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

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26 | of Financial Services; authorizing the use of
27 | communications media technology for board member
28 | participation; defining the term "communications media
29 | technology"; deleting a requirement for the department
30 | to adopt certain rules; amending s. 497.157, F.S.;
31 | prohibiting unlicensed persons from acting as or
32 | advertising themselves as funeral directors,
33 | embalmers, direct disposers, or preneed sales agents
34 | unless they are so licensed; providing penalties;
35 | amending s. 497.159, F.S.; conforming a provision to
36 | changes made by the act; amending s. 497.273, F.S.;
37 | authorizing a cemetery company to sell specified items
38 | for use on cemetery lands other than lands the company
39 | owns; amending s. 497.375, F.S.; authorizing licensed
40 | funeral director interns to continue performing
41 | certain tasks while transitioning to licensed funeral
42 | directors; amending s. 497.377, F.S.; authorizing
43 | licensed combination funeral director and embalmer
44 | interns to continue performing certain tasks while
45 | transitioning to licensed combination funeral director
46 | and embalmers; amending s. 497.458, F.S.; specifying
47 | that certain deposits under preneed contracts for
48 | funeral services or merchandise or burial services or
49 | merchandise must be made unless the preneed contracts
50 | have been fulfilled; amending s. 497.550, F.S.;

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51 requiring monument retailers to comply with specified
52 requirements relating to place of business and
53 operations; subjecting monument retailers to
54 inspection; amending s. 552.081, F.S.; revising the
55 definition of the term "two-component explosives" for
56 the purpose of regulation by the Division of State
57 Fire Marshal; amending s. 553.7921, F.S.; authorizing
58 a contractor repairing certain existing fire alarm
59 systems to begin work after filing an application for
60 a required permit but before receiving the permit;
61 providing construction; amending s. 626.2815, F.S.;
62 revising continuing education requirements for certain
63 persons licensed to solicit, sell, or adjust
64 insurance; amending s. 626.371, F.S.; requiring
65 submission of renewal appointments of certain
66 insurance representatives within a certain timeframe;
67 requiring the department to notify certain insurers or
68 employers regarding inadvertent failures to appoint;
69 requiring insurers and employers to pay certain fees
70 and taxes within a certain timeframe; authorizing the
71 department to issue appointments under certain
72 circumstances; prohibiting the department from
73 considering inadvertent failures to appoint to be
74 violations under certain circumstances; requiring the
75 department to suspend an insurer's or employer's

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76 authority to appoint licensees under certain
77 circumstances; amending s. 626.7351, F.S.; revising
78 the qualifications for customer representative
79 licenses; amending s. 626.8443, F.S.; increasing the
80 maximum period of suspension of a title insurance
81 agent's or agency's license; making technical changes;
82 amending s. 626.916, F.S.; deleting a requirement for
83 agents to advise insureds that certain coverage may be
84 available for personal residential property risks to
85 be eligible for export under the Surplus Lines Law;
86 establishing conditions under which coverage for
87 indemnity of property insurance deductibles may be
88 exported to surplus lines; amending s. 626.9551, F.S.;
89 prohibiting requirements for the provision of
90 replacement cost estimators or certain other
91 proprietary business information under certain
92 circumstances; amending s. 627.715, F.S.; providing an
93 exemption from a diligent effort requirement for
94 surplus lines agents exporting contracts or
95 endorsements providing flood coverage; amending s.
96 633.102, F.S.; revising the authority of certain fire
97 protection system contractors to design or alter
98 certain fire protection systems; providing for
99 resolution of conflicts between the Florida Building
100 Code and the Florida Fire Prevention Code; amending s.

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101 633.136, F.S.; replacing fire protection agencies in
 102 the Fire and Emergency Incident Information Reporting
 103 Program with fire service providers; revising the
 104 composition of the Fire and Emergency Incident
 105 Information System Technical Advisory Panel; defining
 106 the term "fire service provider"; amending s. 633.202,
 107 F.S.; extending a deadline for certain buildings to
 108 comply with a minimum radio signal strength
 109 requirement under the Florida Fire Prevention Code;
 110 extending a deadline for certain buildings to apply
 111 for a specified permit; creating s. 633.217, F.S.;
 112 prohibiting certain acts to influence a firesafety
 113 inspector to violate certain laws; prohibiting a
 114 firesafety inspector from knowingly and intentionally
 115 requesting, soliciting, accepting, or agreeing to
 116 accept compensation offered to induce a violation of
 117 certain codes, rules, or laws; amending s. 633.304,
 118 F.S.; revising the training requirements for licenses
 119 and permits to install or maintain fire suppression
 120 equipment; amending s. 633.402, F.S.; revising the
 121 composition of the Firefighters Employment, Standards,
 122 and Training Council; amending s. 633.416, F.S.;
 123 providing that certain persons serving as volunteer
 124 firefighters may serve as regular or permanent
 125 firefighters for a limited period, subject to certain

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126 restrictions; amending s. 648.30, F.S.; prohibiting
 127 the aiding or abetting of unlicensed activity of a
 128 bail bond agent or temporary bail bond agent;
 129 providing criminal penalties; amending s. 843.08,
 130 F.S.; prohibiting false personation of personnel or
 131 representatives of the Division of Investigative and
 132 Forensic Services; amending s. 943.045, F.S.; revising
 133 the definition of the term "criminal justice agency"
 134 to include the investigations component of the
 135 department which investigates certain crimes;
 136 providing effective dates.

137

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

139

140 Section 1. Paragraph (f) of subsection (2) of section
 141 20.121, Florida Statutes, is amended to read:

142 20.121 Department of Financial Services.—There is created
 143 a Department of Financial Services.

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

146 (f) The Division of Public Assistance Fraud, which shall
 147 function as a criminal justice agency for purposes of ss.
 148 943.045-943.08. The division shall conduct investigations
 149 pursuant to s. 414.411 within or outside of the state as it
 150 deems necessary. If, during an investigation, the division has

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151 reason to believe that any criminal law of the state has or may
152 have been violated, it shall refer any records supporting such
153 violation to state or federal law enforcement or prosecutorial
154 agencies and shall provide investigative assistance to those
155 agencies as required.

156 Section 2. Section 284.30, Florida Statutes, is amended to
157 read:

158 284.30 State Risk Management Trust Fund; coverages to be
159 provided.—A state self-insurance fund, designated as the "State
160 Risk Management Trust Fund," is created to be set up by the
161 Department of Financial Services and administered with a program
162 of risk management, which fund is to provide insurance, as
163 authorized by s. 284.33, for workers' compensation, general
164 liability, fleet automotive liability, federal civil rights
165 actions under 42 U.S.C. s. 1983 or similar federal statutes,
166 benefits payable under s. 112.1816(2), to an employee of a state
167 agency or department covered under s. 284.31, and court-awarded
168 attorney ~~attorney's~~ fees in other proceedings against the state
169 except for such awards in eminent domain or for inverse
170 condemnation or for awards by the Public Employees Relations
171 Commission. A party to a suit in any court, to be entitled to
172 have his or her attorney ~~attorney's~~ fees paid by the state or
173 any of its agencies, must serve a copy of the pleading claiming
174 the fees on the Department of Financial Services; and thereafter
175 the department shall be entitled to participate with the agency

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176 | in the defense of the suit and any appeal thereof with respect
 177 | to such fees.

