

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 17.11, F.S.; revising which
4 subsystem the Chief Financial Officer reports from;
5 amending s. 17.13, F.S.; authorizing the replacement
6 of the Chief Financial Officer's warrants under
7 certain circumstances; providing that any such
8 replacement warrant has the same validity as the
9 original; amending s. 110.113, F.S.; deleting the
10 department's authority to make semimonthly salary
11 payments; amending s. 112.215, F.S.; requiring the
12 Chief Financial Officer to adopt specified rules
13 relating to the deferred compensation plan;
14 authorizing certain deferred compensation plans to
15 provide deferral of an employee's compensation in
16 specified manners; requiring that such plans continue
17 to be included as regular compensation for a specified
18 purpose; prohibiting deferred compensation on a pretax
19 basis from being included in certain computations;
20 requiring that compensation on an after-tax Roth
21 contribution basis be included in certain
22 computations; deleting a provision relating to
23 approval of a deferred compensation plan; revising the
24 conditions under which political subdivisions' or
25 constitutional county officers' deferred compensation

26 | plans become effective; prohibiting deferred
27 | compensation on a pretax basis from being included in
28 | certain computations; requiring that compensation on
29 | an after-tax Roth contribution basis be included in
30 | certain computations; amending s. 215.422, F.S.;
31 | authorizing the Chief Financial Officer to adopt rules
32 | authorizing advance payments for prepaid multiyear
33 | software licenses; authorizing, rather than requiring,
34 | specified interest to be paid from specified
35 | appropriations; authorizing agencies to pay interest
36 | from available appropriations under certain
37 | circumstances; amending s. 215.89, F.S.; deleting
38 | obsolete provisions; amending s. 215.93, F.S.;
39 | revising the contents of the Florida Financial
40 | Management Information System; amending s. 215.94,
41 | F.S.; specifying that the department is the functional
42 | owner of the Financial Management Subsystem; revising
43 | the functions of such subsystem; conforming provisions
44 | to changes made by the act; amending s. 215.985, F.S.;
45 | conforming provisions to changes made by the act;
46 | revising the contents of expenditure data; amending
47 | ss. 216.102 and 216.141, F.S.; conforming provisions
48 | to changes made by the act; amending s. 280.16, F.S.;
49 | requiring the qualified public depository of first
50 | deposit to investigate, make a certain determination,

51 and return funds under certain circumstances;
52 requiring such funds to be immediately returned to the
53 public depositor in provisional status until a
54 specified time; specifying that failure to complete a
55 certain process may result in suspension or
56 disqualification of the qualified public depositor;
57 amending s. 440.13, F.S.; increasing the timeframe for
58 certain health care providers to petition to resolve
59 utilization and reimbursement disputes; revising
60 requirements for the petitioner; revising the duties
61 of the three-member panel that determines schedules
62 relating to reimbursement allowances; amending s.
63 440.38, F.S.; specifying that an employer may furnish
64 proof that it has the financial strength to pay
65 certain claims on behalf of its wholly or majority
66 owned subsidiaries to secure the payment of
67 compensation; authorizing the department to adopt
68 rules that must be used for certain recommendations;
69 specifying requirements for such rules; making
70 technical changes; amending s. 440.49, F.S.; revising
71 legislative intent and findings; revising the
72 requirements of a required report of the Special
73 Disability Trust Fund; requiring that the report be
74 published on the Division of Workers' Compensation's
75 website rather than submitted to the Governor and

76 Legislature; prohibiting, beginning on a specified
77 date, the division from accepting new notices and
78 proofs of claims; specifying that certain proofs of
79 claim are barred from reimbursement; specifying that
80 an accepted claim is only eligible for final
81 reimbursement under certain circumstances; requiring
82 certain determinations in the independent actuarial
83 report; specifying that any claim reimbursement after
84 a certain date will be considered a final request for
85 reimbursement; specifying that the final reimbursement
86 will be a certain amount; requiring that final
87 reimbursements be limited to a specified amount and
88 may include funeral expenses under certain
89 circumstances; requiring the department to pay
90 approved final reimbursement requests in a specified
91 manner; requiring that the final reimbursement
92 extinguishes certain liability; amending s. 440.107,
93 F.S.; authorizing the department to accept a credit
94 card payment for a specified down payment; specifying
95 the result if the credit card is charged back;
96 authorizing the department to issue an order of
97 conditional release from a certain stop-work order and
98 enter into a payment agreement schedule under certain
99 circumstances; creating s. 497.1411, F.S.; defining
100 terms; specifying that certain applicants are barred

101 from licensure under ch. 497, F.S.; specifying that
102 certain applicants are subject to specified
103 disqualification periods; authorizing certain
104 applicants to apply for a license under certain
105 circumstances; authorizing the Division of Funeral,
106 Cemetery, and Consumer Services within the department
107 to issue the license on a probationary basis for a
108 specified time; requiring the Board of Funeral,
109 Cemetery, and Consumer Services to adopt rules;
110 specifying requirements, authorizations, and
111 prohibitions for such rules; specifying when a
112 disqualifying period begins; prohibiting the
113 department from issuing a license to an applicant
114 until it receives proof of certain payments;
115 specifying that the applicant has certain burdens to
116 demonstrate that he or she is qualified for licensure;
117 specifying that certain applicants who have been
118 granted restoration of civil rights are not barred or
119 disqualified from licensure; specifying that such
120 restoration does not require the department to award a
121 license; authorizing the board to grant an exemption
122 from disqualification under certain circumstances;
123 specifying requirements for the applicant in order for
124 the board to grant an exemption; specifying that the
125 board has discretion whether to grant or deny an

126 exemption; specifying that certain decisions are
127 subject to ch. 120, F.S.; providing applicability and
128 construction; amending s. 497.142, F.S.; prohibiting
129 an application from being deemed complete under
130 certain circumstances; revising the list of crimes to
131 be disclosed on a license application; amending s.
132 497.369, F.S.; revising the circumstances under which
133 a licensing authority must issue a license by
134 endorsement to practice embalming; deleting a
135 presumption regarding state, regional, or national
136 examinations; making technical changes; amending s.
137 497.374, F.S.; revising the circumstances under which
138 a licensing authority must issue a license by
139 endorsement to practice funeral directing; deleting a
140 presumption regarding state, regional, or national
141 examinations; making technical changes; amending s.
142 497.376, F.S.; authorizing a person to obtain a
143 specified combination license by meeting certain
144 requirements; revising the circumstances under which
145 an applicant must hold certain educational
146 credentials; amending s. 497.380, F.S.; prohibiting
147 certain square footage required for funeral
148 establishments from including common areas; amending
149 s. 497.386, F.S.; revising the circumstances under
150 which the department may enter and secure certain

151 establishments or facilities; amending s. 497.604,
152 F.S.; prohibiting certain square footage required for
153 the practice of direct disposition from including
154 common areas; amending s. 554.103, F.S.; requiring the
155 department to adopt a specified code; making a
156 clarifying change; amending s. 554.108, F.S.; revising
157 applicability relating to certain inspection
158 requirements; amending s. 554.114, F.S.; prohibiting
159 persons from taking certain actions relating to
160 boilers; amending s. 554.115, F.S.; revising the
161 circumstances under which the department may deny,
162 refuse to renew, suspend, or revoke a certificate;
163 creating s. 554.116, F.S.; requiring owners and users
164 to install a carbon monoxide detector or alarm on
165 certain boilers and fire pressured vessels; creating
166 s. 554.117, F.S.; authorizing the Division of State
167 Fire Marshall to conduct an examination of certain
168 boilers; requiring the division to review certain
169 complaints; amending s. 624.307, F.S.; specifying a
170 limitation on a required response to consumer
171 complaints; amending s. 624.317, F.S.; requiring
172 certain persons to respond within a specified time to
173 a request for documents and information concerning
174 certain investigations; specifying the requirements of
175 such response; authorizing the department or the

176 Office of Insurance Regulation to impose a penalty;
177 amending s. 626.171, F.S.; deleting reinsurance
178 intermediaries from certain application requirements;
179 revising the list of persons from whom the department
180 is required to accept uniform applications; making
181 clarifying changes regarding the voluntary submission
182 of cellular telephone numbers; revising the exemption
183 from the application filing fee for members of the
184 United States Armed Forces; amending s. 626.2815,
185 F.S.; specifying that certain licensees are not
186 required to complete continuing education elective
187 hours; deleting a provision requiring certain
188 licensees to complete elective continuing education
189 courses; amending s. 626.292, F.S.; revising applicant
190 requirements for a license transfer; amending s.
191 626.611, F.S.; revising the grounds for denying an
192 application for, suspending, revoking, or refusing to
193 renew or continuing certain licenses; amending s.
194 626.621, F.S.; revising the grounds for denying an
195 application for, suspending, revoking, or refusing to
196 renew or continuing certain licenses; authorizing the
197 department to require a licensee to submit to an
198 examination or reexamination under certain
199 circumstances; providing construction; specifying
200 grounds for suspension or revocation of certain

201 licenses; amending s. 626.731, F.S.; revising the
202 qualifications for a general lines agent's license;
203 amending s. 626.785, F.S.; revising the qualifications
204 for a life agent's license; amending s. 626.831, F.S.;
205 revising the qualifications for a health agent's
206 license; amending s. 626.8417, F.S.; making a
207 clarifying change; amending s. 626.843, F.S.;
208 requiring the department to cancel appointments of a
209 title agency under certain circumstances; prohibiting
210 the title insurance agency from being eligible for
211 appointment until a specified payment is made;
212 amending s. 626.8473, F.S.; requiring a title agency
213 to disclose certain fees to the consumer before
214 closing; prohibiting such agency from charging fees
215 that were not disclosed as provided in a certain
216 provision; amending s. 626.878, F.S.; requiring
217 adjusters to adhere to certain requirements;
218 prohibiting waivers of the requirements; authorizing
219 the department to adopt rules; amending s. 626.927,
220 F.S.; revising requirements for the licensing of a
221 surplus lines agent for a specified purpose; amending
222 s. 626.938, F.S.; requiring certain insureds and self-
223 insurers to maintain certain records; specifying the
224 contents of such records; requiring that such records
225 be available for examination by certain entities

226 without prior notice; requiring certain insurers or
 227 captive insurance companies to file with the Florida
 228 Surplus Lines Service Office a specified report;
 229 amending s. 626.9541, F.S.; conforming a cross-
 230 reference; amending s. 627.70151, F.S.; authorizing a
 231 challenge of an appraiser's impartially and
 232 disqualification of a proposed appraiser under certain
 233 conditions; amending s. 627.776, F.S.; revising
 234 applicability relating to title insurers; amending s.
 235 631.271, F.S.; requiring that certain claims be
 236 excluded from Class 2 priority and specifying how such
 237 claims must be paid; revising the list of claims that
 238 are Class 6 claims; creating s. 633.139, F.S.;
 239 defining terms; creating the Florida Firefighter
 240 Recruitment Bonus Payment Program for a specified
 241 purpose; specifying that bonus payments are contingent
 242 upon appropriation and must be prorated subject to the
 243 amount of the appropriation; requiring that bonus
 244 payments be adjusted to include a specified percentage
 245 for a specified tax; requiring the department to
 246 develop a specified plan; requiring employing agencies
 247 to assist the department with the collection of
 248 certain data and provide information to the
 249 department; specifying requirements for the
 250 department's plan; requiring the department to consult

251 quarterly with the Division of State Fire Marshal;
252 requiring the department to submit the plan to the
253 Executive Office of the Governor and the chairs of
254 certain legislative appropriations committees by a
255 specified date annually; authorizing the department to
256 submit budget amendments; requiring that the funding
257 allocation for the bonus payment be used for a
258 specified sole purpose; requiring the department to
259 adopt rules; providing for expiration; amending s.
260 633.216, F.S.; revising the requirements for
261 firesafety inspector training; specifying that
262 inservice training does not allow a certain person
263 whose certification has lapsed to continue serving as
264 a firesafety inspector; revising requirements for
265 rules regarding an advanced training and certification
266 program for firesafety inspectors; amending s.
267 634.3077, F.S.; making clarifying changes; authorizing
268 contractual liability insurance policies to pay
269 certain claims under certain circumstances; amending
270 s. 634.406, F.S.; making clarifying changes;
271 authorizing a contractual liability insurance policy
272 to pay certain claims under certain circumstances;
273 amending s. 648.33, F.S.; authorizing bail bond agents
274 to collect certain amounts or fees in addition to the
275 premium required by the insurer; amending s. 791.013,

276 F.S.; deleting the requirement for the Division of
 277 Investigative and Forensic Services to dispose of
 278 certain samples; amending s. 1001.281, F.S.; deleting
 279 the FLAIR number for the Operating Trust Fund;
 280 amending s. 1001.282, F.S.; deleting the FLAIR number
 281 for the Administrative Trust Fund; providing an
 282 effective date.

283

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

285

286 **Section 1. Subsection (2) of section 17.11, Florida**
 287 **Statutes, is amended to read:**

288 17.11 To report disbursements made.—

289 (2) The Chief Financial Officer shall report ~~also cause to~~
 290 ~~have reported~~ from the Financial Management ~~Florida Accounting~~
 291 ~~Information Resource~~ Subsystem no less than quarterly the
 292 disbursements that ~~which~~ agencies made to small businesses, as
 293 defined in the Florida Small and Minority Business Assistance
 294 Act; to certified minority business enterprises in the
 295 aggregate; and to certified minority business enterprises broken
 296 down into categories of minority persons, as well as gender and
 297 nationality subgroups. This report must ~~information shall~~ be
 298 made available to the agencies, the Office of Supplier
 299 Diversity, the Governor, the President of the Senate, and the
 300 Speaker of the House of Representatives. Each agency shall be

301 responsible for the accuracy of information entered into the
302 Financial Management Florida Accounting Information Resource
303 Subsystem for use in this reporting.

