funeral establishment operations, cemetery~~
487 ~~operations, or cemetery monument or marker sales or~~
488 ~~installation.~~

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

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494 3. Any other misdemeanor not already disclosed under
495 subparagraph 2. which ~~subparagraph 1. that~~ was committed within
496 the 5 years immediately preceding the application under this
497 chapter.

498 Section 9. Present subsections (2) through (5) of section
499 497.157, Florida Statutes, are redesignated as subsections (4)
500 through (7), respectively, new subsections (2) and (3) and
501 subsection (8) are added to that section, and present subsection
502 (3) of that section is amended, to read:

503 497.157 Unlicensed practice; remedies concerning violations
504 by unlicensed persons.-

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

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

514 (5)~~(3)~~ Where the department determines that an emergency
515 exists regarding any violation of this chapter by any unlicensed
516 person or entity, the department may issue and serve an
517 immediate final order upon such unlicensed person or entity, in
518 accordance with s. 120.569(2)(n). Such an immediate final order
519 may impose such prohibitions and requirements as are reasonably
520 necessary to protect the public health, safety, and welfare, and
521 is ~~shall be~~ effective when served.

522 (a) For the purpose of enforcing such an immediate final

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523 order, the department may file an emergency or other proceeding
524 in the circuit courts of the state seeking enforcement of the
525 immediate final order by injunctive or other order of the court.
526 The court shall issue its injunction or other order enforcing
527 the immediate final order pending administrative resolution of
528 the matter under subsection (4) ~~(2)~~, unless the court determines
529 that such action would work a manifest injustice under the
530 circumstances. Venue for judicial actions under this paragraph
531 must ~~shall~~ be, at the election of the department, in the courts
532 of Leon County~~7~~, or in a county where the respondent resides or
533 has a place of business.

534 (b) After serving an immediate final order to cease and
535 desist upon any person or entity, the department shall within 10
536 days issue and serve upon the same person or entity an
537 administrative complaint as set forth in subsection (4) ~~(2)~~,
538 except that, absent order of a court to the contrary, the
539 immediate final order will ~~shall~~ be effective throughout the
540 pendency of proceedings under subsection (4) ~~(2)~~.

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

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

547 497.159 Crimes.—

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

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

554 552.081 Definitions.—As used in this chapter:

555 (13) “Two-component explosives” means any two inert
 556 components that ~~which~~, when mixed, become capable of detonation
 557 by a detonator ~~a No. 6 blasting cap~~, and shall be classified as
 558 a Class “A” explosive when so mixed.

559 Section 12. Present subsection (2) of section 553.7921,
 560 Florida Statutes, is redesignated as subsection (3), a new
 561 subsection (2) is added to that section, and subsection (1) of
 562 that section is amended, to read:

563 553.7921 Fire alarm permit application to local enforcement
 564 agency.—

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

569 ~~(a) installing or replacing a fire alarm,~~ if the local
 570 enforcement agency requires a plan review for the installation
 571 or replacement; ~~or~~

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

575 (2) If the local enforcement agency requires a fire alarm
 576 permit to repair an existing alarm system that was previously
 577 permitted by the local enforcement agency, a contractor may
 578 begin work after filing a Uniform Fire Alarm Permit Application
 579 as provided in subsection (3). A fire alarm repaired pursuant to
 580 this subsection may not be considered compliant until the

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581 required permit is issued and the local enforcement agency
582 approves the repair.

583 Section 13. Effective January 1, 2022, subsection (3) of
584 section 626.2815, Florida Statutes, is amended to read:

585 626.2815 Continuing education requirements.—

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

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

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

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

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

620 (e) An individual subject to chapter 648 must complete the
621 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of
622 elective continuing education courses every 2 years.

623 (f) Elective continuing education courses for public
624 adjusters must be specifically designed for public adjusters and
625 approved by the department. Notwithstanding this subsection,
626 public adjusters for workers' compensation insurance or health
627 insurance are not required to take continuing education courses
628 pursuant to this section.