178 | Section 3. Section 284.31, Florida Statutes, is amended to
 179 | read:

180 | 284.31 Scope and types of coverages; separate accounts.—

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

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201 ~~shall be~~ subject to ~~the provisions of~~ s. 768.28 and parts II and
 202 III of chapter 284, and applicable rules adopted thereunder, and
 203 the terms and conditions of the certificate of coverage issued
 204 by the Department of Financial Services.

205 Section 4. Section 284.385, Florida Statutes, is amended
 206 to read:

207 284.385 Reporting and handling of claims.—

208 (1) All departments covered by the State Risk Management
 209 Trust Fund under this part shall immediately report all known or
 210 potential claims to the Department of Financial Services for
 211 handling, except employment complaints that ~~which~~ have not been
 212 filed with the Florida Human Relations Commission, Equal
 213 Employment Opportunity Commission, or any similar agency. When
 214 deemed necessary, the Department of Financial Services shall
 215 assign or reassign the claim to counsel. The assigned counsel
 216 shall report regularly to the Department of Financial Services
 217 or to the covered department on the status of any such claims or
 218 litigation as required by the Department of Financial Services.
 219 ~~No~~ Such claims may not ~~claim shall~~ be compromised or settled for
 220 monetary compensation without the prior approval of the
 221 Department of Financial Services and prior notification to the
 222 covered department. All departments shall cooperate with the
 223 Department of Financial Services in its handling of claims. The
 224 Department of Financial Services and the Department of
 225 Management Services, with the cooperation of the state attorneys

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226 | and the clerks of the courts, shall develop a system to
 227 | coordinate the exchange of information concerning claims for and
 228 | against the state, its agencies, and its subdivisions, to assist
 229 | in collection of amounts due to them. The covered department is
 230 | responsible ~~shall have the responsibility~~ for the settlement of
 231 | any claim for injunctive or affirmative relief under 42 U.S.C.
 232 | s. 1983 or similar federal or state statutes. The payment of a
 233 | settlement or judgment for any claim covered and reported under
 234 | this part may ~~shall~~ be made only from the State Risk Management
 235 | Trust Fund.

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

241 | Section 5. Section 284.45, Florida Statutes, is created to
 242 | read:

243 | 284.45 Sexual harassment victims.—

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

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251 course of employment, or while being considered for employment,
 252 with the entity.

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

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

261 497.101 Board of Funeral, Cemetery, and Consumer Services;
 262 membership; appointment; terms.—

263 (1) The Board of Funeral, Cemetery, and Consumer Services
 264 is created within the Department of Financial Services and shall
 265 consist of 10 members, 9 of whom shall be appointed by the
 266 Governor from nominations made by the Chief Financial Officer
 267 and confirmed by the Senate. The Chief Financial Officer shall
 268 nominate one to three persons for each of the nine vacancies on
 269 the board, and the Governor shall fill each vacancy on the board
 270 by appointing one of the ~~three~~ persons nominated by the Chief
 271 Financial Officer to fill that vacancy. If the Governor objects
 272 to each of the ~~three~~ nominations for a vacancy, she or he shall
 273 inform the Chief Financial Officer in writing. Upon notification
 274 of an objection by the Governor, the Chief Financial Officer
 275 shall submit one to three additional nominations for that

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276 | vacancy until the vacancy is filled. One member must be the
 277 | State Health Officer or her or his designee.

278 | (2) Two members of the board must ~~shall~~ be funeral
 279 | directors licensed under part III of this chapter who are
 280 | associated with a funeral establishment. One member of the board
 281 | must ~~shall~~ be a funeral director licensed under part III of this
 282 | chapter who is associated with a funeral establishment licensed
 283 | under part III of this chapter which ~~that~~ has a valid preneed
 284 | license issued pursuant to this chapter and who owns or operates
 285 | a cinerator facility approved under chapter 403 and licensed
 286 | under part VI of this chapter. Two members of the board must
 287 | ~~shall~~ be persons whose primary occupation is associated with a
 288 | cemetery company licensed pursuant to this chapter. Two ~~Three~~
 289 | members of the board must ~~shall~~ be consumers who are residents
 290 | of this ~~the~~ state, have never been licensed as funeral directors
 291 | or embalmers, are not connected with a cemetery or cemetery
 292 | company licensed pursuant to this chapter, and are not connected
 293 | with the death care industry or the practice of embalming,
 294 | funeral directing, or direct disposition. One of the two
 295 | consumer members must ~~shall~~ be at least 60 years of age, ~~and one~~
 296 | ~~shall be licensed as a certified public accountant under chapter~~
 297 | 473. One member of the board must be a consumer who is a
 298 | resident of this state; is licensed as a certified public
 299 | accountant under chapter 473; has never been licensed as a
 300 | funeral director or an embalmer; is not a principal or an

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301 employee of any licensee licensed under this chapter; and does
 302 not otherwise have control, as defined in s. 497.005, over any
 303 licensee licensed under this chapter. One member of the board
 304 must ~~shall~~ be a principal of a monument establishment licensed
 305 under this chapter as a monument builder. One member must ~~shall~~
 306 be the State Health Officer or her or his designee. There may
 307 ~~shall~~ not be two or more board members who are principals or
 308 employees of the same company or partnership or group of
 309 companies or partnerships under common control.

310 (3) Board members shall be appointed for terms of 4 years,
 311 and the State Health Officer shall serve as long as that person
 312 holds that office. The designee of the State Health Officer
 313 shall serve at the pleasure of the Governor. ~~When the terms of~~
 314 ~~the initial board members expire, the Chief Financial Officer~~
 315 ~~shall stagger the terms of the successor members as follows: one~~
 316 ~~funeral director, one cemetery representative, the monument~~
 317 ~~builder, and one consumer member shall be appointed for terms of~~
 318 ~~2 years, and the remaining members shall be appointed for terms~~
 319 ~~of 4 years. All subsequent terms shall be for 4 years.~~

320 (6) The board shall maintain its headquarters and records
 321 ~~of the board shall be~~ in the Division of Funeral, Cemetery, and
 322 Consumer Services of the Department of Financial Services in the
 323 City of Tallahassee. The board may be contacted through the
 324 Division of Funeral, Cemetery, and Consumer Services of the
 325 Department of Financial Services in the City of Tallahassee. The

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326 Chief Financial Officer shall annually appoint from among the
 327 board members a chair and vice chair of the board. The board
 328 shall meet at least every 6 months, and more often as necessary.
 329 Special meetings of the board shall be convened upon the
 330 direction of the Chief Financial Officer. A quorum is necessary
 331 for the conduct of business by the board. The participation by a
 332 board member in a meeting conducted through communications media
 333 technology constitutes that individual's presence at such
 334 meeting. Board members appearing at a board meeting in person as
 335 well as board members appearing through the use of
 336 communications media technology shall be counted for the
 337 determination of a quorum. As used in this subsection,
 338 "communications media technology" means the electronic
 339 transmission of printed matter, audio, full-motion video,
 340 freeze-frame video, compressed video, and digital video by any
 341 method available. Unless otherwise provided by law, six board
 342 members shall constitute a quorum for the conduct of the board's
 343 business.