304 **Section 2. Section 17.13, Florida Statutes, is amended to**
305 **read:**

306 17.13 Replacement of ~~To duplicate~~ warrants lost or
307 destroyed.—

308 (1) The Chief Financial Officer shall replace ~~is required~~
309 ~~to duplicate~~ any Chief Financial Officer's warrant ~~warrants~~ that
310 may have been lost or destroyed, ~~or may hereafter be lost or~~
311 ~~destroyed,~~ upon the owner ~~thereof~~ or the owner's agent or
312 attorney submitting to ~~presenting~~ the Chief Financial Officer a
313 ~~the~~ statement, under oath, reciting the number, date, and amount
314 of the any warrant or the best ~~and most definite~~ description in
315 his or her knowledge and the circumstances of its loss. ~~+~~ If the
316 Chief Financial Officer deems it necessary, the owner or the
317 owner's agent or attorney must ~~shall~~ file in the office of the
318 Chief Financial Officer a surety bond, or a bond with
319 securities, to be approved by a judge ~~one of the judges~~ of the
320 circuit court or a ~~one of the justices of the~~ Supreme Court
321 justice, in a penalty of not less than twice the amount of any
322 warrant ~~warrants~~ so replaced ~~uplicated,~~ conditioned to
323 indemnify the state and any innocent warrant holders ~~thereof~~
324 from any damages that may accrue from such replacement
325 ~~duplication.~~

326 (2) The Chief Financial Officer shall replace ~~is required~~
 327 ~~to duplicate~~ any Chief Financial Officer's warrant that has ~~may~~
 328 ~~have been lost or destroyed, or may hereafter be lost or~~
 329 ~~destroyed,~~ when sent to any payee through ~~via~~ any state agency
 330 when such warrant is lost or destroyed before ~~prior to~~ being
 331 received by the payee and ~~provided~~ the director of the state
 332 agency to whom the warrant was sent submits ~~presents~~ to the
 333 Chief Financial Officer a statement, under oath, reciting the
 334 number, date, and amount of the warrant lost or destroyed, the
 335 circumstances surrounding the loss or destruction of such
 336 warrant, and any additional information that the Chief Financial
 337 Officer requests ~~shall request~~ in regard to such warrant.

338 (3) Any replacement ~~duplicate~~ Chief Financial Officer's
 339 warrant issued under this section has ~~in pursuance of the above~~
 340 ~~provisions shall be of the same validity as the original~~ warrant
 341 ~~was before its loss.~~

342 **Section 3. Subsection (1) of section 110.113, Florida**
 343 **Statutes, is amended to read:**

344 110.113 Pay periods for state officers and employees;
 345 salary payments by direct deposit.—

346 (1) The normal pay period for salaries of state officers
 347 and employees is ~~shall be~~ 1 month. The Department of Financial
 348 Services shall issue either monthly or biweekly salary payments
 349 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
 350 ~~make semimonthly salary payments by direct deposit pursuant to~~

351 ~~s. 17.076~~, as requested by the head of each state agency and
352 approved by the Executive Office of the Governor and the
353 Department of Financial Services.

354 **Section 4. Paragraph (f) is added to subsection (4) of**
355 **section 112.215, Florida Statutes, and subsection (6) of that**
356 **section is amended, to read:**

357 112.215 Government employees; deferred compensation
358 program.—

359 (4)

360 (f) The Chief Financial Officer must adopt rules relating
361 to all the material terms and conditions for benefits under the
362 plan, including optional features of the plan permitted by 26
363 U.S.C. s. 457.

364 (6) (a) The deferred compensation plans authorized and
365 approved under this section may provide for the deferral of an
366 employee's compensation on either a pretax basis or an after-tax
367 Roth contribution basis under a qualified Roth contribution
368 program pursuant to s. 402A of the Internal Revenue Code. Any
369 compensation deferred under such a deferred compensation plan,
370 including an individual's compensation deferred on either a
371 pretax basis or an after-tax Roth contribution basis under a
372 qualified Roth contribution program pursuant to s. 402A of the
373 Internal Revenue Code, must continue to be included as regular
374 compensation for the purpose of computing the retirement,
375 pension, or social security contributions made or benefits

376 earned by any employee. Any sum deferred on a pretax basis may
377 not be included in the computation of any federal or state taxes
378 withheld on behalf of any such individual at the time of
379 deferral. Any sum deferred on an after-tax Roth contribution
380 basis pursuant to a qualified Roth contribution program under s.
381 402A of the Internal Revenue Code must be included in the
382 computation of any federal or state taxes withheld on behalf of
383 any such individual at the time of deferral ~~No deferred~~
384 ~~compensation plan of the state shall become effective until~~
385 ~~approved by the State Board of Administration and the Chief~~
386 ~~Financial Officer is satisfied by opinion from such federal~~
387 ~~agency or agencies as may be deemed necessary that the~~
388 ~~compensation deferred thereunder and/or the investment products~~
389 ~~purchased pursuant to the plan will not be included in the~~
390 ~~employee's taxable income under federal or state law until it is~~
391 ~~actually received by such employee under the terms of the plan,~~
392 ~~and that such compensation will nonetheless be deemed~~
393 ~~compensation at the time of deferral for the purposes of social~~
394 ~~security coverage, for the purposes of the state retirement~~
395 ~~system, and for any other retirement, pension, or benefit~~
396 ~~program established by law.~~

397 (b) A ~~No~~ deferred compensation plan of a county,
398 municipality, other political subdivision, or constitutional
399 county officer may not ~~shall~~ become effective until the
400 appropriate official or body designated under subsection (5) is

401 satisfied that such plan of deferred compensation may provide
402 for the deferral of an individual's compensation on either a
403 pretax basis or an after-tax Roth contribution basis under a
404 qualified Roth contribution program pursuant to s. 402A of the
405 Internal Revenue Code ~~by opinion from such federal agency or~~
406 ~~agencies as may be deemed necessary that the compensation~~
407 ~~deferred thereunder and/or the investment products purchased~~
408 ~~pursuant to the plan will not be included in the employee's~~
409 ~~taxable income under federal or state law until it is actually~~
410 ~~received by such employee under the terms of the plan,~~ and that
411 such compensation will nonetheless be deemed compensation at the
412 time of deferral for the purposes of social security coverage,
413 for the purposes of the retirement system of the appropriate
414 county, municipality, political subdivision, or constitutional
415 county officer, and for any other retirement, pension, or
416 benefit program established by law. Any sum deferred on a pretax
417 basis may not be included in the computation of any federal or
418 state taxes withheld on behalf of any such individual at the
419 time of deferral. Any sum deferred on an after-tax Roth
420 contribution basis pursuant to a qualified Roth contribution
421 program under s. 402A of the Internal Revenue Code must be
422 included in the computation of any federal or state taxes
423 withheld on behalf of any such individual at the time of
424 deferral.

425 **Section 5. Subsections (15) and (16) of section 215.422,**

426 **Florida Statutes, are amended to read:**

427 215.422 Payments, warrants, and invoices; processing time
428 limits; dispute resolution; agency or judicial branch
429 compliance.—

430 (15) The Chief Financial Officer may adopt rules to
431 authorize advance payments for goods and services, including,
432 but not limited to, maintenance agreements and subscriptions,
433 including prepaid multiyear software licenses. Such rules must
434 ~~shall~~ provide objective criteria for determining when it is in
435 the best interest of the state to make payments in advance and
436 must ~~shall~~ also provide for adequate protection to ensure that
437 such goods or services will be provided.

438 (16) ~~Nothing contained in~~ This section may not ~~shall~~ be
439 construed to be an appropriation. Any interest that ~~which~~
440 becomes due and owing pursuant to this section may ~~shall only~~ be
441 paid payable from the appropriation charged for such goods or
442 services. If insufficient funds are available within the
443 appropriation charged for such goods or services, the agency
444 must pay the interest from an available appropriation.

445 **Section 6. Subsection (3) of section 215.89, Florida**
446 **Statutes, is amended to read:**

447 215.89 Charts of account.—

448 ~~(3) REPORTING STRUCTURE.—~~

449 ~~(a) The Chief Financial Officer shall accept comments from~~
450 ~~state agencies, local governments, educational entities,~~

451 ~~entities of higher education, and other interested parties~~
452 ~~regarding the proposed charts of account until November 1, 2013.~~

453 ~~(b) By January 15, 2014, the Chief Financial Officer,~~
454 ~~after consultation with affected state agencies, local~~
455 ~~governments, educational entities, entities of higher education,~~
456 ~~and the Auditor General, shall submit to the Governor, the~~
457 ~~President of the Senate, and the Speaker of the House of~~
458 ~~Representatives a report recommending a uniform charts of~~
459 ~~account which requires specific enterprise-wide information~~
460 ~~related to revenues and expenditures of state agencies, local~~
461 ~~governments, educational entities, and entities of higher~~
462 ~~education. The report must include the estimated cost of~~
463 ~~adopting and implementing a uniform enterprise-wide charts of~~
464 ~~account.~~

465 **Section 7. Paragraph (b) of subsection (1) of section**
466 **215.93, Florida Statutes, is amended to read:**

467 215.93 Florida Financial Management Information System.—

468 (1) To provide the information necessary to carry out the
469 intent of the Legislature, there shall be a Florida Financial
470 Management Information System. The Florida Financial Management
471 Information System shall be fully implemented and shall be
472 upgraded as necessary to ensure the efficient operation of an
473 integrated financial management information system and to
474 provide necessary information for the effective operation of
475 state government. Upon the recommendation of the coordinating

476 council and approval of the board, the Florida Financial
 477 Management Information System may require data from any state
 478 agency information system or information subsystem or may
 479 request data from any judicial branch information system or
 480 information subsystem that the coordinating council and board
 481 have determined to have statewide financial management
 482 significance. Each functional owner information subsystem within
 483 the Florida Financial Management Information System shall be
 484 developed in such a fashion as to allow for timely, positive,
 485 preplanned, and prescribed data transfers between the Florida
 486 Financial Management Information System functional owner
 487 information subsystems and from other information systems. The
 488 principal unit of the system shall be the functional owner
 489 information subsystem, and the system shall include, but shall
 490 not be limited to, the following:

491 ~~(b) Florida Accounting Information Resource Subsystem.~~

492 **Section 8. Subsections (2) and (3) of section 215.94,**
 493 **Florida Statutes, are amended to read:**

494 215.94 Designation, duties, and responsibilities of
 495 functional owners.—

496 (2) The Department of Financial Services is ~~shall be~~ the
 497 functional owner of the Financial Management ~~Florida Accounting~~
 498 ~~Information Resource~~ Subsystem established pursuant to ss.
 499 17.03, 215.86, 216.141, and 216.151 and further developed in
 500 accordance with ~~the provisions of~~ ss. 215.90-215.96. The

501 subsystem must ~~shall~~ include, but is ~~shall~~ not be limited to,
502 the following functions:

503 (a) Accounting and reporting so as to provide timely data
504 for producing financial statements for the state in accordance
505 with generally accepted accounting principles.

506 (b) Auditing and settling claims against the state.

507 (c) Recording and reconciling credits and debits to
508 treasury fund accounts.

509 (d) Monitoring cash levels and activities in state bank
510 accounts.

511 (e) Recording and reconciling credits and debits of
512 investments of cash.

513 (f) Administering the provisions of the Federal Cash
514 Management Improvement Act of 1990.

515 ~~(3) The Chief Financial Officer shall be the functional~~
516 ~~owner of the Financial Management Subsystem. The Chief Financial~~
517 ~~Officer shall design, implement, and operate the subsystem in~~
518 ~~accordance with the provisions of ss. 215.90-215.96. The~~
519 ~~subsystem shall include, but shall not be limited to, functions~~
520 ~~for:~~

521 ~~(a) Recording and reconciling credits and debits to~~
522 ~~treasury fund accounts.~~

523 ~~(b) Monitoring cash levels and activities in state bank~~
524 ~~accounts.~~

525 ~~(c) Monitoring short term investments of idle cash.~~

526 ~~(d) Administering the provisions of the Federal Cash~~
527 ~~Management Improvement Act of 1990.~~

528 **Section 9. Paragraph (a) of subsection (4) of section**
529 **215.985, Florida Statutes, is amended to read:**

530 215.985 Transparency in government spending.—

531 (4) The Executive Office of the Governor, in consultation
532 with the appropriations committees of the Senate and the House
533 of Representatives, shall establish and maintain a website that
534 provides information relating to the approved operating budget
535 for each branch of state government and state agency.

536 (a) At a minimum, the information must include:

537 1. Disbursement data for each appropriation by the object
538 code associated with each expenditure established within the
539 Financial Management ~~Florida Accounting Information Resource~~
540 Subsystem. Expenditure data must include the name of the payee,
541 the date of the expenditure, the amount of the expenditure, and
542 the voucher ~~statewide document~~ number. Such data must be
543 searchable by the name of the payee, the paying agency, and
544 fiscal year, and must be downloadable in a format that allows
545 offline analysis.

546 2. For each appropriation, any adjustments, including
547 vetoes, approved supplemental appropriations included in
548 legislation other than the General Appropriations Act, budget
549 amendments, other actions approved pursuant to chapter 216, and
550 other adjustments authorized by law.

551 3. Status of spending authority for each appropriation in
552 the approved operating budget, including released, unreleased,
553 reserved, and disbursed balances.

554 4. Position and rate information for positions provided in
555 the General Appropriations Act or approved through an amendment
556 to the approved operating budget and position information for
557 positions established in the legislative branch.

558 5. Allotments for planned expenditures of state
559 appropriations established by state agencies in the Financial
560 Management ~~Florida Accounting Information Resource~~ Subsystem,
561 and the current balances of such allotments.

562 6. Trust fund balance reports, including cash available,
563 investments, and receipts.

564 7. General revenue fund balance reports, including revenue
565 received and amounts disbursed.

566 8. Fixed capital outlay project data, including original
567 appropriation and disbursements throughout the life of the
568 project.

569 9. A 10-year history of appropriations indicated by
570 agency.

571 10. Links to state audits or reports related to the
572 expenditure and dispersal of state funds.

573 11. Links to program or activity descriptions for which
574 funds may be expended.

575 **Section 10. Subsections (1) and (2) and paragraph (f) of**

576 **subsection (3) of section 216.102, Florida Statutes, are amended**
577 **to read:**

578 216.102 Filing of financial information; handling by Chief
579 Financial Officer; penalty for noncompliance.—

580 (1) By September 30 of each year, each agency supported by
581 any form of taxation, licenses, fees, imposts, or exactions, the
582 judicial branch, and, for financial reporting purposes, each
583 component unit of the state as determined by the Chief Financial
584 Officer shall prepare, using generally accepted accounting
585 principles, and file with the Chief Financial Officer the
586 financial and other information necessary for the preparation of
587 annual financial statements for the State of Florida as of June
588 30. In addition, each such agency and the judicial branch shall
589 prepare financial statements showing the financial position and
590 results of agency or branch operations as of June 30 for
591 internal management purposes.

