Committee/Subcommittee hearing bill: Commerce Committee
Representative Clemons offered the following:

Amendment (with title amendment)
Between lines 344 and 345, insert:
Section 10. Subsection (7) is added to section 497.459, Florida Statutes, to read:
497.459 Cancellation of, or default on, preneed contracts; required notice.—
(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.
(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary’s legally authorized person written notice of the preneed licensee’s intent to distribute funds in accordance with the terms of the preneed contract, if
any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.

2. The beneficiary of the preneed contract attains the age of 105 years of age or older.

3. The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

   (b)1. The notice in paragraph (a) must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested, to the last known mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the trustee sent the notice, the trustee shall perform a diligent search and inquiry to obtain a different address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is applicable, to the licensee or any address produced through a...
current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt requested, to any and all addresses produced as a result of the diligent search and inquiry.

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

   (c) This subsection does not affect a purchaser's rights to cancel the preneed contract and receive a refund or a licensee's obligations to refund established by this chapter.

   (d) The licensing authority shall have authority to adopt rules for the review and approval of notice forms used by licensees to provide notice under this subsection.
Remove line 25 and insert:

contracts; amending s. 497.459, F.S.; authorizing preneed licensees, under certain circumstances, to provide certain persons with a written notice of intent to distribute funds under the preneed contract; specifying where such notice must be sent; providing that funds held in trust must be distributed in accordance with the contract terms if certain persons fail to respond to the notice within a certain timeframe; providing construction; amending s. 497.464, F.S.; revising the