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

631 (h) An individual teaching an approved course of
632 instruction or lecturing at any approved seminar and attending
633 the entire course or seminar qualifies for the same number of
634 classroom hours as would be granted to a person taking and
635 successfully completing such course or seminar. Credit is
636 limited to the number of hours actually taught unless a person
637 attends the entire course or seminar. An individual who is an
638 official of or employed by a governmental entity in this state

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639 and serves as a professor, instructor, or in another position or
640 office, the duties and responsibilities of which are determined
641 by the department to require monitoring and review of insurance
642 laws or insurance regulations and practices, is exempt from this
643 section.

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

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

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

659 626.371 Payment of fees, taxes for appointment period
660 without appointment.—

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

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

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668 that an individual has not been properly appointed to represent
669 an insurer or employer, that such individual ~~who~~ was formerly
670 licensed or is currently licensed, ~~but not properly appointed to~~
671 ~~represent an insurer or employer~~ and that such individual ~~who~~
672 has been actively engaged or is currently actively engaged as
673 such an appointee, ~~but without being appointed as required,~~ the
674 department ~~shall~~ may, if it finds that such failure to be
675 appointed was an inadvertent error on the part of the insurer or
676 employer so represented, notify the insurer or employer of its
677 finding and of the requirement to pay all fees and taxes due
678 pursuant to paragraph (b) within 21 days.

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

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

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

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697 fees have been paid.

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

700 626.8443 Duration of suspension or revocation.—

701 (1) The department shall, in its order suspending a title
702 insurance agent's or agency's license or appointment or in its
703 order suspending the eligibility of a person to hold or apply
704 for such license or appointment, specify the period during which
705 the suspension is to be in effect, but such period may ~~shall~~ not
706 exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or
707 eligibility will ~~shall~~ remain suspended during the period so
708 specified, subject, however, to any rescission or modification
709 of the order by the department, or modification or reversal
710 thereof by the court, prior to expiration of the suspension
711 period. A license, appointment, or eligibility that ~~which~~ has
712 been suspended may not be reinstated except upon request for
713 such reinstatement, but the department may ~~shall~~ not grant such
714 reinstatement if it finds that the circumstance or circumstances
715 for which the license, appointment, and eligibility was
716 suspended still exist or are likely to recur.

717 Section 16. Paragraph (e) of subsection (1) of section
718 626.916, Florida Statutes, is amended to read:

719 626.916 Eligibility for export.—

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

722 ~~(e) For personal residential property risks, the retail or~~
723 ~~producing agent must advise the insured in writing that coverage~~
724 ~~may be available and may be less expensive from Citizens~~
725 ~~Property Insurance Corporation. The notice must include other~~

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726 ~~information that states that assessments by Citizens Property~~
727 ~~Insurance Corporation are higher and the coverage provided by~~
728 ~~Citizens Property Insurance Corporation may be less than the~~
729 ~~property's existing coverage. If the notice is signed by the~~
730 ~~insured, it is presumed that the insured has been informed and~~
731 ~~knows that policies from Citizens Property Insurance Corporation~~
732 ~~may be less expensive, may provide less coverage, and will be~~
733 ~~accompanied by higher assessments.~~

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

736 626.9551 Favored agent or insurer; coercion of debtors.—

737 (1) No person may:

738 (e) Require, directly or indirectly, the provision of, and
739 an insurance agent or a broker may not provide, directly or
740 indirectly, as a condition precedent or condition subsequent to
741 the lending of money or extension of credit to be secured by
742 real property, the replacement cost estimator or other
743 underwriting information that is proprietary business
744 information, as defined in s. 624.4212(1), to the insurer
745 underwriting the insurance policy covering such property.

746 Section 18. Present subsections (4) through (10) of section
747 627.715, Florida Statutes, are redesignated as subsections (5)
748 through (11), respectively, and a new subsection (4) is added to
749 that section, to read:

750 627.715 Flood insurance.—An authorized insurer may issue an
751 insurance policy, contract, or endorsement providing personal
752 lines residential coverage for the peril of flood or excess
753 coverage for the peril of flood on any structure or the contents
754 of personal property contained therein, subject to this section.

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755 This section does not apply to commercial lines residential or
756 commercial lines nonresidential coverage for the peril of flood.
757 An insurer may issue flood insurance policies, contracts,
758 endorsements, or excess coverage on a standard, preferred,
759 customized, flexible, or supplemental basis.