592 (a) Each state agency and the judicial branch shall record
593 the receipt and disbursement of funds from federal sources in a
594 form and format prescribed by the Chief Financial Officer. The
595 access to federal funds by the administering agencies or the
596 judicial branch may not be authorized until:

597 1. The deposit has been recorded in the Financial
598 Management ~~Florida Accounting Information Resource~~ Subsystem
599 using proper, consistent codes that designate deposits as
600 federal funds.

601 2. The deposit and appropriate recording required by this
602 paragraph have been verified by the office of the Chief
603 Financial Officer.

604 (b) The Chief Financial Officer shall publish a statewide
605 policy detailing the requirements for recording receipt and
606 disbursement of federal funds into the Financial Management
607 ~~Florida Accounting Information Resource~~ Subsystem and provide
608 technical assistance to the agencies and the judicial branch to
609 implement the policy.

610 (2) Financial information must be contained within the
611 Financial Management ~~Florida Accounting Information Resource~~
612 Subsystem. Other information must be submitted in the form and
613 format prescribed by the Chief Financial Officer.

614 (a) Each component unit shall file financial information
615 and other information necessary for the preparation of annual
616 financial statements with the agency or branch designated by the
617 Chief Financial Officer by the date specified by the Chief
618 Financial Officer.

619 (b) The state agency or branch designated by the Chief
620 Financial Officer to receive financial information and other
621 information from component units shall include the financial
622 information in the Financial Management ~~Florida Accounting~~
623 ~~Information Resource~~ Subsystem and shall include the component
624 units' other information in its submission to the Chief
625 Financial Officer.

626 (3) The Chief Financial Officer shall:
 627 (f) Consult with and elicit comments from the Executive
 628 Office of the Governor on changes to the Financial Management
 629 ~~Florida Accounting Information Resource~~ Subsystem which clearly
 630 affect the accounting of federal funds, so as to ensure
 631 consistency of information entered into the Federal Aid Tracking
 632 System by state executive and judicial branch entities. While
 633 efforts must ~~shall~~ be made to ensure the compatibility of the
 634 Financial Management ~~Florida Accounting Information Resource~~
 635 Subsystem and the Federal Aid Tracking System, any successive
 636 systems serving identical or similar functions must ~~shall~~
 637 preserve such compatibility.

638
 639 The Chief Financial Officer may furnish and publish in
 640 electronic form the financial statements and the annual
 641 comprehensive financial report required under paragraphs (a),
 642 (b), and (c).

643 **Section 11. Subsection (3) of section 216.141, Florida**
 644 **Statutes, is amended to read:**

645 216.141 Budget system procedures; planning and programming
 646 by state agencies.—

647 (3) The Chief Financial Officer, as chief fiscal officer,
 648 shall use the Financial Management ~~Florida Accounting~~
 649 ~~Information Resource~~ Subsystem developed pursuant to s.
 650 215.94(2) for account purposes in the performance of and

651 accounting for all of his or her constitutional and statutory
652 duties and responsibilities. However, state agencies and the
653 judicial branch continue to be responsible for maintaining
654 accounting records necessary for effective management of their
655 programs and functions.

656 **Section 12. Subsection (4) is added to section 280.16,**
657 **Florida Statutes, to read:**

658 280.16 Requirements of qualified public depositories;
659 confidentiality.—

660 (4) Within 90 days after receipt of an affidavit of fraud
661 against a public deposit account, the qualified public
662 depository of first deposit shall investigate and make a
663 determination on the affidavit's accuracy and return the funds
664 to the depositor if it has been determined that there is an act
665 of fraud against the public deposit account. If no determination
666 can be made within 90 days, the funds must be immediately
667 returned to the public depositor, from the qualified public
668 depositor of first deposit, in provisional status until such
669 determination is completed. Failure to complete the
670 determination process or return the funds within 90 days may
671 result in suspension or disqualification of the qualified public
672 depositor.

673 **Section 13. Paragraph (a) of subsection (7) and paragraph**
674 **(j) of subsection (12) of section 440.13, Florida Statutes, are**
675 **amended to read:**

676 440.13 Medical services and supplies; penalty for
 677 violations; limitations.—

678 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

679 (a) Any health care provider who elects to contest the
 680 disallowance or adjustment of payment by a carrier under
 681 subsection (6) must, within 60 ~~45~~ days after receipt of notice
 682 of disallowance or adjustment of payment, petition the
 683 department to resolve the dispute. The petitioner must serve, by
 684 certified mail or by common carrier with a verifiable tracking
 685 number, a copy of the petition on the carrier and on all
 686 affected parties listed on the notice of disallowance or
 687 adjustment ~~by certified mail~~. The petition must be accompanied
 688 by all documents and records that support the allegations
 689 contained in the petition. Failure of a petitioner to submit
 690 such documentation to the department results in dismissal of the
 691 petition.

692 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
 693 REIMBURSEMENT ALLOWANCES.—

694 (j) In addition to establishing the uniform schedule of
 695 maximum reimbursement allowances, the panel shall:

696 1. Take testimony, receive records, and collect data to
 697 evaluate the adequacy of the workers' compensation fee schedule,
 698 nationally recognized fee schedules and alternative methods of
 699 reimbursement to health care providers and health care
 700 facilities for inpatient and outpatient treatment and care.

701 2. Survey health care providers and health care facilities
702 to determine the availability and accessibility of workers'
703 compensation health care delivery systems for injured workers.

704 3. Survey carriers to determine the estimated impact on
705 carrier costs and workers' compensation premium rates by
706 implementing changes to the carrier reimbursement schedule or
707 implementing alternative reimbursement methods.

708 4. Submit recommendations on or before January 15, 2030
709 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President
710 of the Senate and the Speaker of the House of Representatives on
711 methods to improve the workers' compensation health care
712 delivery system.

713
714 The department, as requested, shall provide data to the panel,
715 including, but not limited to, utilization trends in the
716 workers' compensation health care delivery system. The
717 department shall provide the panel with an annual report
718 regarding the resolution of medical reimbursement disputes and
719 any actions pursuant to subsection (8). The department shall
720 provide administrative support and service to the panel to the
721 extent requested by the panel. The department may adopt rules
722 pursuant to ss. 120.536(1) and 120.54 to implement this
723 subsection. For prescription medication purchased under the
724 requirements of this subsection, a dispensing practitioner shall
725 not possess such medication unless payment has been made by the

726 practitioner, the practitioner's professional practice, or the
 727 practitioner's practice management company or employer to the
 728 supplying manufacturer, wholesaler, distributor, or drug
 729 repackager within 60 days of the dispensing practitioner taking
 730 possession of that medication.

731 **Section 14. Subsection (1) of section 440.38, Florida**
 732 **Statutes, is amended to read:**

733 440.38 Security for compensation; insurance carriers and
 734 self-insurers.—

735 (1) Every employer shall secure the payment of
 736 compensation under this chapter by doing any of the following:

737 (a) ~~By~~ Insuring and keeping insured the payment of such
 738 compensation with any stock company or mutual company or
 739 association or exchange, authorized to do business in the
 740 state.~~†~~

741 (b) ~~By~~ Furnishing satisfactory proof to the Florida Self-
 742 Insurers Guaranty Association, Incorporated, created in s.
 743 440.385, that it has the financial strength necessary to ensure
 744 timely payment of all current and future claims individually and
 745 on behalf of its wholly or majority owned subsidiaries
 746 ~~subsidiary and affiliated companies~~ with employees in this state
 747 and receiving an authorization from the department to pay such
 748 compensation directly. The association shall review the
 749 financial strength of applicants for membership, current
 750 members, and former members and make recommendations to the

751 department regarding their qualifications to self-insure in
752 accordance with this section and ss. 440.385 and 440.386. The
753 department shall act in accordance with the recommendations
754 unless it finds by clear and convincing evidence that the
755 recommendations are erroneous.

756 1. As a condition of authorization under this paragraph
757 ~~paragraph (a)~~, the association may recommend that the department
758 require an employer to deposit with the association a qualifying
759 security deposit. The association shall recommend the type and
760 amount of the qualifying security deposit and shall prescribe
761 conditions for the qualifying security deposit, which shall
762 include authorization for the association to call the qualifying
763 security deposit in the case of default to pay compensation
764 awards and related expenses of the association. The department
765 may adopt rules under ss. 120.54 and 120.536(1) regarding the
766 requirements that the association must use when recommending the
767 amount and conditions of the qualifying security deposit. Such
768 rules must reference long-term issuer credit ratings from
769 Moody's Ratings, S&P Global Ratings, Fitch Ratings, or an
770 equivalent rating calculated using the methodology of one of
771 these credit rating services. As a condition to authorization to
772 self-insure, the employer shall provide proof that the employer
773 has provided for competent personnel with whom to deliver
774 benefits and to provide a safe working environment. The employer
775 shall also provide evidence that it carries reinsurance at

776 levels that will ensure the financial strength and actuarial
777 soundness of such employer in accordance with rules adopted by
778 the department. The department may by rule require that, in the
779 event of an individual self-insurer's insolvency, such
780 qualifying security deposits and reinsurance policies are
781 payable to the association. Any employer securing compensation
782 in accordance with the provisions of this paragraph shall be
783 known as a self-insurer and shall be classed as a carrier of her
784 or his own insurance. The employer shall, if requested, provide
785 the association an actuarial report signed by a member of the
786 American Academy of Actuaries providing an opinion of the
787 appropriate present value of the reserves, using a 4-percent
788 discount rate, for current and future compensation claims. If
789 any member or former member of the association refuses to timely
790 provide such a report, the association may obtain an order from
791 a circuit court requiring the member to produce such a report
792 and ordering any other relief that the court determines is
793 appropriate. The association may recover all reasonable costs
794 and attorney's fees in such proceedings.

795 2. If the employer fails to maintain the foregoing
796 requirements, the association shall recommend to the department
797 that the department revoke the employer's authority to self-
798 insure, unless the employer provides to the association the
799 certified opinion of an independent actuary who is a member of
800 the American Academy of Actuaries as to the actuarial present

801 value of the employer's determined and estimated future
802 compensation payments based on cash reserves, using a 4-percent
803 discount rate, and a qualifying security deposit equal to 1.5
804 times the value so certified. The employer shall thereafter
805 annually provide such a certified opinion until such time as the
806 employer meets the requirements of subparagraph 1. The
807 qualifying security deposit shall be adjusted at the time of
808 each such annual report. Upon the failure of the employer to
809 timely provide such opinion or to timely provide a security
810 deposit in an amount equal to 1.5 times the value certified in
811 the latest opinion, the association shall provide that
812 information to the department along with a recommendation, and
813 the department shall then revoke such employer's authorization
814 to self-insure. Failure to comply with this subparagraph
815 constitutes an immediate serious danger to the public health,
816 safety, or welfare sufficient to justify the summary suspension
817 of the employer's authorization to self-insure pursuant to s.
818 120.68.

819 3. Upon the suspension or revocation of the employer's
820 authorization to self-insure, the employer shall provide to the
821 association the certified opinion of an independent actuary who
822 is a member of the American Academy of Actuaries of the
823 actuarial present value of the determined and estimated future
824 compensation payments of the employer for claims incurred while
825 the member exercised the privilege of self-insurance, using a

826 discount rate of 4 percent. The employer shall provide such an
827 opinion at 6-month intervals thereafter until such time as the
828 latest opinion shows no remaining value of claims. With each
829 such opinion, the employer shall deposit with the association a
830 qualifying security deposit in an amount equal to the value
831 certified by the actuary. The association has a cause of action
832 against an employer, and against any successor of the employer,
833 who fails to timely provide such opinion or who fails to timely
834 maintain the required security deposit with the association. The
835 association shall recover a judgment in the amount of the
836 actuarial present value of the determined and estimated future
837 compensation payments of the employer for claims incurred while
838 the employer exercised the privilege of self-insurance, together
839 with attorney's fees. For purposes of this section, the
840 successor of an employer means any person, business entity, or
841 group of persons or business entities, which holds or acquires
842 legal or beneficial title to the majority of the assets or the
843 majority of the shares of the employer.

844 4. A qualifying security deposit shall consist, at the
845 option of the employer, of:

846 a. Surety bonds, in a form and containing such terms as
847 prescribed by the association, issued by a corporation surety
848 authorized to transact surety business by the office, and whose
849 policyholders' and financial ratings, as reported in A.M. Best's
850 Insurance Reports, Property-Liability, are not less than "A" and

851 "v", respectively.

852 b. Irrevocable letters of credit in favor of the
853 association issued by financial institutions located within this
854 state, the deposits of which are insured through the Federal
855 Deposit Insurance Corporation.

856 5. The qualifying security deposit shall be held by the
857 association exclusively for the benefit of workers' compensation
858 claimants. The security shall not be subject to assignment,
859 execution, attachment, or any legal process whatsoever, except
860 as necessary to guarantee the payment of compensation under this
861 chapter. No surety bond may be terminated, and no letter of
862 credit may be allowed to expire, without 90 days' prior written
863 notice to the association and deposit by the self-insuring
864 employer of some other qualifying security deposit of equal
865 value within 10 business days after such notice. Failure to
866 provide such written notice or failure to timely provide
867 qualifying replacement security after such notice shall
868 constitute grounds for the association to call or sue upon the
869 surety bond or to exercise its rights under a letter of credit.
870 Current self-insured employers must comply with this section on
871 or before December 31, 2001, or upon the maturity of existing
872 security deposits, whichever occurs later. The department may
873 specify by rule the amount of the qualifying security deposit
874 required prior to authorizing an employer to self-insure and the
875 amount of net worth required for an employer to qualify for

876 authorization to self-insure.~~†~~

877 (c) By entering into a contract with a public utility
 878 under an approved utility-provided self-insurance program as set
 879 forth in s. 624.46225 in effect as of July 1, 1983. The
 880 department shall adopt rules to implement this paragraph.~~†~~

881 (d) By entering into an interlocal agreement with other
 882 local governmental entities to create a local government pool
 883 pursuant to s. 624.4622.~~†~~~~or~~

884 (e) By entering into a contract with an individual self-
 885 insurer under an approved individual self-insurer-provided self-
 886 insurance program as set forth in s. 624.46225. The department
 887 may adopt rules to administer this subsection.

