

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 1209 — Department of Financial Services

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Fetterhoff and others (CS/SB 1408 by Banking and Insurance Committee and Senator Burgess)

CS/CS/CS/HB 1209 amends sections of Florida Statutes relating to the Department of Financial Services (DFS). The bill:

- Designates the Division of Public Assistance Fraud a criminal justice agency;
- Adds cancer benefits for firefighters (who are employees of a state agency or department covered under s. 284.31, F.S.) into the self-insurance coverages provided by the Division of Risk Management and requires the Department of Management Services to verify and approve payments prior to distribution from the State Risk Management Trust Fund;
- Prohibits employees who fall under the State Risk Management Trust Fund from engaging in retaliatory conduct against a sexual harassment victim and provides that willful and knowing dissemination of the identifying information of a sexual harassment victim, exempt under s. 119.071(2)(n), F.S., is a first degree misdemeanor;
- Amends the Board of Funeral, Cemetery, and Consumer Services composition; clarifies Board member requirements; removes Board term staggering requirements; and clarifies rulemaking responsibilities relating to the Board;
- Prohibits specific unlicensed funeral activity and increases the penalty for such;
- Increases criminal penalties associated with unlicensed Funeral, Cemetery, and Consumer Services activity;
- Allows cemetery companies to sell certain merchandise for use within a cemetery, including cemeteries that the cemetery company selling such items does not own;
- Allows funeral director interns and combination funeral director and embalmer interns, meeting certain educational requirements, to continue acting as such while an application for full licensure is pending, or up to 90 days, whichever is sooner;
- Clarifies that once a preneed funeral contract has been fulfilled, statutory deposit requirements for proceeds do not apply;
- Requires, with a specified exception, that monument retailers must comply with the same inspection and place of business requirements as monument builders;
- Updates the definition of “two-component explosive” to reflect the current market;
- Allows contractors to begin repairs on previously permitted fire alarms after filing a permit application and specifying the repair is not compliant until permitted and approved;
- Amends continuing education requirements for individuals licensed to solicit, sell, or adjust insurance in the state and revises the hours requirement for specified elective insurance agents and adjusters continuing education course;
- Amends provisions regarding appointments to transact insurance or adjust claims on behalf of an insurer or employer, to apply certain deadlines to renewal appointments, and to revise procedures and requirements when an individual was not properly appointed by inadvertent error;

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- Adds the designation of “Insurance Customer Service Representative” from “Statewide Insurance Associates LLC” to the list of designations that will qualify a person for licensure as an insurance agent’s customer representative;
- Increases the maximum license suspension for title insurance agents and agencies;
- Provides that coverage for deductibles for property insurance may be written on the surplus lines market without first meeting requirements typically necessary before coverage may be written in the surplus lines market, subject to certain conditions;
- Removes a requirement for personal residential property agents to notify an insured regarding coverage from Citizens Property Insurance Corporation before exporting a policy to the surplus lines marketplace;
- Prohibits an insurance agent or agency from giving, or a lender from requiring, a copy of an insurer’s proprietary underwriting information as a condition precedent to extending credit secured by real estate and prohibiting an insurance agent or agency from providing such information;
- Allows flood insurance coverage to be exported to a surplus lines insurer without the agent first seeking to place the coverage with an admitted insurer;
- Revises the scope of fire protection system work for persons with certain contractor classifications of the Division of State Fire Marshal;
- Revises entities involved in the Fire and Emergency Incident Information Reporting Program by replacing and revises the composition of the Fire and Emergency Incident Information System Technical Advisory Panel;
- Extends compliance deadlines and revises permit application requirements relating to minimum radio signal strength for fire department communications and two-way radio systems for existing high-rise buildings and existing apartment buildings;
- Prohibits certain influencing of firesafety inspectors to violate applicable law and prohibits a firesafety inspector knowingly and intentionally requesting, soliciting, accepting, or agreeing to accept a bribe;
- Revises the course required to obtain or renew a fire suppression license or permit to require that such course include both written and practical training approved by the State Fire Marshal;
- Revises the composition of the Firefighters Employment, Standards, and Training Council;
- Allows fire service providers to hire volunteer firefighters, and allows them to continue to function in a volunteer firefighter capacity for the first year of employment while they obtain career firefighter certifications;
- Creates a criminal penalty for aiding and abetting a person engaged in unlicensed bail bond agent activity; and
- Expands the applicability of criminal penalties for impersonation of investigators and personnel of the DFS.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 119-0