760 (4) A surplus lines agent may export a contract or an
761 endorsement providing flood coverage to an eligible surplus
762 lines insurer without making a diligent effort to seek such
763 coverage from three or more authorized insurers under s.
764 626.916(1)(a). If there are fewer than three admitted insurers,
765 the number of declinations necessary to meet the diligent-effort
766 requirement may not be fewer than the number of authorized
767 insurers providing flood coverage.

768 Section 19. Subsection (3) of section 633.102, Florida
769 Statutes, is amended to read:

770 633.102 Definitions.—As used in this chapter, the term:

771 (3) (a) "Contractor I" means a contractor whose business
772 includes the execution of contracts requiring the ability to lay
773 out, fabricate, install, inspect, alter, repair, and service all
774 types of fire protection systems, excluding preengineered
775 systems.

776 (b) "Contractor II" means a contractor whose business is
777 limited to the execution of contracts requiring the ability to
778 lay out, fabricate, install, inspect, alter, repair, and service
779 water sprinkler systems, water spray systems, foam-water
780 sprinkler systems, foam-water spray systems, standpipes,
781 combination standpipes and sprinkler risers, all piping that is
782 an integral part of the system beginning at the point of service
783 as defined in this section, sprinkler tank heaters, air lines,

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784 thermal systems used in connection with sprinklers, and tanks
785 and pumps connected thereto, excluding preengineered systems.

786 (c) "Contractor III" means a contractor whose business is
787 limited to the execution of contracts requiring the ability to
788 fabricate, install, inspect, alter, repair, and service carbon
789 dioxide systems, foam extinguishing systems, dry chemical
790 systems, and Halon and other chemical systems, excluding
791 preengineered systems.

792 (d) "Contractor IV" means a contractor whose business is
793 limited to the execution of contracts requiring the ability to
794 lay out, fabricate, install, inspect, alter, repair, and service
795 automatic fire sprinkler systems for detached one-family
796 dwellings, detached two-family dwellings, and mobile homes,
797 excluding preengineered systems and excluding single-family
798 homes in cluster units, such as apartments, condominiums, and
799 assisted living facilities or any building that is connected to
800 other dwellings. A Contractor IV is limited to the scope of
801 practice specified in NFPA 13D.

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

809
810 ~~The definitions in~~ This subsection may not be construed to
811 include engineers or architects within the defined terms and
812 does ~~do~~ not limit or prohibit a licensed fire protection

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813 engineer or architect with fire protection design experience
814 from designing any type of fire protection system. A distinction
815 is made between system design concepts prepared by the design
816 professional and system layout as defined in this section and
817 typically prepared by the contractor. However, a person
818 certified as a Contractor I or, Contractor II, ~~or Contractor IV~~
819 ~~under this chapter~~ may design new fire protection systems of 49
820 or fewer sprinklers; ~~and~~ may design the alteration of an
821 existing fire sprinkler system if the alteration consists of the
822 relocation, addition, or deletion of ~~not more than~~ 49 or fewer
823 sprinklers, notwithstanding the size of the existing fire
824 sprinkler system; or may design the alteration of an existing
825 fire sprinkler system if the alteration consists of the
826 relocation or deletion of 249 or fewer sprinklers,
827 notwithstanding the size of the existing fire sprinkler system,
828 if there is no change of occupancy, as defined in the Florida
829 Building Code and the Florida Fire Prevention Code, of the
830 affected areas and there is no change in the water demand as
831 defined in NFPA 13, "Standard for the Installation of Sprinkler
832 Systems," and if the occupancy hazard classification as defined
833 in NFPA 13 is reduced or remains the same as a result of the
834 alteration. Conflicts between the Florida Building Code and the
835 Florida Fire Prevention Code shall be resolved pursuant to s.
836 553.73(1)(d). A person certified as a Contractor I, Contractor
837 II, or Contractor IV may design or alter a fire protection
838 system, the scope of which complies with NFPA 13D, "Standard for
839 the Installation of Sprinkler Systems in One- and Two-Family
840 Dwellings and Manufactured Homes," as adopted by the State Fire
841 Marshal, notwithstanding the number of fire sprinklers.