888 **Section 15. Subsection (1) and paragraph (d) of subsection**
 889 **(8) of section 440.49, Florida Statutes, are amended, and**
 890 **subsection (12) is added to that section, to read:**

891 440.49 Limitation of liability for subsequent injury
 892 through Special Disability Trust Fund.—

893 (1) LEGISLATIVE INTENT AND FINDINGS.—

894 (a) Whereas it is often difficult for workers with
 895 disabilities to achieve employment or to become reemployed
 896 following an injury, and it is the desire of the Legislature to
 897 facilitate the return of these workers to the workplace, it is
 898 the purpose of this section to encourage the employment,
 899 reemployment, and accommodation of the physically disabled by
 900 reducing an employer's insurance premium for reemploying an

901 injured worker, to decrease litigation between carriers on
902 apportionment issues, and to protect employers from excess
903 liability for compensation and medical expense when an injury to
904 a physically disabled worker merges with, aggravates, or
905 accelerates her or his preexisting permanent physical impairment
906 to cause either a greater disability or permanent impairment, or
907 an increase in expenditures for temporary compensation or
908 medical benefits than would have resulted from the injury alone.
909 The department or the administrator shall inform all employers
910 of the existence and function of the fund and shall interpret
911 eligibility requirements liberally. However, this subsection may
912 ~~shall~~ not be construed to create or provide any benefits for
913 injured employees or their dependents not otherwise provided by
914 this chapter. The entitlement of an injured employee or her or
915 his dependents to compensation under this chapter must ~~shall~~ be
916 determined without regard to this subsection, the provisions of
917 which shall be considered only in determining whether an
918 employer or carrier who has paid compensation under this chapter
919 is entitled to reimbursement from the Special Disability Trust
920 Fund.

921 (b) Whereas this section does not apply to accidents or
922 injuries causing subsequent injury or disability occurring on or
923 after January 1, 1998. The Legislature finds that the indefinite
924 existence of the fund creates administrative costs for the
925 administration of a decreasing number of claims. The Legislature

926 further finds that the fund is maintained by assessments on all
927 carriers. Florida workers' compensation carriers authorized on
928 or after January 1, 1998, are subject to the fund assessment but
929 do not have any claims eligible for reimbursement by the fund.
930 Beginning July 1, 2025, it is the intent of the Legislature that
931 the liabilities of the fund be extinguished and the fund be
932 closed in an orderly fashion.

933 (8) SPECIAL DISABILITY TRUST FUND.—

934 (d) The department or administrator shall report annually
935 on the status of the Special Disability Trust Fund. The report
936 must ~~shall~~ update the estimated undiscounted and discounted fund
937 liability, as determined by an independent actuary, change in
938 the total number of notices of claim on file with the fund in
939 addition to the number of newly filed notices of claim, change
940 in the number of proofs of claim processed by the fund, the
941 estimated outstanding losses per claim using a life annuity
942 method, the fee revenues refunded and revenues applied to pay
943 down the liability of the fund, the average time required to
944 reimburse accepted claims, and the average administrative costs
945 per claim. ~~The department or administrator shall submit its~~
946 ~~report to the Governor, the President of the Senate, and the~~
947 ~~Speaker of the House of Representatives~~ By December 1 of each
948 year, the report must be published on the division's website.

949 (12) FINAL REIMBURSEMENT.—

950 (a) Notwithstanding subsection (7), beginning July 1,

951 2026, the division may not accept new notices or proofs of
952 claim. Any proof of claim that has not received an offer letter
953 on or before December 31, 2026, is barred from reimbursement.

954 (b) Notwithstanding other provisions of this section, an
955 accepted claim is only eligible for final reimbursement if the
956 carrier submitted a request for reimbursement on an accepted
957 claim in fiscal years 2026-2027 or 2027-2028.

958 (c) The department's or administrator's status report as
959 specified in paragraph (8)(d) must estimate the outstanding
960 losses for each claim. On or after July 1, 2028, any claim
961 reimbursement will be considered a final request for
962 reimbursement. The final reimbursement amount for the requested
963 claim will be the estimated outstanding loss value for the claim
964 as calculated in the 2028 edition of the report, discounted to a
965 present value of 4 percent.

966 (d) A request for final reimbursement after the death of
967 the claimant must be limited to the eligible benefits paid on or
968 before the date of death and may include funeral expenses.

969 (e) The department shall pay the approved final
970 reimbursement requests on a first-in, first-out basis reflecting
971 the order in which the reimbursement requests were received, as
972 funds are or become available.

973 (f) The final reimbursement made pursuant to this
974 subsection extinguishes the liability of the fund as to that
975 claim.

976 **Section 16. Paragraph (a) of subsection (7) of section**
977 **440.107, Florida Statutes, is amended to read:**

978 440.107 Department powers to enforce employer compliance
979 with coverage requirements.—

980 (7) (a) Whenever the department determines that an employer
981 who is required to secure the payment to his or her employees of
982 the compensation provided for by this chapter has failed to
983 secure the payment of workers' compensation required by this
984 chapter or to produce the required business records under
985 subsection (5) within 21 days after receipt of the written
986 request of the department, such failure shall be deemed an
987 immediate serious danger to public health, safety, or welfare
988 sufficient to justify service by the department of a stop-work
989 order on the employer, requiring the cessation of all business
990 operations. If the department makes such a determination, the
991 department must ~~shall~~ issue a stop-work order within 72 hours.
992 The order shall take effect when served upon the employer or,
993 for a particular employer worksite, when served at that
994 worksite. In addition to serving a stop-work order at a
995 particular worksite which shall be effective immediately, the
996 department shall immediately proceed with service upon the
997 employer which shall be effective upon all employer worksites in
998 the state for which the employer is not in compliance. A stop-
999 work order may be served with regard to an employer's worksite
1000 by posting a copy of the stop-work order in a conspicuous

1001 location at the worksite. Information related to an employer's
1002 stop-work order must ~~shall~~ be made available on the division's
1003 website and remain on the website for at least 5 years. The
1004 order must ~~shall~~ remain in effect until the department issues an
1005 order releasing the stop-work order upon a finding that the
1006 employer has come into compliance with the coverage requirements
1007 of this chapter and has paid any penalty assessed under this
1008 section. The department may issue an order of conditional
1009 release from a stop-work order to an employer upon a finding
1010 that the employer has complied with the coverage requirements of
1011 this chapter, paid a penalty of \$1,000 as a down payment, and
1012 agreed to remit periodic payments of the remaining penalty
1013 amount pursuant to a payment agreement schedule with the
1014 department or pay the remaining penalty amount in full. An
1015 employer may not enter into a payment agreement schedule unless
1016 the employer has fully paid any previous penalty assessed under
1017 this section. If an order of conditional release is issued,
1018 failure by the employer to pay the penalty in full or enter into
1019 a payment agreement with the department within 21 days after
1020 service of the first penalty assessment calculation upon the
1021 employer, or to meet any term or condition of such penalty
1022 payment agreement, must ~~shall~~ result in the immediate
1023 reinstatement of the stop-work order and the entire unpaid
1024 balance of the penalty becoming ~~shall become~~ immediately due.
1025 The department may accept a credit card payment for the \$1,000

1026 down payment. Chargeback of the credit card payment must result
1027 in the immediate reinstatement of the stop-work order and, if a
1028 penalty assessment calculation has been served on the employer,
1029 the entire unpaid balance of the penalty becomes immediately
1030 due, or if a penalty assessment calculation has not been served
1031 on the employer, the entire balance of the penalty becomes
1032 immediately due upon service. The department may issue an order
1033 of conditional release from the reinstated stop-work order upon
1034 payment of the \$1,000 down payment by cashier's check or money
1035 order and if otherwise eligible, may enter into a payment
1036 agreement schedule for periodic payment of the remaining penalty
1037 amount.

1038 **Section 17. Section 497.1411, Florida Statutes, is created**
1039 **to read:**

1040 497.1411 Disqualification of applicants and licenses;
1041 penalties against licensees; rulemaking.—

1042 (1) For purposes of this section, the term:

1043 (a) "Applicant" means an individual applying for licensure
1044 or relicensure under this chapter, and an officer, a director, a
1045 majority owner, a partner, a manager, or other person who
1046 manages or controls an entity applying for licensure or
1047 relicensure under this chapter.

1048 (b) "Felony of the first degree" and "capital felony"
1049 include such classified felonies as defined in s. 775.081.

1050 (2) An applicant who has been found guilty of or has

1051 pleaded guilty or nolo contendere to any of the following
1052 crimes, regardless of adjudication, is permanently barred from
1053 licensure under this chapter:

1054 (a) A felony of the first degree.

1055 (b) A felony directly or indirectly involving conduct
1056 regulated under this chapter.

1057 (3) An applicant who has been found guilty of or has
1058 pleaded guilty or nolo contendere to a crime not included in
1059 subsection (2), regardless of adjudication, is subject to:

1060 (a) A 10-year disqualifying period for all felonies
1061 involving moral turpitude which are not specifically included in
1062 the permanent bar contained in subsection (2).

1063 (b) A 5-year disqualifying period for all felonies to
1064 which neither the permanent bar in subsection (2) nor the 10-
1065 year disqualifying period in paragraph (a) applies.

1066 Notwithstanding subsection (4), an applicant who served at least
1067 half of the disqualifying period may apply for a license if,
1068 during that time, the applicant has not been found guilty of or
1069 has not pleaded guilty or nolo contendere to a crime. The
1070 division may issue the license on a probationary basis for the
1071 remainder of the disqualifying period. The applicant's
1072 probationary period ends at the end of the disqualifying period.

1073 (c) A 5-year disqualifying period for all misdemeanors
1074 directly related to this chapter.

1075 (4) The board shall adopt rules to administer this

1076 section. The rules must specify additional disqualification
1077 periods for applicants who have committed multiple crimes and
1078 may consider other relevant factors related to their criminal
1079 history. The rules must provide for mitigating and aggravating
1080 factors. However, mitigation may not result in a period of
1081 disqualification of less than 5 years and may not mitigate the
1082 disqualifying periods in paragraphs (3) (b) and (c).

1083 (5) For purposes of this section, a disqualifying period
1084 begins upon the applicant's final release from supervision or
1085 upon completion of the applicant's criminal sentence. The
1086 department may not issue a license to an applicant until the
1087 applicant provides proof that all related fines, court costs and
1088 fees, and court-ordered restitution have been paid.

1089 (6) After the disqualifying period has expired, the burden
1090 is on the applicant to demonstrate that he or she has been
1091 rehabilitated, does not pose a risk to the public, is fit and
1092 trustworthy to engage in business regulated by this chapter, and
1093 is otherwise qualified for licensure.

1094 (7) Notwithstanding subsections (2) and (3), an applicant
1095 who has been found guilty of, or has pleaded guilty or nolo
1096 contendere to, a crime in subsection (2) or subsection (3), and
1097 who has subsequently been granted a pardon or the restoration of
1098 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
1099 State Constitution, or a pardon or the restoration of civil
1100 rights under the laws of another jurisdiction with respect to a

1101 conviction in that jurisdiction, is not barred or disqualified
1102 from licensure under this chapter; however, such a pardon or
1103 restoration of civil rights does not require the department to
1104 award such license.

1105 (8) (a) The board may grant an exemption from
1106 disqualification to any person disqualified from licensure under
1107 subsection (3) if:

1108 1. The applicant has paid in full any fee, fine, fund,
1109 lien, civil judgment, restitution, or cost of prosecution
1110 imposed by the court as part of the judgment and sentence for
1111 any disqualifying offense; and

1112 2. At least 5 years have elapsed since the applicant
1113 completed or has been lawfully released from confinement,
1114 supervision, or nonmonetary condition imposed by the court for a
1115 disqualifying offense.

1116 (b) For the board to grant an exemption under this
1117 subsection, the applicant must clearly and convincingly
1118 demonstrate that he or she would not pose a risk to persons or
1119 property if licensed under this chapter, evidence of which must
1120 include, but need not be limited to, facts and circumstances
1121 surrounding the disqualifying offense, the time that has elapsed
1122 since the offense, the nature of the offense and harm caused to
1123 the victim, the applicant's history before and after the
1124 offense, and any other evidence or circumstances indicating that
1125 the applicant will not present a danger if licensed or

1126 certified.

1127 (c) The board has discretion whether to grant or deny an
 1128 exemption under this subsection. The board's decision of whether
 1129 to grant or deny an exemption is subject to chapter 120.

1130 (9) The disqualification periods provided in this section
 1131 do not apply to the renewal of a license or to a new application
 1132 for licensure if the applicant has an active license as of July
 1133 1, 2021, and the applicable criminal history was considered by
 1134 the board on the prior approval of any active license held by
 1135 the applicant. This section does not affect any criminal history
 1136 disclosure requirements of this chapter.

1137 **Section 18. Subsection (9) and paragraph (c) of subsection**
 1138 **(10) of section 497.142, Florida Statutes, are amended to read:**

1139 497.142 Licensing; fingerprinting and criminal background
 1140 checks.—

1141 (9) If any applicant under this chapter has been, ~~within~~
 1142 ~~the 10 years preceding the application under this chapter,~~
 1143 convicted or found guilty of, or entered a plea of nolo
 1144 contendere to, regardless of adjudication, any crime in any
 1145 jurisdiction, the application may ~~shall~~ not be deemed complete
 1146 until such time as the applicant provides such certified true
 1147 copies of the court records evidencing the conviction, finding,
 1148 or plea, as required in this section or as the licensing
 1149 authority may by rule require.

1150 (10)

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1151 (c) Crimes to be disclosed are:

1152 1. Any felony ~~or misdemeanor~~, no matter when committed,
1153 ~~that was directly or indirectly related to or involving any~~
1154 ~~aspect of the practice or business of funeral directing,~~
1155 ~~embalming, direct disposition, cremation, funeral or cemetery~~
1156 ~~preneed sales, funeral establishment operations, cemetery~~
1157 ~~operations, or cemetery monument or marker sales or~~
1158 ~~installation.~~

1159 2. Any misdemeanor, no matter when committed, which was
1160 directly or indirectly related to the practice or activities
1161 regulated under this chapter ~~Any other felony not already~~
1162 ~~disclosed under subparagraph 1. that was committed within the 20~~
1163 ~~years immediately preceding the application under this chapter.~~

1164 3. Any other misdemeanor not already disclosed under
1165 subparagraph 2. which ~~1. that~~ was committed within the 5 years
1166 immediately preceding the application under this chapter.