344 ~~(8) The department shall adopt rules establishing forms by~~
 345 ~~which persons may apply for membership on the board and~~
 346 ~~procedures for applying for such membership. Such forms shall~~
 347 ~~require disclosure of the existence and nature of all current~~
 348 ~~and past employments by or contracts with, and direct or~~
 349 ~~indirect affiliations or interests in, any entity or business~~
 350 ~~that at any time was licensed by the board or by the former~~

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351 ~~Board of Funeral and Cemetery Services or the former Board of~~
 352 ~~Funeral Directors and Embalmers or that is or was otherwise~~
 353 ~~involved in the death care industry, as specified by department~~
 354 ~~rule.~~

355 Section 7. Subsections (2) through (5) of section 497.157,
 356 Florida Statutes, are renumbered as subsections (4) through (7),
 357 respectively, present subsection (3) is amended, and new
 358 subsections (2) and (3) and subsection (8) are added to that
 359 section, to read:

360 497.157 Unlicensed practice; remedies concerning
 361 violations by unlicensed persons.—

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

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

371 (5)~~(3)~~ Where the department determines that an emergency
 372 exists regarding any violation of this chapter by any unlicensed
 373 person or entity, the department may issue and serve an
 374 immediate final order upon such unlicensed person or entity, in
 375 accordance with s. 120.569(2)(n). Such an immediate final order

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376 may impose such prohibitions and requirements as are reasonably
 377 necessary to protect the public health, safety, and welfare, and
 378 is ~~shall be~~ effective when served.

379 (a) For the purpose of enforcing such an immediate final
 380 order, the department may file an emergency or other proceeding
 381 in the circuit courts of the state seeking enforcement of the
 382 immediate final order by injunctive or other order of the court.
 383 The court shall issue its injunction or other order enforcing
 384 the immediate final order pending administrative resolution of
 385 the matter under subsection (4) ~~(2)~~, unless the court determines
 386 that such action would work a manifest injustice under the
 387 circumstances. Venue for judicial actions under this paragraph
 388 must ~~shall~~ be, at the election of the department, in the courts
 389 of Leon County, or in a county where the respondent resides or
 390 has a place of business.

391 (b) After serving an immediate final order to cease and
 392 desist upon any person or entity, the department shall within 10
 393 days issue and serve upon the same person or entity an
 394 administrative complaint as set forth in subsection (4) ~~(2)~~,
 395 except that, absent order of a court to the contrary, the
 396 immediate final order will ~~shall~~ be effective throughout the
 397 pendency of proceedings under subsection (4) ~~(2)~~.

398 (8) Any person who is not licensed under this chapter and
 399 who engages in activity requiring licensure under this chapter
 400 commits a felony of the third degree, punishable as provided in

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401 s. 775.082, s. 775.083, or s. 775.084.

402 Section 8. Subsection (6) of section 497.159, Florida
403 Statutes, is amended to read:

404 497.159 Crimes.—

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

409 Section 9. Paragraphs (f) and (g) of subsection (1) of
410 section 497.273, Florida Statutes, are redesignated as
411 paragraphs (e) and (f), respectively, subsections (2), (3), and
412 (4) are renumbered as subsections (3), (4), and (5),
413 respectively, paragraph (e) of subsection (1) is amended, and a
414 new subsection (2) is added to that section, to read:

415 497.273 Cemetery companies; authorized functions.—

416 (1) Within the boundaries of the cemetery lands it owns, a
417 cemetery company may perform the following functions:

418 ~~(e) The nonexclusive preneed and at-need sale of~~
419 ~~monuments, memorials, markers, burial vaults, urns, flower~~
420 ~~vases, floral arrangements, and other similar merchandise for~~
421 ~~use within the cemetery.~~

422 (2) A cemetery company may perform the nonexclusive
423 preneed and at-need sale of monuments, memorials, markers,
424 burial vaults, urns, flower vases, floral arrangements, and
425 other similar merchandise for use within a cemetery, regardless

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426 of whether the cemetery is within the boundaries of the cemetery
 427 lands the company owns.

428 Section 10. Paragraph (a) of subsection (4) of section
 429 497.375, Florida Statutes, is amended, paragraph (e) is added to
 430 subsection (4), and paragraphs (b) and (c) of subsection (4) of
 431 that section are republished, to read:

432 497.375 Funeral directing; licensure of a funeral director
 433 intern.—

434 (4) (a) A funeral director intern license expires 1 year
 435 after issuance and, except as provided in paragraph (b), ~~or~~
 436 paragraph (c), or paragraph (e), may not be renewed.

437 (b) A funeral director intern who is eligible for
 438 licensure under subparagraph (1) (b) 2. may renew her or his
 439 funeral director intern license for an additional 1-year period
 440 if the funeral director in charge of the funeral director intern
 441 training agency certifies to the licensing authority that the
 442 intern has completed at least one-half of the course of study in
 443 mortuary science or funeral service arts.

444 (c) The licensing authority may adopt rules that allow a
 445 funeral director intern to renew her or his funeral director
 446 intern license for an additional 1-year period if the funeral
 447 director intern demonstrates her or his failure to complete the
 448 internship before expiration of the license due to illness,
 449 personal injury, or other substantial hardship beyond her or his
 450 reasonable control or demonstrates that she or he has completed

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451 the requirements for licensure as a funeral director but is
 452 awaiting the results of a licensure examination. However, a
 453 funeral director intern who renews her or his license under
 454 paragraph (b) is not eligible to renew the license under this
 455 paragraph.

456 (e) Upon expiration of a funeral director intern license,
 457 any intern that has completed the educational credentials
 458 required for a license as a funeral director and has applied for
 459 licensure may continue to perform the tasks, functions, and
 460 duties related to funeral directing in the manner provided in
 461 paragraph (1) (d) until a license is issued or denied, or for a
 462 period of 90 days, whichever occurs sooner.

463 Section 11. Paragraph (d) of subsection (2) of section
 464 497.377, Florida Statutes, is amended, and paragraph (c) of
 465 subsection (2) of that subsection is republished, to read:

466 497.377 Combination funeral director and embalmer
 467 internships.—

468 (2)

469 (c) A combination funeral director and embalmer intern may
 470 perform only the tasks, functions, and duties relating to
 471 funeral directing and embalming which are performed under the
 472 direct supervision of a licensed funeral director who has an
 473 active, valid license under s. 497.373 or s. 497.374(1) and an
 474 embalmer who has an active, valid license under s. 497.368 or s.
 475 497.369. However, a combination funeral director and embalmer

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476 | intern may perform such tasks, functions, and duties under the
477 | general supervision of a licensed funeral director and embalmer
478 | upon graduation from a college accredited by ABFSE with a degree
479 | as specified in s. 497.373(1)(d) and upon passage of the
480 | examination required under s. 497.373(2)(b) if the funeral
481 | director in charge of the internship training establishment,
482 | after 6 months of direct supervision, certifies to the licensing
483 | authority that the intern is competent to complete the
484 | internship under general supervision.

485 | (d)1. A combination funeral director and embalmer intern
486 | license expires 1 year after issuance and, except as provided in
487 | subparagraph 2., may not be renewed; however, upon expiration of
488 | a combination funeral director and embalmer intern license, any
489 | intern that has completed the educational credentials required
490 | for a combination license as both funeral director and embalmer
491 | and has applied for licensure may continue to perform the tasks,
492 | functions, and duties related to funeral directing and embalming
493 | in the manner provided in paragraph (c) until a license is
494 | issued or denied, or for a period of 90 days, whichever occurs
495 | sooner.