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842 Contractor-developed plans may not be required by any local
843 permitting authority to be sealed by a registered professional
844 engineer.

845 Section 20. Section 633.136, Florida Statutes, is amended
846 to read:

847 633.136 Fire and Emergency Incident Information Reporting
848 Program; duties; fire reports.—

849 (1) (a) The Fire and Emergency Incident Information
850 Reporting Program is created within the division. The program
851 shall:

852 1. Establish and maintain an electronic communication
853 system capable of transmitting fire and emergency incident
854 information to and between fire service providers ~~protection~~
855 ~~agencies~~.

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

858 a. Receiving fire and emergency incident information from
859 fire service providers ~~protection agencies~~.

860 b. Preparing and disseminating annual reports to the
861 Governor, the President of the Senate, the Speaker of the House
862 of Representatives, fire service providers ~~protection agencies~~,
863 and, upon request, the public. Each report must ~~shall~~ include,
864 but not be limited to, the information listed in the National
865 Fire Incident Reporting System.

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

868 3. Adopt rules to effectively and efficiently implement,
869 administer, manage, maintain, and use the Fire and Emergency
870 Incident Information Reporting Program. The rules shall be

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871 considered minimum requirements and may ~~shall~~ not preclude a
872 fire service provider ~~protection agency~~ from implementing its
873 own requirements that ~~which~~ may not conflict with the rules of
874 the division.

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

878 5. Maintain ~~Establish~~ an electronic information database
879 that is accessible and searchable by fire service providers
880 ~~protection agencies~~.

881 (b) The division shall consult with the Florida Forest
882 Service of the Department of Agriculture and Consumer Services
883 and the State Surgeon General of the Department of Health to
884 coordinate data, ensure accuracy of the data, and limit
885 duplication of efforts in data collection, analysis, and
886 reporting.

887 (2) The Fire and Emergency Incident Information System
888 Technical Advisory Panel is created within the division. The
889 panel shall advise, review, and recommend to the State Fire
890 Marshal with respect to the requirements of this section. The
891 membership of the panel consists ~~shall consist~~ of the following
892 15 members:

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

895 ~~(b) One member from the Florida Forest Service of the~~
896 ~~Department of Agriculture and Consumer Services, appointed by~~
897 ~~the director of the Florida Forest Service.~~

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

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

904 Section 21. Subsection (18) of section 633.202, Florida
905 Statutes, is amended to read:

906 633.202 Florida Fire Prevention Code.—

907 (18) The authority having jurisdiction shall determine the
908 minimum radio signal strength for fire department communications
909 in all new high-rise and existing high-rise buildings. Existing
910 buildings are not required to comply with minimum radio strength
911 for fire department communications and two-way radio system
912 enhancement communications as required by the Florida Fire
913 Prevention Code until January 1, 2023 ~~2022~~. However, by January
914 1, 2022 ~~December 31, 2019~~, an existing building that is not in
915 compliance with the requirements for minimum radio strength for
916 fire department communications must have completed a minimum
917 radio strength assessment ~~apply for an appropriate permit~~ for
918 the required installation with the local government agency
919 having jurisdiction and must demonstrate that the building will
920 become compliant by January 1, 2023 ~~2022~~. Existing apartment
921 buildings are not required to comply until January 1, 2025.
922 However, existing apartment buildings must have completed a
923 minimum radio strength assessment ~~are required to apply for the~~
924 ~~appropriate permit~~ for the required communications installation
925 by December 31, 2022.