1167 **Section 19. Paragraphs (c) and (d) of subsection (1) of**
1168 **section 497.369, Florida Statutes, are redesignated as**
1169 **paragraphs (d) and (e), respectively, subsections (3), (4), and**
1170 **(5) are renumbered as subsections (2), (3), and (4),**
1171 **respectively, paragraph (b) of subsection (1), subsection (2),**
1172 **and paragraph (a) of present subsection (5) are amended, and a**
1173 **new paragraph (c) is added to subsection (1) of that section, to**
1174 **read:**

1175 497.369 Embalmers; licensure as an embalmer by

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1176 endorsement; licensure of a temporary embalmer.-

1177 (1) The licensing authority shall issue a license by
1178 endorsement to practice embalming to an applicant who has
1179 remitted an examination fee set by rule of the licensing
1180 authority not to exceed \$200 and who the licensing authority
1181 certifies:

1182 (b)1. Has submitted proof satisfactory to the licensing
1183 authority that the applicant is at least 18 years of age and is
1184 a recipient of a high school diploma or its equivalent; or

1185 2. Holds a valid license in good standing to practice
1186 embalming in another state of the United States and has engaged
1187 in the full-time, licensed practice of embalming in that state
1188 for at least 5 years.~~;~~ ~~or~~

1189 (c)1. Has submitted an application for licensure by
1190 endorsement based upon experience acquired in the deathcare
1191 industry in another state. To meet the qualifications for such
1192 licensure based upon experience, an applicant must hold a valid
1193 license in good standing to practice embalming in another state
1194 of the United States and have engaged in the full-time, licensed
1195 practice of embalming in that state for at least 5 years. If the
1196 applicant's proven experience is more than 5 years but less than
1197 10 years, the applicant must additionally have passed an
1198 examination on the subjects of the theory and practice of
1199 embalming, restorative art, pathology, anatomy, microbiology,
1200 chemistry, hygiene, public health and sanitation, and local,

1201 state, and federal laws and rules relating to the disposition of
1202 dead human bodies; however, the licensing authority may by rule
1203 approve the use of a national examination, such as the embalming
1204 examination prepared by the Conference of Funeral Service
1205 Examining Boards, in lieu of part of this examination
1206 requirement. If the applicant's proven experience in the
1207 deathcare industry of another state exceeds 10 years, the
1208 applicant does not need to meet this examination requirement.

1209 2. Alternatively, an applicant may submit an application
1210 for licensure by endorsement based upon education related to the
1211 deathcare industry obtained in another state. To meet the
1212 qualifications for such licensure based upon education, an
1213 applicant must meet ~~Meets~~ the qualifications for licensure in s.
1214 497.368, have ~~except that the internship requirement shall be~~
1215 deemed to have been satisfied by 1 year's practice as a licensed
1216 embalmer in another state, and has, within 10 years before the
1217 date of application, successfully completed a state, regional,
1218 or national examination in mortuary science ~~which~~, as determined
1219 by rule of the licensing authority, and have completed a 1-year
1220 internship under a licensed embalmer, except that the internship
1221 requirement is deemed to have been satisfied if the applicant
1222 has held a valid license in good standing to practice embalming
1223 in another state of the United States and has engaged in the
1224 full-time, licensed practice of embalming in that state for at
1225 least 1 year ~~is substantially equivalent to or more stringent~~

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1226 ~~than the examination given by the licensing authority.~~

1227 ~~(2) State, regional, or national examinations and~~
1228 ~~requirements for licensure in another state shall be presumed to~~
1229 ~~be substantially equivalent to or more stringent than the~~
1230 ~~examination and requirements in this state unless found~~
1231 ~~otherwise by rule of the licensing authority.~~

1232 (4) (a) ~~(5) (a)~~ ~~There may be adopted by~~ The licensing
1233 ~~authority may adopt~~ rules authorizing an applicant who has met
1234 the requirements of subsection (1) ~~paragraphs (1) (b) and (c)~~ and
1235 who is awaiting an opportunity to take the examination required
1236 by subsection (3) ~~(4)~~ to be licensed as a temporary licensed
1237 embalmer. A temporary licensed embalmer may work as an embalmer
1238 in a licensed funeral establishment under the general
1239 supervision of a licensed embalmer. Such temporary license shall
1240 expire 60 days after the date of the next available examination
1241 required under subsection (3) ~~(4)~~; however, the temporary
1242 license may be renewed one time under the same conditions as
1243 initial issuance. The fee for issuance or renewal of an embalmer
1244 temporary license shall be set by rule of the licensing
1245 authority but may not exceed \$200. The fee required in this
1246 subsection shall be nonrefundable and in addition to the fee
1247 required in subsection (1).

1248 **Section 20. Paragraphs (b), (c), and (d) of subsection (1)**
1249 **of section 497.374, Florida Statutes, are redesignated as**
1250 **paragraphs (c), (d), and (e), respectively, subsections (4) and**

1251 (5) are renumbered as subsections (3) and (4), respectively,
1252 present paragraph (b) of subsection (1), subsection (3), and
1253 present subsection (5) are amended, and a new paragraph (b) is
1254 added to subsection (1) of that section, to read:

1255 497.374 Funeral directing; licensure as a funeral director
1256 by endorsement; licensure of a temporary funeral director.—

1257 (1) The licensing authority shall issue a license by
1258 endorsement to practice funeral directing to an applicant who
1259 has remitted a fee set by rule of the licensing authority not to
1260 exceed \$200 and who:

1261 (b) Submitted proof satisfactory to the licensing
1262 authority that the applicant is at least 18 years of age and is
1263 a recipient of a high school diploma or equivalent.

1264 (c)1.~~(b)~~1. Submitted an application for licensure by
1265 endorsement based upon experience acquired in the deathcare
1266 industry in another state. To meet the qualifications for such
1267 licensure based upon experience, an applicant must hold a valid
1268 license in good standing to practice funeral directing in
1269 another state of the United States and have engaged in the full-
1270 time, licensed practice of funeral directing in that state for
1271 at least 5 years. If the applicant's proven experience is more
1272 than 5 years but less than 10 years, the applicant must
1273 additionally have passed an examination on the theory and
1274 practice of funeral directing and funeral service arts; however,
1275 the licensing authority may approve by rule the use of a

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1276 national examination, such as the funeral services arts
1277 examination prepared by the Conference of Funeral Service
1278 Examining Boards, in lieu of this examination requirement. If
1279 the applicant's proven experience in the deathcare industry of
1280 another state exceeds 10 years, the applicant does not need to
1281 meet this examination requirement. ~~Holds a valid license in good~~
1282 ~~standing to practice funeral directing in another state of the~~
1283 ~~United States and has engaged in the full-time, licensed~~
1284 ~~practice of funeral directing in that state for at least 5~~
1285 ~~years; or~~

1286 2. Alternatively, an applicant may submit an application
1287 for licensure by endorsement based upon education related to the
1288 deathcare industry obtained in another state. To meet the
1289 qualifications for such licensure based upon education, an
1290 applicant must meet ~~Meets~~ the qualifications for licensure in s.
1291 497.373, except that the applicant need not hold an associate
1292 degree or higher if the applicant holds a diploma or certificate
1293 from an accredited program of mortuary science, and have ~~has~~
1294 successfully completed a state, regional, or national
1295 examination in mortuary science or funeral service arts ~~which,~~
1296 as determined by rule of the licensing authority and have
1297 completed a 1-year internship under a licensed funeral director,
1298 except that the internship requirement shall be deemed to have
1299 been satisfied if the applicant has held a valid license in good
1300 standing to practice funeral directing in another state of the

1301 United States and engaged in the full-time, licensed practice of
 1302 funeral directing in that state for at least 1 year, ~~is~~
 1303 ~~substantially equivalent to or more stringent than the~~
 1304 ~~examination given by the licensing authority.~~

1305 ~~(3) State, regional, or national examinations and~~
 1306 ~~requirements for licensure in another state shall be presumed to~~
 1307 ~~be substantially equivalent to or more stringent than the~~
 1308 ~~examination and requirements in this state unless found~~
 1309 ~~otherwise by rule of the licensing authority.~~

1310 (4) ~~(5)~~ The licensing authority may adopt ~~There may be~~
 1311 ~~adopted~~ rules authorizing an applicant who has met the
 1312 requirements of subsection (1) ~~paragraphs (1)(b) and (c)~~ and who
 1313 is awaiting an opportunity to take the examination required by
 1314 subsection (3) ~~(4)~~ to obtain a license as a temporary funeral
 1315 director. A licensed temporary funeral director may work as a
 1316 funeral director in a licensed funeral establishment under the
 1317 general supervision of a funeral director licensed under
 1318 subsection (1) or s. 497.373. Such license shall expire 60 days
 1319 after the date of the next available examination required under
 1320 subsection (3) ~~(4)~~; however, the temporary license may be
 1321 renewed one time under the same conditions as initial issuance.
 1322 The fee for initial issuance or renewal of a temporary license
 1323 under this subsection shall be set by rule of the licensing
 1324 authority but may not exceed \$200. The fee required in this
 1325 subsection shall be nonrefundable and in addition to the fee

1326 required in subsection (1). A member of the United States Armed
 1327 Forces, such member's spouse, and a veteran of the United States
 1328 Armed Forces who separated from service within the 2 years
 1329 preceding application for licensure are exempt from the initial
 1330 issuance fee. To qualify for the initial issuance fee exemption,
 1331 an applicant must provide a copy of a military identification
 1332 card, military dependent identification card, military service
 1333 record, military personnel file, veteran record, discharge
 1334 paper, or separation document that indicates such member is
 1335 currently in good standing or such veteran was honorably
 1336 discharged.

1337 **Section 21. Section 497.376, Florida Statutes, is amended**
 1338 **to read:**

1339 497.376 License as funeral director and embalmer
 1340 permitted.—

1341 (1) This chapter does not prohibit a person from holding a
 1342 license as an embalmer and a license as a funeral director at
 1343 the same time. There may be issued and renewed by the licensing
 1344 authority a combination license as both funeral director and
 1345 embalmer to persons meeting the separate requirements for both
 1346 licenses as set forth in this chapter. The licensing authority
 1347 may adopt rules providing procedures for applying for and
 1348 renewing such combination license. Such combination license may
 1349 be obtained by meeting the requirements for licensure by
 1350 examination set out in ss. 497.368 and 497.373.

1351 (2) The licensing authority may by rule establish
 1352 application, renewal, and other fees for such combination
 1353 license, which fees may not exceed the sum of the maximum fees
 1354 for the separate funeral director and embalmer license
 1355 categories as provided in this chapter. A person holding a
 1356 combination license as a funeral director and an embalmer is
 1357 subject to regulation under this chapter both as a funeral
 1358 director and an embalmer.

1359 ~~(2)~~ Except as provided in s. 497.377, an applicant for a
 1360 combination license as both a funeral director and an embalmer,
 1361 obtained by meeting the requirements for licensure by
 1362 examination set out in ss. 497.368 and 497.373, must hold the
 1363 educational credentials required for licensure of a funeral
 1364 director under s. 497.373(1)(d).

1365 **Section 22. Subsection (1) of section 497.380, Florida**
 1366 **Statutes, is amended to read:**

1367 497.380 Funeral establishment; licensure; display of
 1368 license.—

1369 (1) A funeral establishment shall be a place at a specific
 1370 street address or location consisting of at least 1,250
 1371 contiguous interior square feet and shall maintain or make
 1372 arrangements for capacity for the refrigeration and storage of
 1373 dead human bodies handled and stored by the establishment and a
 1374 preparation room equipped with necessary ventilation and
 1375 drainage and containing necessary instruments for embalming dead

1376 human bodies or shall make arrangements for a preparation room
1377 as established by rule. For purposes of this subsection, the
1378 1,250 contiguous interior square feet may not include any square
1379 footage designated in the cooperative documents as common areas.

1380 **Section 23. Subsection (5) of section 497.386, Florida**
1381 **Statutes, is amended to read:**

1382 497.386 Storage, preservation, and transportation of human
1383 remains.—

1384 (5) In the event of an emergency situation, including the
1385 abandonment of any establishments or facilities licensed under
1386 this chapter ~~or any medical examiner's facility, morgue, or~~
1387 ~~cemetery holding facility,~~ the department may enter and secure
1388 such establishment or ~~facility, or morgue~~ during or outside of
1389 normal business hours and remove human remains and cremated
1390 remains from the establishment or ~~facility, or morgue~~. For
1391 purposes of this subsection, the department shall determine
1392 whether ~~if~~ a facility is abandoned and whether ~~if~~ there is an
1393 emergency situation. A licensee or licensed facility that
1394 accepts transfer of human remains and cremated remains from the
1395 department pursuant to this subsection may not be held liable
1396 for the condition of any human remains or cremated remains at
1397 the time of transfer.

1398 **Section 24. Paragraph (b) of subsection (9) of section**
1399 **497.604, Florida Statutes, is amended to read:**

1400 497.604 Direct disposal establishments, license required;

1401 licensing procedures and criteria; license renewal; regulation;
1402 display of license.—

1403 (9) REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.—

1404 (b) The practice of direct disposition must be engaged in
1405 at a fixed location of at least 625 contiguous interior
1406 ~~contiguous~~ square feet and must maintain or make arrangements
1407 for suitable capacity for the refrigeration and storage of dead
1408 human bodies handled and stored by the establishment. For
1409 purposes of this subsection, the 625 contiguous interior square
1410 feet may not include any square footage designated in the
1411 cooperative documents as common areas.

1412 **Section 25. Subsections (1) and (2) of section 554.103,**
1413 **Florida Statutes, are amended to read:**

1414 554.103 Boiler code.—The department shall adopt by rule a
1415 State Boiler Code for the safe construction, installation,
1416 inspection, maintenance, and repair of boilers in this state.
1417 The rules adopted shall be based upon and shall at all times
1418 follow generally accepted nationwide engineering standards,
1419 formulas, and practices pertaining to boiler construction and
1420 safety.