496 | 2. The licensing authority may adopt rules that allow a
497 | combination funeral director and embalmer intern to renew her or
498 | his combination funeral director and embalmer intern license for
499 | an additional 1 year if the combination funeral director and
500 | embalmer intern demonstrates her or his failure to complete the

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501 internship before expiration of the license due to illness,
 502 personal injury, or other substantial hardship beyond her or his
 503 reasonable control or demonstrates that she or he has completed
 504 the requirements for licensure as a combination funeral director
 505 and embalmer but is awaiting the results of a licensure
 506 examination.

507 Section 12. Paragraph (c) of subsection (1) of section
 508 497.458, Florida Statutes, is amended, and paragraph (a) of
 509 subsection (1) of that section is republished, to read:

510 497.458 Disposition of proceeds received on contracts.—

511 (1) (a) Any person who is paid, collects, or receives funds
 512 under a preneed contract for funeral services or merchandise or
 513 burial services or merchandise shall deposit an amount at least
 514 equal to the sum of 70 percent of the purchase price collected
 515 for all services sold and facilities rented; 100 percent of the
 516 purchase price collected for all cash advance items sold; and 30
 517 percent of the purchase price collected or 110 percent of the
 518 wholesale cost, whichever is greater, for each item of
 519 merchandise sold. The board may, by rule, specify criteria for
 520 the classification of items sold in a preneed contract as
 521 services, cash advances, or merchandise.

522 (c) Unless the preneed contract has been fulfilled, such
 523 deposits shall be made within 30 days after the end of the
 524 calendar month in which payment is received, under the terms of
 525 a revocable trust instrument entered into with a trust company,

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526 | with a national or state bank holding trust powers, or with a
 527 | federal or state savings and loan association holding trust
 528 | powers.

529 | Section 13. Paragraph (d) of subsection (1) of section
 530 | 497.550, Florida Statutes, is amended to read:

531 | 497.550 Licensure of monument establishments required;
 532 | procedures and criteria.—

533 | (1) LICENSE REQUIRED.—No person shall conduct, maintain,
 534 | manage, or operate a monument establishment in this state unless
 535 | the monument establishment is licensed pursuant to this part.

536 | (d) The requirements of this chapter apply to both
 537 | monument retailers and monument builders, except as provided in
 538 | this paragraph. Each monument establishment shall be a physical
 539 | structure that is located at a specific street address, in
 540 | compliance with zoning regulations of the appropriate local
 541 | government, and not located on property that is exempt from
 542 | taxation, but a monument retailer may not otherwise be required
 543 | to comply with s. 497.552(4) ~~s. 497.552~~ or be subject to
 544 | ~~inspection under this chapter.~~

545 | Section 14. Subsection (13) of section 552.081, Florida
 546 | Statutes, is amended to read:

547 | 552.081 Definitions.—As used in this chapter:

548 | (13) "Two-component explosives" means any two inert
 549 | components that ~~which~~, when mixed, become capable of detonation
 550 | by a detonator ~~a No. 6 blasting cap~~, and shall be classified as

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551 a Class "A" explosive when so mixed.

552 Section 15. Subsection (2) of section 553.7921, Florida
553 Statutes, is renumbered as subsection (3), subsection (1) of
554 that section is amended, and a new subsection (2) is added to
555 that section, to read:

556 553.7921 Fire alarm permit application to local
557 enforcement agency.—

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

562 ~~(a) installing or replacing a fire alarm, if the local~~
563 ~~enforcement agency requires a plan review for the installation~~
564 ~~or replacement; or~~

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

568 (2) If the local enforcement agency requires a fire alarm
569 permit to repair an existing alarm system that was previously
570 permitted by the local enforcement agency, a contractor may
571 begin work after filing a Uniform Fire Alarm Permit Application
572 as provided in subsection (3). A fire alarm repaired pursuant to
573 this subsection may not be considered compliant until the
574 required permit is issued and the local enforcement agency
575 approves the repair.

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576 Section 16. Effective January 1, 2022, subsection (3) and
577 paragraph (i) of subsection (7) of section 626.2815, Florida
578 Statutes, are amended to read:

579 626.2815 Continuing education requirements.—

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

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

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

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

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

614 (e) An individual subject to chapter 648 must complete the
615 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of
616 elective continuing education courses every 2 years.

617 (f) Elective continuing education courses for public
618 adjusters must be specifically designed for public adjusters and
619 approved by the department. Notwithstanding this subsection,
620 public adjusters for workers' compensation insurance or health
621 insurance are not required to take continuing education courses
622 pursuant to this section.

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

625 (h) An individual teaching an approved course of

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626 instruction or lecturing at any approved seminar and attending
627 the entire course or seminar qualifies for the same number of
628 classroom hours as would be granted to a person taking and
629 successfully completing such course or seminar. Credit is
630 limited to the number of hours actually taught unless a person
631 attends the entire course or seminar. An individual who is an
632 official of or employed by a governmental entity in this state
633 and serves as a professor, instructor, or in another position or
634 office, the duties and responsibilities of which are determined
635 by the department to require monitoring and review of insurance
636 laws or insurance regulations and practices, is exempt from this
637 section.

638 (i) For compliance periods beginning on or after October
639 1, 2014, any person who holds a license as a title insurance
640 agent must complete a minimum of 10 hours of continuing
641 education credit every 2 years in title insurance and escrow
642 management specific to this state and approved by the
643 department, which must ~~shall~~ include at least 3 hours of
644 continuing education on the subject matter of ethics, rules, or
645 compliance with state and federal regulations relating
646 specifically to title insurance and closing services.

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

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651 (7) The following courses may be completed in order to
 652 meet the elective continuing education course requirements:

653 (i) Any part of the Claims and Litigation Management
 654 Alliance (CLM) Universal Claims Certification (UCC) professional
 655 designation: 20 ~~19~~ hours of elective continuing education and 4
 656 ~~5~~ hours of the continuing education required under subsection
 657 (3).

658 Section 17. Subsections (1) and (2) of section 626.371,
 659 Florida Statutes, are amended to read:

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

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

666 (2) (a) If, upon application and qualification for an
 667 initial or renewal appointment and such investigation as the
 668 department may make, ~~it appears to~~ the department determines
 669 that an individual has not been properly appointed to represent
 670 an insurer or employer, that such individual ~~who~~ was formerly
 671 licensed or is currently licensed, ~~but not properly appointed to~~
 672 ~~represent an insurer or employer~~ and that such individual ~~who~~
 673 has been actively engaged or is currently actively engaged as
 674 such an appointee, ~~but without being appointed as required,~~ the
 675 department shall ~~may~~, if it finds that such failure to be

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676 appointed was an inadvertent error on the part of the insurer or
 677 employer so represented, notify the insurer or employer of its
 678 finding and of the requirement to pay all fees and taxes due
 679 pursuant to paragraph (b) within 21 days.