926 Section 22. Section 633.217, Florida Statutes, is created
927 to read:

928 633.217 Influencing a firesafety inspector; prohibited

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929 acts.-930 (1) A person may not influence a firesafety inspector by:931 (a) Threatening, coercing, tricking, or attempting to
932 threaten, coerce, or trick the firesafety inspector into
933 violating any provision of the Florida Fire Prevention Code, any
934 rule adopted by the State Fire Marshal, or any provision of this
935 chapter.936 (b) Offering any compensation to the firesafety inspector
937 to induce a violation of the Florida Fire Prevention Code, any
938 rule adopted by the State Fire Marshal, or any provision of this
939 chapter.940 (2) A firesafety inspector may not knowingly and willfully
941 accept an attempt by a person to influence the firesafety
942 inspector into violating any provision of the Florida Fire
943 Prevention Code, any rule adopted by the State Fire Marshal, or
944 any provision of this chapter.945 Section 23. Subsection (1) of section 633.402, Florida
946 Statutes, is amended to read:947 633.402 Firefighters Employment, Standards, and Training
948 Council; organization; meetings; quorum; compensation; seal;
949 special powers; firefighter training.-950 (1) There is created within the department a Firefighters
951 Employment, Standards, and Training Council of 15 ~~14~~ members.

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

953 1. Two fire chiefs appointed by the Florida Fire Chiefs
954 Association.955 2. Two firefighters, who are not officers, appointed by the
956 Florida Professional Firefighters Association.

957 3. Two firefighter officers, who are not fire chiefs,

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958 appointed by the State Fire Marshal.

959 4. One individual appointed by the Florida League of
960 Cities.

961 5. One individual appointed by the Florida Association of
962 Counties.

963 6. One individual appointed by the Florida Association of
964 Special Districts.

965 7. One individual appointed by the Florida Fire Marshals'
966 and Inspectors' Association.

967 8. One employee of the Florida Forest Service of the
968 Department of Agriculture and Consumer Services appointed by the
969 director of the Florida Forest Service.

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

971 10. One director or instructor of a state-certified
972 firefighting training facility appointed by the State Fire
973 Marshal.

974 11. One individual ~~The remaining member, who shall be~~
975 appointed by the State Fire Marshal, who may not be a member or
976 representative of the firefighting profession or of any local
977 government.

978 12. One individual from the Department of Health, appointed
979 by the Surgeon General.

980 (b) To be eligible for appointment as a member under
981 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
982 subparagraph (a)8., or subparagraph (a)10., a person must have
983 had at least 4 years' experience in the firefighting profession.
984 Members shall serve only as long as they continue to meet the
985 criteria under which they were appointed, or unless a member has
986 failed to appear at three consecutive and properly noticed

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987 meetings unless excused by the chair.

988 Section 24. Subsection (1) of section 633.416, Florida
989 Statutes, is amended to read:

990 633.416 Firefighter employment and volunteer firefighter
991 service; saving clause.—

992 (1) A fire service provider may not employ an individual
993 to:

994 (a) Extinguish fires for the protection of life or property
995 or to supervise individuals who perform such services unless the
996 individual holds a current and valid Firefighter Certificate of
997 Compliance. However, a person who is currently serving as a
998 volunteer firefighter and holds a volunteer firefighter
999 certificate of completion with a fire service provider, who is
1000 then employed as a regular or permanent firefighter by such fire
1001 service provider, may function, for a period of 1 year under the
1002 direct supervision of an individual holding a valid Firefighter
1003 Certificate of Compliance, in the same capacity in which he or
1004 she acted as a volunteer firefighter, provided that he or she
1005 has completed all training required by the volunteer
1006 organization. Under no circumstance can this period extend
1007 beyond 1 year either collectively or consecutively from the
1008 start of employment to obtain a Firefighter Certificate of
1009 Compliance; or

1010 (b) Serve as the administrative and command head of a fire
1011 service provider for a period in excess of 1 year unless the
1012 individual holds a current and valid Firefighter Certificate of
1013 Compliance or Special Certificate of Compliance.

1014 Section 25. Section 648.30, Florida Statutes, is amended to
1015 read:

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1016 648.30 Licensure and appointment required; prohibited acts;
1017 penalties.—

1018 (1) A person may not act in the capacity of a bail bond
1019 agent or temporary bail bond agent or perform any of the
1020 functions, duties, or powers prescribed for bail bond agents or
1021 temporary bail bond agents under this chapter unless that person
1022 is qualified, licensed, and appointed as provided in this
1023 chapter.

1024 (2) A person may not represent himself or herself to be a
1025 bail enforcement agent, bounty hunter, or other similar title in
1026 this state.