1421 (1) The department shall adopt the latest version of the
1422 ~~an existing~~ code for new construction and installation known as
1423 the Boiler and Pressure Vessel Code of the American Society of
1424 Mechanical Engineers, including all amendments and
1425 interpretations to the A.S.M.E. Boiler and Pressure Vessel Code

1426 approved by the A.S.M.E. Council on Codes and Standards
1427 subsequent to the adoption of the State Boiler Code, and when so
1428 adopted by the department, such amendments and interpretations
1429 become a part of the State Boiler Code.

1430 (2) The installer of any boiler placed in use in this
1431 state after January 1, 2018, must, before installing the boiler,
1432 apply on a form adopted by rule of the department for an
1433 application ~~a permit~~ to install the boiler from the chief boiler
1434 inspector. The application must include the boiler's A.S.M.E.
1435 manufacturer's data report and other documents required by the
1436 State Boiler Code before the boiler is placed in service. The
1437 installer must contact the chief boiler inspector to schedule an
1438 inspection for each boiler no later than 7 days before the
1439 boiler is placed in service.

1440 **Section 26. Subsection (1) of section 554.108, Florida**
1441 **Statutes, is amended to read:**

1442 554.108 Inspection.—

1443 (1) The inspection requirements of this chapter apply only
1444 to boilers that are regulated by this chapter ~~located in public~~
1445 ~~assembly locations~~. A boiler with an input of 200,000 British
1446 thermal units (Btu) per hour and above, up to an input not
1447 exceeding 400,000 Btu per hour, is exempt from inspection;
1448 however, such an exempt boiler, if manufactured after July 1,
1449 2022, must be stamped with the A.S.M.E. code symbol.
1450 Additionally, the A.S.M.E. data report of a boiler with an input

1451 of 200,000 to 400,000 Btu per hour must be filed as required
 1452 under s. 554.103(2).

1453 **Section 27. Subsection (1) of section 554.114, Florida**
 1454 **Statutes, is amended to read:**

1455 554.114 Prohibitions; penalties.—

1456 (1) A person may not do any of the following:

1457 (a) Operate a boiler that is regulated by this chapter at
 1458 ~~a public assembly location~~ without a valid certificate of
 1459 operation for that boiler.†

1460 (b) Use a certificate of operation for any boiler other
 1461 than for the boiler for which it was issued.†

1462 (c) Operate a boiler for which the certificate of
 1463 operation has been suspended, revoked, or not renewed.†~~or~~

1464 (d) Inspect any boiler regulated under this chapter
 1465 without having a valid certificate of competency.

1466 **Section 28. Paragraph (d) of subsection (1) of section**
 1467 **554.115, Florida Statutes, is amended to read:**

1468 554.115 Disciplinary proceedings.—

1469 (1) The department may deny, refuse to renew, suspend, or
 1470 revoke a certificate of operation upon proof that:

1471 (d) The owner of a boiler:

1472 1. Operated a boiler that is regulated by this chapter at
 1473 ~~a public assembly location~~ without a valid certificate of
 1474 operation for that boiler;

1475 2. Used a certificate of operation for a boiler other than

1476 the boiler for which the certificate of operation was issued;

1477 3. Gave false or forged information to the department, to
 1478 an authorized inspection agency, or to another boiler inspector
 1479 for the purpose of obtaining a certificate of operation;

1480 4. Operated a boiler after the certificate of operation
 1481 for the boiler expired, was not renewed, or was suspended or
 1482 revoked;

1483 5. Operated a boiler that is in an unsafe condition; or

1484 6. Operated a boiler in a manner that is contrary to the
 1485 requirements of this chapter or any rule adopted under this
 1486 chapter.

1487 **Section 29. Section 554.116, Florida Statutes, is created**
 1488 **to read:**

1489 554.116 Carbon monoxide.—The owner or user shall install a
 1490 carbon monoxide detector or alarm on all boilers and fire
 1491 pressured vessels that are regulated by this chapter.

1492 **Section 30. Section 554.117, Florida Statutes, is created**
 1493 **to read:**

1494 554.117 Conduct of an examination of any boiler.—

1495 (1) In accordance with s. 633.112, the Division of State
 1496 Fire Marshal may conduct an examination of any boiler covered by
 1497 this chapter.

1498 (2) The division shall, upon receipt of a complaint,
 1499 review the nature of the complaint and conduct an examination if
 1500 necessary.

1501 **Section 31. Paragraph (b) of subsection (10) of section**
 1502 **624.307, Florida Statutes, is amended to read:**

1503 624.307 General powers; duties.—

1504 (10)

1505 (b) Notwithstanding any provision in chapter 634, any
 1506 person licensed or issued a certificate of authority or made an
 1507 eligible surplus lines insurer by the department or the office
 1508 shall respond, in writing or electronically, to the division
 1509 within 14 days after receipt of a written request for documents
 1510 and information from the division concerning a consumer
 1511 complaint. The response must address the issues and allegations
 1512 raised in the complaint and include any requested documents
 1513 concerning the consumer complaint not subject to attorney-client
 1514 or work-product privilege. The division may impose an
 1515 administrative penalty for failure to comply with this paragraph
 1516 of up to \$5,000 per violation upon any entity licensed by the
 1517 department or the office and up to \$1,000 per violation by any
 1518 individual licensed by the department or the office.

1519 **Section 32. Section 624.317, Florida Statutes, is amended**
 1520 **to read:**

1521 624.317 Investigation of agents, adjusters,
 1522 administrators, service companies, and others.—

1523 (1) If it has reason to believe that any person has
 1524 violated or is violating any provision of this code, or upon the
 1525 written complaint signed by any interested person indicating

1526 that any such violation may exist:

1527 ~~(a)(1)~~ The department must ~~shall~~ conduct such
 1528 investigation as it deems necessary of the accounts, records,
 1529 documents, and transactions pertaining to or affecting the
 1530 insurance affairs of any agent, adjuster, insurance agency,
 1531 customer representative, service representative, or other person
 1532 subject to its jurisdiction, subject to the requirements of s.
 1533 626.601.

1534 ~~(b)(2)~~ The office must ~~shall~~ conduct such investigation as
 1535 it deems necessary of the accounts, records, documents, and
 1536 transactions pertaining to or affecting the insurance affairs of
 1537 any:

1538 ~~1.(a)~~ Administrator, service company, or other person
 1539 subject to its jurisdiction.

1540 ~~2.(b)~~ Person having a contract or power of attorney under
 1541 which she or he enjoys in fact the exclusive or dominant right
 1542 to manage or control an insurer.

1543 ~~3.(c)~~ Person engaged in or proposing to be engaged in the
 1544 promotion or formation of:

1545 ~~a.1.~~ A domestic insurer;

1546 ~~b.2.~~ An insurance holding corporation; or

1547 ~~c.3.~~ A corporation to finance a domestic insurer or in the
 1548 production of the domestic insurer's business.

1549 (2) Any person licensed or issued a certificate of
 1550 authority by the department or the office shall, in writing or

1551 electronically, respond to the department or office within 14
1552 days after receipt of a written request for documents and
1553 information from the department or office concerning records
1554 pertinent to an ongoing investigation. The response must address
1555 the issues and allegations raised in the investigation and
1556 include any requested documents not subject to attorney-client
1557 or work-product privilege. The department or office may impose
1558 an administrative penalty for failure to comply with this
1559 subsection of up to \$5,000 per violation upon any person
1560 licensed or issued a certificate of authority by the department
1561 or office.

1562 **Section 33. Section 626.171, Florida Statutes, is amended**
1563 **to read:**

1564 626.171 Application for license as an agent, customer
1565 representative, adjuster, or service representative,~~or~~
1566 ~~reinsurance intermediary.~~

1567 (1) The department may not issue a license as agent,
1568 customer representative, adjuster, or service representative,~~or~~
1569 ~~reinsurance intermediary~~ to any person except upon written
1570 application filed with the department, meeting the
1571 qualifications for the license applied for as determined by the
1572 department, and payment in advance of all applicable fees. The
1573 application must be made under the oath of the applicant and be
1574 signed by the applicant. An applicant may permit a third party
1575 to complete, submit, and sign an application on the applicant's

1576 | behalf, but is responsible for ensuring that the information on
1577 | the application is true and correct and is accountable for any
1578 | misstatements or misrepresentations. The department shall accept
1579 | the uniform application for resident and nonresident agent and
1580 | adjuster licensing. The department may adopt revised versions of
1581 | the uniform application by rule.

1582 | (2) In the application, the applicant must include ~~shall~~
1583 | ~~set forth~~:

1584 | (a) The applicant's ~~His or her~~ full name, age, social
1585 | security number, residence address, business address, mailing
1586 | address, contact telephone numbers, including a business
1587 | telephone number, and e-mail address.

1588 | (b) A statement indicating the method the applicant used
1589 | or is using to meet any required prelicensing education,
1590 | knowledge, experience, or instructional requirements for the
1591 | type of license applied for.

1592 | (c) Whether the applicant ~~he or she~~ has been refused or
1593 | has voluntarily surrendered or has had suspended or revoked a
1594 | license to solicit insurance by the department or by the
1595 | supervising officials of any state.

1596 | (d) Whether any insurer or any managing general agent
1597 | claims the applicant is indebted under any agency contract or
1598 | otherwise and, if so, the name of the claimant, the nature of
1599 | the claim, and the applicant's defense thereto, if any.

1600 | (e) Proof that the applicant meets the requirements for

1601 the type of license for which he or she is applying.

1602 (f) The applicant's gender (male or female).

1603 (g) The applicant's native language.

1604 (h) The highest level of education achieved by the
1605 applicant.

1606 (i) The applicant's race or ethnicity (African American,
1607 white, American Indian, Asian, Hispanic, or other).

1608 (j) Such other or additional information as the department
1609 may deem proper to enable it to determine the character,
1610 experience, ability, and other qualifications of the applicant
1611 to hold himself or herself out to the public as an insurance
1612 representative.

1613
1614 However, the application must contain a statement that an
1615 applicant is not required to disclose his or her race or
1616 ethnicity, gender, or native language, that he or she will not
1617 be penalized for not doing so, and that the department will use
1618 this information exclusively for research and statistical
1619 purposes and to improve the quality and fairness of the
1620 examinations. The department may ~~shall~~ make provisions for
1621 applicants, voluntarily, to submit their cellular telephone
1622 numbers as part of the application process solely ~~on a voluntary~~
1623 ~~basis only~~ for the purpose of two-factor authentication of
1624 secure login credentials ~~only~~.

1625 (3) Each application must be accompanied by payment of any

1626 applicable fee.

1627 (4) An applicant for a license issued by the department
1628 under this chapter must submit a set of the individual
1629 applicant's fingerprints, or, if the applicant is not an
1630 individual, a set of the fingerprints of the sole proprietor,
1631 majority owner, partners, officers, and directors, to the
1632 department and must pay the fingerprint processing fee set forth
1633 in s. 624.501. Fingerprints must be processed in accordance with
1634 s. 624.34 and used to investigate the applicant's qualifications
1635 pursuant to s. 626.201. The fingerprints must be taken by a law
1636 enforcement agency or other department-approved entity. The
1637 department may not approve an application for licensure as an
1638 agent, customer ~~service~~ representative, adjuster, or service
1639 representative, ~~or reinsurance intermediary~~ if fingerprints have
1640 not been submitted.

1641 (5) The application for license filing fee prescribed in
1642 s. 624.501 is not subject to refund.

1643 (6) Members of the United States Armed Forces and their
1644 spouses, and veterans of the United States Armed Forces who have
1645 separated from service ~~within 24 months~~ before application for
1646 licensure, are exempt from the application filing fee prescribed
1647 in s. 624.501. Qualified individuals must provide a copy of a
1648 military identification card, military dependent identification
1649 card, military service record, military personnel file, veteran
1650 record, discharge paper or separation document that indicates

1651 such members are currently in good standing or such veterans
1652 were honorably discharged.

1653 (7) Pursuant to the federal Personal Responsibility and
1654 Work Opportunity Reconciliation Act of 1996, each party is
1655 required to provide his or her social security number in
1656 accordance with this section. Disclosure of social security
1657 numbers obtained through this requirement must be limited to the
1658 purpose of administration of the Title IV-D program for child
1659 support enforcement.

1660 **Section 34. Paragraph (c) of subsection (3) of section**
1661 **626.2815, Florida Statutes, is amended to read:**

1662 626.2815 Continuing education requirements.—

1663 (3) Each licensee except a title insurance agent must
1664 complete a 4-hour update course every 2 years which is specific
1665 to the license held by the licensee. The course must be
1666 developed and offered by providers and approved by the
1667 department. The content of the course must address all lines of
1668 insurance for which examination and licensure are required and
1669 include the following subject areas: insurance law updates,
1670 ethics for insurance professionals, disciplinary trends and case
1671 studies, industry trends, premium discounts, determining
1672 suitability of products and services, and other similar
1673 insurance-related topics the department determines are relevant
1674 to legally and ethically carrying out the responsibilities of
1675 the license granted. A licensee who holds multiple insurance

1676 licenses must complete an update course that is specific to at
1677 least one of the licenses held. Except as otherwise specified,
1678 any remaining required hours of continuing education are
1679 elective and may consist of any continuing education course
1680 approved by the department under this section.

1681 (c) A licensee who has been licensed for 25 years or more
1682 is not required to complete any continuing education elective
1683 hours if it is determined that the licensee also possesses one
1684 of the following qualifications:

1685 1. Has received a chartered life underwriter designation;

1686 2. Has received a chartered property and casualty
1687 underwriter designation; or

1688 3. Has received a bachelor of science degree or higher in
1689 risk management or insurance, with evidence of 18 or more
1690 semester hours in insurance-related courses and is a CLU or a
1691 ~~CPCU or has a Bachelor of Science degree or higher in risk~~
1692 ~~management or insurance with evidence of 18 or more semester~~
1693 ~~hours in insurance-related courses must also complete a minimum~~
1694 ~~of 6 hours of elective continuing education courses every 2~~
1695 ~~years.~~

1696 **Section 35. Paragraph (c) of subsection (2) of section**
1697 **626.292, Florida Statutes, is amended to read:**

1698 626.292 Transfer of license from another state.—

1699 (2) To qualify for a license transfer, an individual
1700 applicant must meet the following requirements:

1701 (c) The individual must submit a completed application for
 1702 this state which is received by the department within 90 days
 1703 after the date the individual became a resident of this state,
 1704 along with payment of the applicable fees set forth in s.
 1705 624.501 and submission of the following documents:

1706 1. A certification issued by the appropriate official of
 1707 the applicant's home state identifying the type of license and
 1708 lines of authority under the license and stating that, ~~at the~~
 1709 ~~time the license from the home state was canceled,~~ the applicant
 1710 was in good standing in that state or that the state's Producer
 1711 Database records, maintained by the National Association of
 1712 Insurance Commissioners, its affiliates, or subsidiaries,
 1713 indicate that the agent or all-lines adjuster is or was licensed
 1714 in good standing for the line of authority requested.