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

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

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

699 Section 18. Subsection (3) of section 626.7351, Florida
 700 Statutes, is amended to read:

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701 626.7351 Qualifications for customer representative's
702 license.—The department shall not grant or issue a license as
703 customer representative to any individual found by it to be
704 untrustworthy or incompetent, or who does not meet each of the
705 following qualifications:

706 (3) Within 4 years preceding the date that the application
707 for license was filed with the department, the applicant has
708 earned the designation of Accredited Advisor in Insurance (AAI),
709 Associate in General Insurance (AINS), or Accredited Customer
710 Service Representative (ACSR) from the Insurance Institute of
711 America; the designation of Certified Insurance Counselor (CIC)
712 from the Society of Certified Insurance Service Counselors; the
713 designation of Certified Professional Service Representative
714 (CPSR) from the National Foundation for CPSR; the designation of
715 Certified Insurance Service Representative (CISR) from the
716 Society of Certified Insurance Service Representatives; the
717 designation of Certified Insurance Representative (CIR) from
718 All-Lines Training; the designation of Professional Customer
719 Service Representative (PCSR) from the Professional Career
720 Institute; the designation of Insurance Customer Service
721 Representative (ICSR) from Statewide Insurance Associates LLC;
722 the designation of Registered Customer Service Representative
723 (RCSR) from a regionally accredited postsecondary institution in
724 the state whose curriculum is approved by the department and
725 includes comprehensive analysis of basic property and casualty

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726 | lines of insurance and testing which demonstrates mastery of the
 727 | subject; or a degree from an accredited institution of higher
 728 | learning approved by the department when the degree includes a
 729 | minimum of 9 credit hours of insurance instruction, including
 730 | specific instruction in the areas of property, casualty, and
 731 | inland marine insurance. The department shall adopt rules
 732 | establishing standards for the approval of curriculum.

733 | Section 19. Subsection (1) of section 626.8443, Florida
 734 | Statutes, is amended to read:

735 | 626.8443 Duration of suspension or revocation.—

736 | (1) The department shall, in its order suspending a title
 737 | insurance agent's or agency's license or appointment or in its
 738 | order suspending the eligibility of a person to hold or apply
 739 | for such license or appointment, specify the period during which
 740 | the suspension is to be in effect, but such period may ~~shall~~ not
 741 | exceed 2 years ~~1 year~~. The license, ~~or~~ appointment, or
 742 | eligibility will ~~shall~~ remain suspended during the period so
 743 | specified, subject, however, to any rescission or modification
 744 | of the order by the department, or modification or reversal
 745 | thereof by the court, prior to expiration of the suspension
 746 | period. A license, appointment, or eligibility that ~~which~~ has
 747 | been suspended may not be reinstated except upon request for
 748 | such reinstatement, but the department may ~~shall~~ not grant such
 749 | reinstatement if it finds that the circumstance or circumstances
 750 | for which the license, appointment, and eligibility was

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751 | suspended still exist or are likely to recur.

752 | Section 20. Paragraph (e) of subsection (1) and paragraph
753 | (b) of subsection (3) of section 626.916, Florida Statutes, are
754 | amended, and paragraphs (a) through (d) of subsection (1) of
755 | that section are republished, to read:

756 | 626.916 Eligibility for export.—

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

759 | (a) The full amount of insurance required must not be
760 | procurable, after a diligent effort has been made by the
761 | producing agent to do so, from among the insurers authorized to
762 | transact and actually writing that kind and class of insurance
763 | in this state, and the amount of insurance exported shall be
764 | only the excess over the amount so procurable from authorized
765 | insurers. Surplus lines agents must verify that a diligent
766 | effort has been made by requiring a properly documented
767 | statement of diligent effort from the retail or producing agent.
768 | However, to be in compliance with the diligent effort
769 | requirement, the surplus lines agent's reliance must be
770 | reasonable under the particular circumstances surrounding the
771 | export of that particular risk. Reasonableness shall be assessed
772 | by taking into account factors which include, but are not
773 | limited to, a regularly conducted program of verification of the
774 | information provided by the retail or producing agent.
775 | Declinations must be documented on a risk-by-risk basis. If it

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776 is not possible to obtain the full amount of insurance required
777 by layering the risk, it is permissible to export the full
778 amount.

779 (b) The premium rate at which the coverage is exported
780 shall not be lower than that rate applicable, if any, in actual
781 and current use by a majority of the authorized insurers for the
782 same coverage on a similar risk.

783 (c) The policy or contract form under which the insurance
784 is exported shall not be more favorable to the insured as to the
785 coverage or rate than under similar contracts on file and in
786 actual current use in this state by the majority of authorized
787 insurers actually writing similar coverages on similar risks;
788 except that a coverage may be exported under a unique form of
789 policy designed for use with respect to a particular subject of
790 insurance if a copy of such form is filed with the office by the
791 surplus lines agent desiring to use the same and is subject to
792 the disapproval of the office within 10 days of filing such form
793 exclusive of Saturdays, Sundays, and legal holidays if it finds
794 that the use of such special form is not reasonably necessary
795 for the principal purposes of the coverage or that its use would
796 be contrary to the purposes of this Surplus Lines Law with
797 respect to the reasonable protection of authorized insurers from
798 unwarranted competition by unauthorized insurers.

799 (d) Except as to extended coverage in connection with fire
800 insurance policies and except as to windstorm insurance, the

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801 policy or contract under which the insurance is exported shall
 802 not provide for deductible amounts, in determining the existence
 803 or extent of the insurer's liability, other than those available
 804 under similar policies or contracts in actual and current use by
 805 one or more authorized insurers.

806 ~~(c) For personal residential property risks, the retail or~~
 807 ~~producing agent must advise the insured in writing that coverage~~
 808 ~~may be available and may be less expensive from Citizens~~
 809 ~~Property Insurance Corporation. The notice must include other~~
 810 ~~information that states that assessments by Citizens Property~~
 811 ~~Insurance Corporation are higher and the coverage provided by~~
 812 ~~Citizens Property Insurance Corporation may be less than the~~
 813 ~~property's existing coverage. If the notice is signed by the~~
 814 ~~insured, it is presumed that the insured has been informed and~~
 815 ~~knows that policies from Citizens Property Insurance Corporation~~
 816 ~~may be less expensive, may provide less coverage, and will be~~
 817 ~~accompanied by higher assessments.~~

818 (3)

819 (b) Subsection (1) does ~~Paragraphs (1)(a)-(d) do~~ not apply
 820 to classes of insurance which are related to indemnity of
 821 deductibles for property insurance or are subject to s.
 822 627.062(3)(d)1. These classes may be exportable under the
 823 following conditions:

824 1. The insurance must be placed only by or through a
 825 surplus lines agent licensed in this state;

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826 2. The insurer must be made eligible under s. 626.918; and

827 3. The insured must sign a disclosure that substantially
 828 provides the following: "You are agreeing to place coverage in
 829 the surplus lines market. Superior coverage may be available in
 830 the admitted market and at a lesser cost. Persons insured by
 831 surplus lines carriers are not protected under the Florida
 832 Insurance Guaranty Act with respect to any right of recovery for
 833 the obligation of an insolvent unlicensed insurer." If the
 834 notice is signed by the insured, the insured is presumed to have
 835 been informed and to know that other coverage may be available,
 836 and, with respect to the diligent-effort requirement under
 837 subsection (1), there is no liability on the part of, and no
 838 cause of action arises against, the retail agent presenting the
 839 form.

840 Section 21. Paragraph (e) is added to subsection (1) of
 841 section 626.9551, Florida Statutes, to read:

842 626.9551 Favored agent or insurer; coercion of debtors.—

843 (1) No person may:

844 (e) Require an insurance agent or agency to directly or
 845 indirectly provide the replacement cost estimator or other
 846 underwriting information of an insurer underwriting an insurance
 847 policy covering real property, as a condition precedent or
 848 condition subsequent to the lending of money or extension of
 849 credit to be secured by real property, when such information is
 850 the proprietary business information of an insurer, as defined

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851 in s. 624.4212(1), nor may an agent or agency provide this
 852 information.