1027 (3) A person, other than a certified law enforcement
1028 officer, may not apprehend, detain, or arrest a principal on a
1029 bond, wherever issued, unless that person is qualified,
1030 licensed, and appointed as provided in this chapter or licensed
1031 as a bail bond agent or bail bond enforcement agent, or holds an
1032 equivalent license by the state where the bond was written.

1033 (4) Any person who violates this section commits a felony
1034 of the third degree, punishable as provided in s. 775.082, s.
1035 775.083, or s. 775.084.

1036 (5) Any licensee under this chapter who knowingly aids or
1037 abets an unlicensed person in violating this section commits a
1038 felony of the third degree, punishable as provided in s.
1039 775.082, s. 775.083, or s. 775.084.

1040 Section 26. Section 843.08, Florida Statutes, is amended to
1041 read:

1042 843.08 False personation.—A person who falsely assumes or
1043 pretends to be a firefighter, a sheriff, an officer of the
1044 Florida Highway Patrol, an officer of the Fish and Wildlife

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1045 Conservation Commission, an officer of the Department of
1046 Environmental Protection, ~~a fire or arson investigator of the~~
1047 ~~Department of Financial Services,~~ an officer of the Department
1048 of Financial Services, any personnel or representative of the
1049 Division of Investigative and Forensic Services, an officer of
1050 the Department of Corrections, a correctional probation officer,
1051 a deputy sheriff, a state attorney or an assistant state
1052 attorney, a statewide prosecutor or an assistant statewide
1053 prosecutor, a state attorney investigator, a coroner, a police
1054 officer, a lottery special agent or lottery investigator, a
1055 beverage enforcement agent, a school guardian as described in s.
1056 30.15(1)(k), a security officer licensed under chapter 493, any
1057 member of the Florida Commission on Offender Review or any
1058 administrative aide or supervisor employed by the commission,
1059 any personnel or representative of the Department of Law
1060 Enforcement, or a federal law enforcement officer as defined in
1061 s. 901.1505, and takes upon himself or herself to act as such,
1062 or to require any other person to aid or assist him or her in a
1063 matter pertaining to the duty of any such officer, commits a
1064 felony of the third degree, punishable as provided in s.
1065 775.082, s. 775.083, or s. 775.084. However, a person who
1066 falsely personates any such officer during the course of the
1067 commission of a felony commits a felony of the second degree,
1068 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1069 If the commission of the felony results in the death or personal
1070 injury of another human being, the person commits a felony of
1071 the first degree, punishable as provided in s. 775.082, s.
1072 775.083, or s. 775.084.

1073 Section 27. Paragraph (f) is added to subsection (11) of

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1074 section 943.045, Florida Statutes, to read:

1075 943.045 Definitions; ss. 943.045-943.08.—The following
1076 words and phrases as used in ss. 943.045-943.08 shall have the
1077 following meanings:

1078 (11) "Criminal justice agency" means:

1079 (f) The investigations component of the Department of
1080 Financial Services which investigates the crimes of fraud and
1081 official misconduct in all public assistance given to residents
1082 of this state or provided to others by the state.

1083 Section 28. For the purpose of incorporating the amendment
1084 made by this act to section 497.142, Florida Statutes, in a
1085 reference thereto, paragraph (a) of subsection (5) of section
1086 497.141, Florida Statutes, is reenacted to read:

1087 497.141 Licensing; general application procedures.—

1088 (5) (a) The licensing authority may not issue, and effective
1089 July 1, 2011, may not renew, a license under this chapter to an
1090 applicant that has a criminal record required to be disclosed
1091 under s. 497.142(10) unless the applicant demonstrates that
1092 issuance of the license, according to rules adopted by the
1093 licensing authority, does not create a danger to the public. A
1094 licensee who previously disclosed her or his criminal record
1095 upon initial application or renewal of her or his license must
1096 disclose only a criminal offense for which the licensee was
1097 convicted or entered a plea of guilty or nolo contendere since
1098 the most recent renewal of her or his license or, if the license
1099 has not been renewed, since the licensee's initial application.

1100 Section 29. Except as otherwise expressly provided in this
1101 act and except for this section, which shall take effect upon
1102 this act becoming a law, this act shall take effect July 1,

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