1715 2. A set of the applicant's fingerprints in accordance
 1716 with s. 626.171(4).

1717 **Section 36. Paragraph (h) of subsection (1) of section**
 1718 **626.611, Florida Statutes, is amended to read:**

1719 626.611 Grounds for compulsory refusal, suspension, or
 1720 revocation of agent's, title agency's, adjuster's, customer
 1721 representative's, service representative's, or managing general
 1722 agent's license or appointment.—

1723 (1) The department shall deny an application for, suspend,
 1724 revoke, or refuse to renew or continue the license or
 1725 appointment of any applicant, agent, title agency, adjuster,

1726 customer representative, service representative, or managing
 1727 general agent, and it shall suspend or revoke the eligibility to
 1728 hold a license or appointment of any such person, if it finds
 1729 that as to the applicant, licensee, or appointee any one or more
 1730 of the following applicable grounds exist:

1731 (h) Demonstrated lack of technical ability ~~reasonably~~
 1732 ~~adequate knowledge~~ and ~~technical~~ competence in the duties and
 1733 responsibilities deemed necessary by the department to engage in
 1734 the transactions authorized by the license or appointment.

1735 **Section 37. Subsections (10) and (16) of section 626.621,**
 1736 **Florida Statutes, are amended to read:**

1737 626.621 Grounds for discretionary refusal, suspension, or
 1738 revocation of agent's, adjuster's, customer representative's,
 1739 service representative's, or managing general agent's license or
 1740 appointment.—The department may, in its discretion, deny an
 1741 application for, suspend, revoke, or refuse to renew or continue
 1742 the license or appointment of any applicant, agent, adjuster,
 1743 customer representative, service representative, or managing
 1744 general agent, and it may suspend or revoke the eligibility to
 1745 hold a license or appointment of any such person, if it finds
 1746 that as to the applicant, licensee, or appointee any one or more
 1747 of the following applicable grounds exist under circumstances
 1748 for which such denial, suspension, revocation, or refusal is not
 1749 mandatory under s. 626.611:

1750 (10) Failure to inform the department in writing within 30

1751 days after pleading guilty or nolo contendere to, or being
1752 convicted or found guilty of, any felony or a crime punishable
1753 by imprisonment of 1 year or more, or a misdemeanor directly
1754 related to the financial services business, under the law of the
1755 United States or of any state thereof, or under the law of any
1756 other country without regard to whether a judgment of conviction
1757 has been entered by the court having jurisdiction of the case.

1758 (16) Taking an action that allows the personal financial
1759 or medical information of a consumer or customer to be made
1760 available or accessible to the general public, regardless of the
1761 format in which the record is stored.

1762 (a) The department, having good cause to believe that a
1763 licensee does not possess the proper knowledge as to the kinds
1764 of insurance for which the person is licensed, and of the
1765 pertinent provisions of the laws of this state, may, at any
1766 time, require him or her to submit to an examination or
1767 reexamination. Good cause as used in this paragraph must be
1768 construed to mean that a licensee's history of consumer
1769 complaints, violations of the insurance code, warnings, or other
1770 evidence is sufficient to indicate that he or she is not
1771 qualified to be licensed to transact insurance in this state.

1772 (b) Refusal or neglect of the licensee to submit to, or
1773 failing to secure a passing grade on, such examination or
1774 reexamination within 30 days after a written demand to retest
1775 shall be grounds for suspension or revocation of his or her

1776 license.

1777 **Section 38. Subsection (1) of section 626.731, Florida**
1778 **Statutes, is amended to read:**

1779 626.731 Qualifications for general lines agent's license.—

1780 (1) The department may ~~shall~~ not grant or issue a license
1781 as general lines agent to any individual found by it to be
1782 untrustworthy or incompetent or who does not meet each all of
1783 the following qualifications:

1784 (a) The applicant is a natural person at least 18 years of
1785 age.

1786 (b) The applicant is a United States citizen or legal
1787 alien who possesses work authorization from the United States
1788 Bureau of Citizenship and Immigration Services and is a bona
1789 fide resident of this state. ~~An individual who is a bona fide~~
1790 ~~resident of this state shall be deemed to meet the residence~~
1791 ~~requirement of this paragraph, notwithstanding the existence at~~
1792 ~~the time of application for license of a license in his or her~~
1793 ~~name on the records of another state as a resident licensee of~~
1794 ~~such other state, if the applicant furnishes a letter of~~
1795 ~~clearance satisfactory to the department that the resident~~
1796 ~~licenses have been canceled or changed to a nonresident basis~~
1797 ~~and that he or she is in good standing.~~

1798 (c) The applicant's place of business will be located in
1799 this state and he or she will be actively engaged in the
1800 business of insurance and will maintain a place of business, the

1801 location of which is identifiable by and accessible to the
1802 public.

1803 (d) The license is not being sought for the purpose of
1804 writing or handling controlled business, in violation of s.
1805 626.730.

1806 (e) The applicant is qualified as to knowledge,
1807 experience, or instruction in the business of insurance and
1808 meets the requirements provided in s. 626.732.

1809 (f) The applicant has passed any required examination for
1810 license required under s. 626.221.

1811 **Section 39. Subsection (2) of section 626.785, Florida**
1812 **Statutes, is amended to read:**

1813 626.785 Qualifications for license.—

1814 ~~(2) An individual who is a bona fide resident of this~~
1815 ~~state shall be deemed to meet the residence requirement of~~
1816 ~~paragraph (1) (b), notwithstanding the existence at the time of~~
1817 ~~application for license of a license in his or her name on the~~
1818 ~~records of another state as a resident licensee of such other~~
1819 ~~state, if the applicant furnishes a letter of clearance~~
1820 ~~satisfactory to the department that the resident licenses have~~
1821 ~~been canceled or changed to a nonresident basis and that he or~~
1822 ~~she is in good standing.~~

1823 **Section 40. Section 626.831, Florida Statutes, is amended**
1824 **to read:**

1825 626.831 Qualifications for license.—

1826 ~~(1)~~ The department may ~~shall~~ not grant or issue a license
 1827 as health agent as to any individual found by it to be
 1828 untrustworthy or incompetent, or who does not meet all of the
 1829 following qualifications:

1830 (1)(a) Is ~~Must~~ be a natural person of at least 18 years of
 1831 age.

1832 (2)(b) Is ~~Must~~ be a United States citizen or legal alien
 1833 who possesses work authorization from the United States Bureau
 1834 of Citizenship and Immigration Services and is a bona fide
 1835 resident of this state.

1836 (3)(c) Is ~~Must~~ not be an employee of the United States
 1837 Department of Veterans Affairs or state service office, as
 1838 referred to in s. 626.833.

1839 (4)(d) Has taken ~~Must take~~ and passed ~~pass~~ any examination
 1840 for license required under s. 626.221.

1841 (5)(e) Is ~~Must~~ be qualified as to knowledge, experience,
 1842 or instruction in the business of insurance and meets ~~meet~~ the
 1843 requirements relative thereto provided in s. 626.8311.

1844 ~~(2) An individual who is a bona fide resident of this~~
 1845 ~~state shall be deemed to meet the residence requirement of~~
 1846 ~~paragraph (1)(b), notwithstanding the existence at the time of~~
 1847 ~~application for license of a license in his or her name on the~~
 1848 ~~records of another state as a resident licensee of such other~~
 1849 ~~state, if the applicant furnishes a letter of clearance~~
 1850 ~~satisfactory to the department that the resident licenses have~~

1851 ~~been canceled or changed to a nonresident basis and that he or~~
1852 ~~she is in good standing.~~

1853 **Section 41. Subsection (6) of section 626.8417, Florida**
1854 **Statutes, is amended to read:**

1855 626.8417 Title insurance agent licensure; exemptions.—

1856 (6) If an attorney owns a corporation or other legal
1857 entity that is doing business as a title insurance agency, other
1858 than an entity engaged in the active practice of law, the agency
1859 must be licensed and appointed as a title insurance agency
1860 agent.

1861 **Section 42. Subsection (4) is added to section 626.843,**
1862 **Florida Statutes, to read:**

1863 626.843 Renewal, continuation, reinstatement, termination
1864 of title insurance agent's and title insurance agency's
1865 appointments.—

1866 (4) The department must cancel appointments of a title
1867 insurance agency if the agency fails to pay the annual title
1868 insurance agency administrative surcharge under s. 624.501 by
1869 April 1 of each reporting year. The title insurance agency is
1870 not eligible for appointment until the title insurance agency
1871 pays the administrative surcharge.

1872 **Section 43. Subsection (5) of section 626.8473, Florida**
1873 **Statutes, is amended to read:**

1874 626.8473 Escrow; trust fund.—

1875 (5) The title insurance agency shall maintain separate

1876 records of all receipts and disbursements of escrow, settlement,
 1877 or closing funds. The title insurance agency shall disclose all
 1878 fees associated with closing services to the consumer before
 1879 closing. The title insurance agency may not charge any fee that
 1880 was not disclosed to the consumer as provided in this
 1881 subsection.

1882 **Section 44. Subsections (4) and (5) are added to section**
 1883 **626.878, Florida Statutes, to read:**

1884 626.878 Rules; code of ethics.—

1885 (4) In order to ensure fair dealing in estimating losses,
 1886 an adjuster shall adhere to any requirement established by rule
 1887 when preparing and submitting a written estimate of loss. Such
 1888 requirements cannot be waived by the insured or the insurance
 1889 company.

1890 (5) The department may adopt rules to implement this
 1891 section.

1892 **Section 45. Subsection (1) of section 626.927, Florida**
 1893 **Statutes, is amended to read:**

1894 626.927 Licensing of surplus lines agent.—

1895 (1) Any individual, while licensed as a general lines
 1896 agent under this code, and who has a minimum of 1 year of
 1897 experience working for a licensed surplus lines agent, who has
 1898 received a degree in insurance from an accredited institution of
 1899 higher learning approved by the department which included 3
 1900 credit hours of instruction in surplus and excess lines, or who

1901 has successfully completed 60 class hours in surplus and excess
 1902 lines in a course approved by the department, may, upon taking
 1903 and successfully passing a written examination as to surplus
 1904 lines, as given by the department, be licensed as a surplus
 1905 lines agent solely for the purpose of placing with surplus lines
 1906 insurers property, marine, casualty, or surety coverages
 1907 originated by general lines agents.

1908 **Section 46. Subsections (11), (12), and (13) are added to**
 1909 **section 626.938, Florida Statutes, to read:**

1910 626.938 Report and tax of independently procured
 1911 coverages.—

1912 (11) Each insured who in this state procures or causes to
 1913 be procured or continues or renews insurance from another state
 1914 or country with an unauthorized, foreign, or alien insurer
 1915 legitimately licensed in that jurisdiction, or any self-insurer
 1916 who in this state so procures or continues excess loss,
 1917 catastrophe, or other insurance, upon a subject of insurance
 1918 resident, located, or to be performed within this state shall
 1919 maintain in his or her office in this state for a period of 3
 1920 years a full and true record of each insurance contract,
 1921 including applications and all certificates, cover notes, and
 1922 other forms of confirmation of insurance coverage and any
 1923 substitutions or endorsements relative to the contract procured
 1924 by the insured and showing any of the following items as may be
 1925 applicable:

- 1926 (a) Amount of the insurance and perils insured against.
- 1927 (b) Brief general description of property insured and
 1928 where located.
- 1929 (c) Gross premium charged.
- 1930 (d) Return premium collected, if any.
- 1931 (e) Rate of premium charged upon the several items of
 1932 property.
- 1933 (f) Effective date of the contract, and the terms of the
 1934 contract.
- 1935 (g) Name and address of the insured.
- 1936 (h) Name and home office address of the insurer.
- 1937 (i) Amount paid to the insurer.
- 1938 (j) Other information as may be required by the department
 1939 or the Florida Surplus Lines Service Office.
- 1940 (12) The records must at all times be available for
 1941 examination by the department or the Florida Surplus Lines
 1942 Service Office, without prior notice, and must be maintained as
 1943 provided in subsection (11).
- 1944 (13) Each unauthorized, foreign, or alien insurer or
 1945 captive insurance company receiving premiums under this section
 1946 shall, in accordance with s. 626.931(3) and (4) or, if not
 1947 applicable, on or before March 31 of each year, file with the
 1948 Florida Surplus Lines Service Office in the manner and form
 1949 directed by the Florida Surplus Lines Service Office a verified
 1950 report of all insurance transacted by such entity for insurance

risks located in this state during the preceding calendar year.

Section 47. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors prohibited.*—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any

particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 48. Section 627.70151, Florida Statutes, is amended to read:

627.70151 Appraisal; conflicts of interest.—An insurer that offers residential coverage as defined in s. 627.4025, or a policyholder that uses an appraisal clause in a property insurance contract to establish a process for estimating or evaluating the amount of loss through the use of an impartial appraiser or umpire, may challenge an appraiser's or umpire's impartiality and disqualify the proposed appraiser or umpire only if:

(1) A familial relationship within the third degree exists between the appraiser or umpire and a party or a representative of a party;

(2) The appraiser or umpire has previously represented a party in a professional capacity in the same claim or matter involving the same property;

(3) The appraiser or umpire has represented another person in a professional capacity on the same or a substantially related matter that includes the claim, the same property or an adjacent property, and the other person's interests are

2001 | materially adverse to the interests of a party; or

2002 | (4) The appraiser or umpire has worked as an employer or
2003 | employee of a party within the preceding 5 years.

2004 | **Section 49. Paragraphs (j), (k), and (l) of subsection (1)**
2005 | **of section 627.776, Florida Statutes, are redesignated as**
2006 | **paragraphs (k), (l), and (m), respectively, paragraph (a) of**
2007 | **subsection (2) is amended, and a new paragraph (j) is added to**
2008 | **subsection (1) of that section, to read:**

2009 | 627.776 Applicability or inapplicability of Florida
2010 | Insurance Code provisions to title insurers.—

2011 | (1) In addition to any other provisions of law applicable
2012 | to title insurers, title insurers are subject to the following
2013 | provisions of this code:

2014 | (j) Section 626.451.