853 Section 22. Subsections (4) through (10) of section
 854 627.715, Florida Statutes, are renumbered as subsections (5)
 855 through (11), respectively, and a new subsection (4) is added to
 856 that section, to read:

857 627.715 Flood insurance.—An authorized insurer may issue
 858 an insurance policy, contract, or endorsement providing personal
 859 lines residential coverage for the peril of flood or excess
 860 coverage for the peril of flood on any structure or the contents
 861 of personal property contained therein, subject to this section.
 862 This section does not apply to commercial lines residential or
 863 commercial lines nonresidential coverage for the peril of flood.
 864 An insurer may issue flood insurance policies, contracts,
 865 endorsements, or excess coverage on a standard, preferred,
 866 customized, flexible, or supplemental basis.

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

871 Section 23. Subsection (3) of section 633.102, Florida
 872 Statutes, is amended to read:

873 633.102 Definitions.—As used in this chapter, the term:

874 (3) (a) "Contractor I" means a contractor whose business
 875 includes the execution of contracts requiring the ability to lay

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876 out, fabricate, install, inspect, alter, repair, and service all
 877 types of fire protection systems, excluding preengineered
 878 systems.

879 (b) "Contractor II" means a contractor whose business is
 880 limited to the execution of contracts requiring the ability to
 881 lay out, fabricate, install, inspect, alter, repair, and service
 882 water sprinkler systems, water spray systems, foam-water
 883 sprinkler systems, foam-water spray systems, standpipes,
 884 combination standpipes and sprinkler risers, all piping that is
 885 an integral part of the system beginning at the point of service
 886 as defined in this section, sprinkler tank heaters, air lines,
 887 thermal systems used in connection with sprinklers, and tanks
 888 and pumps connected thereto, excluding preengineered systems.

889 (c) "Contractor III" means a contractor whose business is
 890 limited to the execution of contracts requiring the ability to
 891 fabricate, install, inspect, alter, repair, and service carbon
 892 dioxide systems, foam extinguishing systems, dry chemical
 893 systems, and Halon and other chemical systems, excluding
 894 preengineered systems.

895 (d) "Contractor IV" means a contractor whose business is
 896 limited to the execution of contracts requiring the ability to
 897 lay out, fabricate, install, inspect, alter, repair, and service
 898 automatic fire sprinkler systems for detached one-family
 899 dwellings, detached two-family dwellings, and mobile homes,
 900 excluding preengineered systems and excluding single-family

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901 homes in cluster units, such as apartments, condominiums, and
 902 assisted living facilities or any building that is connected to
 903 other dwellings. A Contractor IV is limited to the scope of
 904 practice specified in NFPA 13D.

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

912
 913 ~~The definitions in~~ This subsection may not be construed to
 914 include engineers or architects within the defined terms and
 915 does ~~de~~ not limit or prohibit a licensed fire protection
 916 engineer or architect with fire protection design experience
 917 from designing any type of fire protection system. A distinction
 918 is made between system design concepts prepared by the design
 919 professional and system layout as defined in this section and
 920 typically prepared by the contractor. However, a person
 921 certified as a Contractor I or, ~~Contractor II, or Contractor IV~~
 922 ~~under this chapter~~ may design new fire protection systems of 49
 923 or fewer sprinklers; ~~and~~ may design the alteration of an
 924 existing fire sprinkler system if the alteration consists of the
 925 relocation, addition, or deletion of ~~not more than~~ 49 or fewer

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926 | sprinklers, notwithstanding the size of the existing fire
 927 | sprinkler system; or may design the alteration of an existing
 928 | fire sprinkler system if the alteration consists of the
 929 | relocation or deletion of 249 or fewer sprinklers,
 930 | notwithstanding the size of the existing fire sprinkler system,
 931 | if there is no change of occupancy, as defined in the Florida
 932 | Building Code and the Florida Fire Prevention Code, of the
 933 | affected areas and there is no change in the water demand as
 934 | defined in NFPA 13, "Standard for the Installation of Sprinkler
 935 | Systems," and if the occupancy hazard classification as defined
 936 | in NFPA 13 is reduced or remains the same as a result of the
 937 | alteration. Conflicts between the Florida Building Code and the
 938 | Florida Fire Prevention Code shall be resolved pursuant to s.
 939 | 553.73(1)(d). A person certified as a Contractor I, Contractor
 940 | II, or Contractor IV may design or alter a fire protection
 941 | system, the scope of which complies with NFPA 13D, "Standard for
 942 | the Installation of Sprinkler Systems in One- and Two-Family
 943 | Dwellings and Manufactured Homes," as adopted by the State Fire
 944 | Marshal, notwithstanding the number of fire sprinklers.
 945 | Contractor-developed plans may not be required by any local
 946 | permitting authority to be sealed by a registered professional
 947 | engineer.

948 | Section 24. Section 633.136, Florida Statutes, is amended
 949 | to read:

950 | 633.136 Fire and Emergency Incident Information Reporting

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951 Program; duties; fire reports.—

952 (1) (a) The Fire and Emergency Incident Information
 953 Reporting Program is created within the division. The program
 954 shall:

955 1. Establish and maintain an electronic communication
 956 system capable of transmitting fire and emergency incident
 957 information to and between fire service providers ~~protection~~
 958 ~~agencies~~.

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

961 a. Receiving fire and emergency incident information from
 962 fire service providers ~~protection agencies~~.

963 b. Preparing and disseminating annual reports to the
 964 Governor, the President of the Senate, the Speaker of the House
 965 of Representatives, fire service providers ~~protection agencies~~,
 966 and, upon request, the public. Each report must ~~shall~~ include,
 967 but not be limited to, the information listed in the National
 968 Fire Incident Reporting System.

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

971 3. Adopt rules to effectively and efficiently implement,
 972 administer, manage, maintain, and use the Fire and Emergency
 973 Incident Information Reporting Program. The rules shall be
 974 considered minimum requirements and may ~~shall~~ not preclude a
 975 fire service provider ~~protection agency~~ from implementing its

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976 own requirements that ~~which~~ may not conflict with the rules of
 977 the division.

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

981 5. Maintain ~~Establish~~ an electronic information database
 982 that is accessible and searchable by fire service providers
 983 ~~protection agencies~~.

984 (b) The division shall consult with the Florida Forest
 985 Service of the Department of Agriculture and Consumer Services
 986 and the State Surgeon General of the Department of Health to
 987 coordinate data, ensure accuracy of the data, and limit
 988 duplication of efforts in data collection, analysis, and
 989 reporting.

990 (2) The Fire and Emergency Incident Information System
 991 Technical Advisory Panel is created within the division. The
 992 panel shall advise, review, and recommend to the State Fire
 993 Marshal with respect to the requirements of this section. The
 994 membership of the panel consists ~~shall consist~~ of the ~~following~~
 995 15 members:

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

998 ~~(b) One member from the Florida Forest Service of the~~
 999 ~~Department of Agriculture and Consumer Services, appointed by~~
 1000 ~~the director of the Florida Forest Service.~~

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1001 ~~(c) One member from the Department of Health, appointed by~~
 1002 ~~the State Surgeon General.~~

1003 (3) As used in ~~For the purpose of~~ this section, the term
 1004 "fire service provider" has the same meaning as in s. 633.102
 1005 ~~"fire protection agency" shall be defined by rule by the~~
 1006 ~~division.~~

1007 Section 25. Subsection (18) of section 633.202, Florida
 1008 Statutes, is amended to read:

1009 633.202 Florida Fire Prevention Code.—

1010 (18) The authority having jurisdiction shall determine the
 1011 minimum radio signal strength for fire department communications
 1012 in all new high-rise and existing high-rise buildings. Existing
 1013 buildings are not required to comply with minimum radio strength
 1014 for fire department communications and two-way radio system
 1015 enhancement communications as required by the Florida Fire
 1016 Prevention Code until January 1, 2025 ~~2022~~. However, by January
 1017 1, 2024 ~~December 31, 2019~~, an existing building that is not in
 1018 compliance with the requirements for minimum radio strength for
 1019 fire department communications must apply for an appropriate
 1020 permit for the required installation with the local government
 1021 agency having jurisdiction and must demonstrate that the
 1022 building will become compliant by January 1, 2025 ~~2022~~. Existing
 1023 apartment buildings are not required to comply until January 1,
 1024 2025. However, existing apartment buildings are required to
 1025 apply for the appropriate permit for the required communications

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1026 installation by January 1, 2024 ~~December 31, 2022~~.

1027 Section 26. Section 633.217, Florida Statutes, is created
1028 to read:

1029 633.217 Influencing a firesafety inspector; prohibited
1030 acts.—

1031 (1) A person may not influence a firesafety inspector by:

1032 (a) Threatening, coercing, tricking, or attempting to
1033 threaten, coerce, or trick the firesafety inspector into
1034 violating any provision of the Florida Fire Prevention Code, any
1035 rule adopted by the State Fire Marshal, or any provision of this
1036 chapter.

1037 (b) Offering any compensation to the firesafety inspector
1038 to induce a violation of the Florida Fire Prevention Code, any
1039 rule adopted by the State Fire Marshal, or any provision of this
1040 chapter.

1041 (2) A firesafety inspector may not knowingly and
1042 intentionally request, solicit, accept, or agree to accept
1043 compensation offered as described in paragraph (1) (b).

1044 Section 27. Paragraphs (d), (g), and (h) of subsection (4)
1045 of section 633.304, Florida Statutes, are amended to read:

1046 633.304 Fire suppression equipment; license to install or
1047 maintain.—

1048 (4)

1049 (d) A license of any class may not be issued or renewed by
1050 the division and a license of any class does not remain

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1051 | operative unless:

1052 | 1. The applicant has submitted to the State Fire Marshal
1053 | evidence of registration as a Florida corporation or evidence of
1054 | compliance with s. 865.09.

1055 | 2. The State Fire Marshal or his or her designee has by
1056 | inspection determined that the applicant possesses the equipment
1057 | required for the class of license sought. The State Fire Marshal
1058 | shall give an applicant a reasonable opportunity to correct any
1059 | deficiencies discovered by inspection. To obtain such
1060 | inspection, an applicant with facilities located outside this
1061 | state must:

1062 | a. Provide a notarized statement from a professional
1063 | engineer licensed by the applicant's state of domicile
1064 | certifying that the applicant possesses the equipment required
1065 | for the class of license sought and that all such equipment is
1066 | operable; or

1067 | b. Allow the State Fire Marshal or her or his designee to
1068 | inspect the facility. All costs associated with the State Fire
1069 | Marshal's inspection must be paid by the applicant. The State
1070 | Fire Marshal, in accordance with s. 120.54, may adopt rules to
1071 | establish standards for the calculation and establishment of the
1072 | amount of costs associated with any inspection conducted by the
1073 | State Fire Marshal under this section. Such rules must include
1074 | procedures for invoicing and receiving funds in advance of the
1075 | inspection.

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1076 3. The applicant has submitted to the State Fire Marshal
1077 proof of insurance providing coverage for comprehensive general
1078 liability for bodily injury and property damage, products
1079 liability, completed operations, and contractual liability. The
1080 State Fire Marshal shall adopt rules providing for the amounts
1081 of such coverage, but such amounts may not be less than \$300,000
1082 for Class A or Class D licenses, \$200,000 for Class B licenses,
1083 and \$100,000 for Class C licenses; and the total coverage for
1084 any class of license held in conjunction with a Class D license
1085 may not be less than \$300,000. The State Fire Marshal may, at
1086 any time after the issuance of a license or its renewal, require
1087 upon demand, and in no event more than 30 days after notice of
1088 such demand, the licensee to provide proof of insurance, on the
1089 insurer's form, containing confirmation of insurance coverage as
1090 required by this chapter. Failure, for any length of time, to
1091 provide proof of insurance coverage as required must result in
1092 the immediate suspension of the license until proof of proper
1093 insurance is provided to the State Fire Marshal. An insurer that
1094 provides such coverage shall notify the State Fire Marshal of
1095 any change in coverage or of any termination, cancellation, or
1096 nonrenewal of any coverage.

1097 4. The applicant applies to the State Fire Marshal,
1098 provides proof of experience, and successfully completes a
1099 prescribed training course that includes both written and
1100 practical training ~~offered by the State Fire College or an~~

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1101 ~~equivalent course~~ approved by the State Fire Marshal as
1102 applicable to the class of license being sought. This
1103 subparagraph does not apply to any holder of or applicant for a
1104 permit under paragraph (g) or to a business organization or a
1105 governmental entity seeking initial licensure or renewal of an
1106 existing license solely for the purpose of inspecting,
1107 servicing, repairing, marking, recharging, and maintaining fire
1108 extinguishers used and located on the premises of and owned by
1109 such organization or entity.

1110 5. The applicant has a current retestor identification
1111 number that is appropriate for the license for which the
1112 applicant is applying and that is listed with the United States
1113 Department of Transportation.

1114 6. The applicant has passed, with a grade of at least 70
1115 percent, a written examination testing his or her knowledge of
1116 the rules and statutes governing the activities authorized by
1117 the license and demonstrating his or her knowledge and ability
1118 to perform those tasks in a competent, lawful, and safe manner.
1119 Such examination must be developed and administered by the State
1120 Fire Marshal, or his or her designee in accordance with policies
1121 and procedures of the State Fire Marshal. An applicant shall pay
1122 a nonrefundable examination fee of \$50 for each examination or
1123 reexamination scheduled. A reexamination may not be scheduled
1124 sooner than 30 days after any administration of an examination
1125 to an applicant. An applicant may not be permitted to take an

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1126 examination for any level of license more than a total of four
 1127 times during 1 year, regardless of the number of applications
 1128 submitted. As a prerequisite to licensure of the applicant, he
 1129 or she:

1130 a. Must be at least 18 years of age.

1131 b. Must have 4 years of proven experience as a fire
 1132 equipment permittee at a level equal to or greater than the
 1133 level of license applied for or have a combination of education
 1134 and experience determined to be equivalent thereto by the State
 1135 Fire Marshal. Having held a permit at the appropriate level for
 1136 the required period constitutes the required experience.