2015 | (2) The following provisions of this code do not apply to
2016 | title insurance:

2017 | (a) Part I of chapter 626 (insurance representatives;
2018 | licensing procedures and general requirements), except s.
2019 | 626.451.

2020 | **Section 50. Paragraphs (b) and (f) of subsection (1) of**
2021 | **section 631.271, Florida Statutes, are amended to read:**

2022 | 631.271 Priority of claims.—

2023 | (1) The priority of distribution of claims from the
2024 | insurer's estate shall be in accordance with the order in which
2025 | each class of claims is set forth in this subsection. Every

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2026 claim in each class shall be paid in full or adequate funds
2027 shall be retained for such payment before the members of the
2028 next class may receive any payment. No subclasses may be
2029 established within any class. The order of distribution of
2030 claims shall be:

2031 (b) *Class 2.*—All claims under policies for losses
2032 incurred, including third-party claims, all claims against the
2033 insurer for liability for bodily injury or for injury to or
2034 destruction of tangible property which claims are not under
2035 policies, all claims of a guaranty association or foreign
2036 guaranty association, and all claims related to a patient's
2037 health care coverage by physicians, hospitals, and other
2038 providers of a health insurer or health maintenance
2039 organization. All claims under life insurance and annuity
2040 policies, whether for death proceeds, annuity proceeds, or
2041 investment values, shall be treated as loss claims. That portion
2042 of any loss, indemnification for which is provided by other
2043 benefits or advantages recovered by the claimant, may not be
2044 included in this class, other than benefits or advantages
2045 recovered or recoverable in discharge of familial obligations of
2046 support or by way of succession at death or as proceeds of life
2047 insurance, or as gratuities. No payment by an employer to her or
2048 his employee may be treated as a gratuity. Notwithstanding any
2049 other provision of this part, the following claims are excluded
2050 from Class 2 priority and must be paid as claims in Class 6:

2051 1. Obligations of the insolvent insurer arising out of
 2052 reinsurance contracts; and

2053 2. Claims against the insurer for bad faith or wrongful
 2054 settlement practices.

2055 (f) Class 6.—Claims of general creditors, including claims
 2056 under reinsurance contracts and claims of other unsecured
 2057 creditors not included in Classes 1-5 or Classes 7-11.

2058 **Section 51. Section 633.139, Florida Statutes, is created**
 2059 **to read:**

2060 633.139 Firefighter recruitment and retention bonus
 2061 program.—

2062 (1) For the purposes of this section, the term:

2063 (a) "Division" means the Division of State Fire Marshal
 2064 within the Department of Financial Services.

2065 (b) "Fire service provider" means a municipality or
 2066 county, the state, the division, or any political subdivision of
 2067 the state, including authorities and special districts, that
 2068 employs firefighters to provide fire extinguishment or fire
 2069 prevention services for the protection of life and property. The
 2070 term includes any organization under contract or other agreement
 2071 with such entity to provide such services.

2072 (c) "Firefighter" has the same meaning as provided in s.
 2073 633.102.

2074 (d) "Newly employed firefighter" means a person who gains
 2075 or is appointed to full-time employment as a certified

2076 firefighter with a fire service provider on or after July 1,
2077 2025, and who has never before been employed as a firefighter in
2078 this state.

2079 (e) "Program" means the Florida Firefighter Recruitment
2080 Bonus Payment Program.

2081 (2) There is created within the department the Florida
2082 Firefighter Recruitment Bonus Payment Program to aid in the
2083 recruitment of firefighters within this state. The purpose of
2084 the program is to administer one-time bonus payments of up to
2085 \$5,000 to each newly employed firefighter within this state.
2086 Bonus payments provided to eligible newly employed firefighters
2087 are contingent upon legislative appropriations and must be
2088 prorated subject to the amount appropriated for the program.

2089 (3) Each bonus payment must be adjusted to include 7.65
2090 percent for the newly employed firefighter's share of Federal
2091 Insurance Contributions Act tax on the payment.

2092 (4) The department shall develop an annual plan for the
2093 administration of the program and distribution of bonus
2094 payments. Applicable employing fire service providers shall
2095 assist the department with the collection of any data necessary
2096 to determine bonus payment amounts and to distribute the bonus
2097 payments and shall otherwise provide the department with any
2098 information or assistance needed to fulfill the requirements of
2099 this section. At a minimum, the plan must include:

2100 (a) The method for determining the estimated number of

2101 newly employed firefighters to gain or be appointed to full-time
2102 employment during the applicable fiscal year.

2103 (b) The minimum eligibility requirements that a newly
2104 employed firefighter must meet to receive and retain a bonus
2105 payment, which must include all of the following:

2106 1. Obtain certification for employment or appointment as a
2107 firefighter pursuant to s. 633.408.

2108 2. Gain full-time employment with a fire service provider.

2109 3. Maintain continuous full-time employment with a fire
2110 service provider for at least 2 years from the date on which the
2111 firefighter obtained certification. The required 2-year
2112 employment period must be with the same employing fire service
2113 provider.

2114 (c) The method that will be used to determine the bonus
2115 payment amount to be distributed to each newly employed
2116 firefighter.

2117 (d) The method that will be used to distribute bonus
2118 payments to applicable employing fire service providers for
2119 distribution to eligible firefighters. Such method should
2120 prioritize distributing bonus payments to eligible firefighters
2121 in the most efficient and expedient manner possible.

2122 (e) The estimated cost to the department associated with
2123 developing and administering the program and distributing bonus
2124 payment funds.

2125 (f) The method by which a firefighter must reimburse the

2126 state if he or she receives a bonus payment under the program
2127 but fails to maintain continuous employment for the required 2-
2128 year period. Reimbursement may not be required if a firefighter
2129 is discharged by his or her employing fire service provider for
2130 a reason other than misconduct. The department may establish
2131 other criteria deemed necessary to determine bonus payment
2132 eligibility and distribution.

2133 (5) The department shall consult quarterly with the
2134 division to verify the certification of newly employed
2135 firefighters and any separation from employment of newly
2136 employed firefighters submitted to the division.

2137 (6) The department shall submit the plan to the Executive
2138 Office of the Governor's Office of Policy and Budget, the chair
2139 of the Senate Appropriations Committee, and the chair of the
2140 House Appropriations Committee by October 1 annually. The
2141 department is authorized to submit budget amendments pursuant to
2142 chapter 216 as necessary to release appropriated funds for
2143 distribution to applicable employing agencies under this
2144 program.

2145 (7) The funding allocation for the bonus payments must be
2146 used solely to comply with the requirements of this section, but
2147 applicable collective bargaining units are not otherwise
2148 precluded from wage negotiation.

2149 (8) The department shall adopt rules to implement this
2150 section.

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2151 (9) This section expires July 1, 2028.

2152 **Section 52. Paragraph (b) of subsection (2) and**
2153 **subsections (3) and (7) of section 633.216, Florida Statutes,**
2154 **are amended to read:**

2155 633.216 Inspection of buildings and equipment; orders;
2156 firesafety inspection training requirements; certification;
2157 disciplinary action.—The State Fire Marshal and her or his
2158 agents or persons authorized to enforce laws and rules of the
2159 State Fire Marshal shall, at any reasonable hour, when the State
2160 Fire Marshal has reasonable cause to believe that a violation of
2161 this chapter or s. 509.215, or a rule adopted thereunder, or a
2162 minimum firesafety code adopted by the State Fire Marshal or a
2163 local authority, may exist, inspect any and all buildings and
2164 structures which are subject to the requirements of this chapter
2165 or s. 509.215 and rules adopted thereunder. The authority to
2166 inspect shall extend to all equipment, vehicles, and chemicals
2167 which are located on or within the premises of any such building
2168 or structure.

2169 (2) Except as provided in s. 633.312(2), every firesafety
2170 inspection conducted pursuant to state or local firesafety
2171 requirements shall be by a person certified as having met the
2172 inspection training requirements set by the State Fire Marshal.
2173 Such person shall meet the requirements of s. 633.412(1)-(4),
2174 and:

2175 (b)1. Have satisfactorily completed, as determined by

2176 | division rule, a firesafety inspector training program ~~of at~~
2177 | ~~least 200 hours~~ established by the department and administered
2178 | by education or training providers approved by the department
2179 | for the purpose of providing basic certification training for
2180 | firesafety inspectors; or

2181 | 2. Have received training in another state which is
2182 | determined by the division to be at least equivalent to that
2183 | required by the department for approved firesafety inspector
2184 | education and training programs in this state.

2185 | (3) A firefighter certified pursuant to s. 633.408 may
2186 | conduct firesafety inspections, under the supervision of a
2187 | certified firesafety inspector, while on duty as a member of a
2188 | fire department company conducting inservice firesafety
2189 | inspections without being certified as a firesafety inspector,
2190 | if such firefighter has satisfactorily completed an inservice
2191 | fire department company inspector training program of at least
2192 | 24 hours' duration as provided by rule of the department. The
2193 | inservice training does not allow a certified inspector whose
2194 | certification has lapsed to continue serving as a firesafety
2195 | inspector.

2196 | (7) The State Fire Marshal shall develop by rule an
2197 | advanced training and certification program for firesafety
2198 | inspectors having fire code management responsibilities. The
2199 | program must be consistent with the appropriate provisions of
2200 | NFPA 1030 ~~1037~~, or similar standards adopted by rule, by the

2201 division, and establish minimum training, education, and
 2202 experience levels for firesafety inspectors having fire code
 2203 management responsibilities.

2204 **Section 53. Subsection (3) of section 634.3077, Florida**
 2205 **Statutes, is amended to read:**

2206 634.3077 Financial requirements.—

2207 (3) An association may not be required to set up an
 2208 unearned premium reserve if it has purchased contractual
 2209 liability insurance which demonstrates to the satisfaction of
 2210 the office that 100 percent of its claim exposure is covered by
 2211 the liability insurance policy ~~such insurance~~. Such contractual
 2212 liability insurance must ~~shall~~ be obtained from an insurer or
 2213 insurers that hold a certificate of authority to do business
 2214 within the state or from an insurer or insurers approved by the
 2215 office as financially capable of meeting the obligations
 2216 incurred pursuant to the policy. For purposes of this
 2217 subsection, the contractual liability policy must ~~shall~~ contain
 2218 the following provisions:

2219 (a) In the event that the home warranty association is
 2220 unable to fulfill its obligation under its contracts issued in
 2221 this state for any reason, including insolvency, bankruptcy, or
 2222 dissolution, the contractual liability insurer will pay losses
 2223 and unearned premiums under such plans directly to persons
 2224 making claims under such contracts.

2225 (b) The insurer issuing the policy shall assume full

2226 responsibility for the administration of claims in the event of
 2227 the inability of the association to do so.

2228 (c) The policy may not be canceled or not renewed by the
 2229 insurer or the association unless 60 days' written notice
 2230 thereof has been given to the office by the insurer before the
 2231 date of such cancellation or nonrenewal.

2232 (d) The contractual liability insurance policy must ~~shall~~
 2233 insure all covered home warranty contracts that were issued
 2234 while the policy was in effect regardless of whether ~~or not~~ the
 2235 premium has been remitted to the insurer.

2236 (e) The contractual liability insurance policy may either
 2237 pay 100 percent of claims as they are incurred or pay 100
 2238 percent of claims due in the event of the association's failure
 2239 to pay such claims when due.

2240 **Section 54. Paragraph (a) of subsection (3) of section**
 2241 **634.406, Florida Statutes, is amended, and paragraph (g) is**
 2242 **added to that subsection, to read:**

2243 634.406 Financial requirements.—

2244 (3) An association will not be required to establish an
 2245 unearned premium reserve if it has purchased contractual
 2246 liability insurance which demonstrates to the satisfaction of
 2247 the office that 100 percent of its claim exposure is covered by
 2248 such policy. The contractual liability insurance shall be
 2249 obtained from an insurer that holds a certificate of authority
 2250 to do business within the state. For the purposes of this

2251 subsection, the contractual liability policy shall contain the
 2252 following provisions:

2253 (a) In the event that the service warranty association
 2254 does not fulfill its obligation under covered contracts issued
 2255 in this state for any reason, including insolvency, bankruptcy,
 2256 or dissolution, the contractual liability insurer will pay
 2257 losses and unearned premium refunds under such plans directly to
 2258 the person making a claim under the contract.

2259 (g) The contractual liability insurance policy may either
 2260 pay 100 percent of claims as they are incurred or pay 100
 2261 percent of claims due in the event of the failure of the
 2262 association to pay such claims when due.

2263 **Section 55. Subsection (2) of section 648.33, Florida**
 2264 **Statutes, is amended to read:**

2265 648.33 Bail bond rates.—

2266 (2) It is unlawful for a bail bond agent to execute a bail
 2267 bond without charging a premium therefor, and the premium rate
 2268 may not exceed or be less than the premium rate as filed with
 2269 and approved by the office. Bail bond agents may collect the
 2270 exact amount of any discount, or other such fee charged by a
 2271 credit card facility in connection with the use of a credit
 2272 card, in addition to the premium required by the insurer.

2273 **Section 56. Subsection (3) of section 791.013, Florida**
 2274 **Statutes, is amended to read:**

2275 791.013 Testing and approval of sparklers; penalties.—

2276 (3) For purposes of the testing requirement by this
 2277 section, the division shall perform such tests as are necessary
 2278 to determine compliance with the performance standards in the
 2279 definition of sparklers, pursuant to s. 791.01. The State Fire
 2280 Marshal shall adopt, by rule, procedures for testing products to
 2281 determine compliance with this chapter. ~~The Division of~~
 2282 ~~Investigative and Forensic Services shall dispose of any samples~~
 2283 ~~which remain after testing.~~

2284 **Section 57. Subsection (1) of section 1001.281, Florida**
 2285 **Statutes, is amended to read:**

2286 1001.281 Operating Trust Fund.—

2287 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510,~~ is
 2288 created within the Department of Education.

2289 **Section 58. Subsection (1) of section 1001.282, Florida**
 2290 **Statutes, is amended to read:**

2291 1001.282 Administrative Trust Fund.—

2292 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021,~~
 2293 is created within the Department of Education.

2294 **Section 59.** This act shall take effect July 1, 2025.