1137 c. Must not have been convicted of a felony or a crime
 1138 punishable by imprisonment of 1 year or more under the law of
 1139 the United States or of any state thereof or under the law of
 1140 any other country. "Convicted" means a finding of guilt or the
 1141 acceptance of a plea of guilty or nolo contendere in any federal
 1142 or state court or a court in any other country, without regard
 1143 to whether a judgment of conviction has been entered by the
 1144 court having jurisdiction of the case. If an applicant has been
 1145 convicted of any such felony, the applicant is excluded from
 1146 licensure for a period of 4 years after expiration of sentence
 1147 or final release by the Florida Commission on Offender Review
 1148 unless the applicant, before the expiration of the 4-year
 1149 period, has received a full pardon or has had her or his civil
 1150 rights restored.

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1151
 1152 This subparagraph does not apply to any holder of or applicant
 1153 for a permit under paragraph (g) or to a business organization
 1154 or a governmental entity seeking initial licensure or renewal of
 1155 an existing license solely for the purpose of inspecting,
 1156 servicing, repairing, marking, recharging, hydrotesting, and
 1157 maintaining fire extinguishers used and located on the premises
 1158 of and owned by such organization or entity.

1159 (g) A permit of any class may not be issued or renewed to
 1160 a person by the division, and a permit of any class does not
 1161 remain operative, unless the person has:

1162 1. Submitted a nonrefundable examination fee in the amount
 1163 of \$50.

1164 2. Successfully completed a training course that includes
 1165 both written and practical training ~~offered by the State Fire~~
 1166 ~~College or an equivalent course~~ approved by the State Fire
 1167 Marshal as applicable to the class of license being sought.

1168 3. Passed, with a grade of at least 70 percent, a written
 1169 examination testing his or her knowledge of the rules and
 1170 statutes governing the activities authorized by the permit and
 1171 demonstrating his or her knowledge and ability to perform those
 1172 tasks in a competent, lawful, and safe manner. Such examination
 1173 must be developed and administered by the State Fire Marshal in
 1174 accordance with the policies and procedures of the State Fire
 1175 Marshal. An examination fee must be paid for each examination

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1176 | scheduled. A reexamination may not be scheduled sooner than 30
1177 | days after any administration of an examination to an applicant.
1178 | An applicant may not be permitted to take an examination for any
1179 | level of permit more than four times during 1 year, regardless
1180 | of the number of applications submitted. As a prerequisite to
1181 | taking the permit examination, the applicant must be at least 16
1182 | years of age.

1183 | (h) An applicant for a license or permit under this
1184 | section who fails the examination may take it three more times
1185 | during the 1-year period after he or she originally filed an
1186 | application for the examination. If the applicant fails the
1187 | examination within 1 year after the application date and he or
1188 | she seeks to retake the examination, he or she must file a new
1189 | application, pay the application and examination fees, and
1190 | successfully complete a prescribed training course that includes
1191 | both written and practical training ~~offered by the State Fire~~
1192 | ~~College or an equivalent course~~ approved by the State Fire
1193 | Marshal as applicable to the class of license being sought. The
1194 | applicant may not submit a new application within 6 months after
1195 | the date of his or her fourth reexamination. An applicant who
1196 | passes the examination but does not meet the remaining
1197 | qualifications prescribed by law and rule within 1 year after
1198 | the application date must file a new application, pay the
1199 | application and examination fee, successfully complete a
1200 | prescribed training course that includes both written and

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1201 ~~practical training approved by the State Fire College or an~~
 1202 ~~equivalent course approved by the State Fire Marshal as~~
 1203 ~~applicable to the class of license being sought,~~ and pass the
 1204 written examination.

1205 Section 28. Subsection (1) of section 633.402, Florida
 1206 Statutes, is amended to read:

1207 633.402 Firefighters Employment, Standards, and Training
 1208 Council; organization; meetings; quorum; compensation; seal;
 1209 special powers; firefighter training.—

1210 (1) There is created within the department a Firefighters
 1211 Employment, Standards, and Training Council of 15 ~~14~~ members.

1212 (a) The members shall be appointed as follows:

1213 1. Two fire chiefs appointed by the Florida Fire Chiefs
 1214 Association.

1215 2. Two firefighters, who are not officers, appointed by
 1216 the Florida Professional Firefighters Association.

1217 3. Two firefighter officers, who are not fire chiefs,
 1218 appointed by the State Fire Marshal.

1219 4. One individual appointed by the Florida League of
 1220 Cities.

1221 5. One individual appointed by the Florida Association of
 1222 Counties.

1223 6. One individual appointed by the Florida Association of
 1224 Special Districts.

1225 7. One individual appointed by the Florida Fire Marshals'

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1226 and Inspectors' Association.

1227 8. One employee of the Florida Forest Service of the
 1228 Department of Agriculture and Consumer Services appointed by the
 1229 director of the Florida Forest Service.

1230 9. One individual appointed by the State Fire Marshal.

1231 10. One director or instructor of a state-certified
 1232 firefighting training facility appointed by the State Fire
 1233 Marshal.

1234 11. One individual ~~The remaining member, who shall be~~
 1235 appointed by the State Fire Marshal, who may not be a member or
 1236 representative of the firefighting profession or of any local
 1237 government.

1238 12. One individual from the Department of Health,
 1239 appointed by the Surgeon General.

1240 (b) To be eligible for appointment as a member under
 1241 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
 1242 subparagraph (a)8., or subparagraph (a)10., a person must have
 1243 had at least 4 years' experience in the firefighting profession.
 1244 Members shall serve only as long as they continue to meet the
 1245 criteria under which they were appointed, or unless a member has
 1246 failed to appear at three consecutive and properly noticed
 1247 meetings unless excused by the chair.

1248 Section 29. Subsection (1) of section 633.416, Florida
 1249 Statutes, is amended to read:

1250 633.416 Firefighter employment and volunteer firefighter

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1251 service; saving clause.—

1252 (1) A fire service provider may not employ an individual
1253 to:

1254 (a) Extinguish fires for the protection of life or
1255 property or to supervise individuals who perform such services
1256 unless the individual holds a current and valid Firefighter
1257 Certificate of Compliance. However, a person who is currently
1258 serving as a volunteer firefighter and holds a volunteer
1259 firefighter certificate of completion with a fire service
1260 provider, who is then employed as a regular or permanent
1261 firefighter by such fire service provider, may function, for a
1262 period of 1 year under the direct supervision of an individual
1263 holding a valid Firefighter Certificate of Compliance, in the
1264 same capacity in which he or she acted as a volunteer
1265 firefighter, provided that he or she has completed all training
1266 required by the volunteer organization. Under no circumstance
1267 can this period extend beyond 1 year either collectively or
1268 consecutively from the start of employment to obtain a
1269 Firefighter Certificate of Compliance; or

1270 (b) Serve as the administrative and command head of a fire
1271 service provider for a period in excess of 1 year unless the
1272 individual holds a current and valid Firefighter Certificate of
1273 Compliance or Special Certificate of Compliance.

1274 Section 30. Section 648.30, Florida Statutes, is amended
1275 to read:

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1276 648.30 Licensure and appointment required; prohibited
 1277 acts; penalties.—

1278 (1) A person may not act in the capacity of a bail bond
 1279 agent or temporary bail bond agent or perform any of the
 1280 functions, duties, or powers prescribed for bail bond agents or
 1281 temporary bail bond agents under this chapter unless that person
 1282 is qualified, licensed, and appointed as provided in this
 1283 chapter.

1284 (2) A person may not represent himself or herself to be a
 1285 bail enforcement agent, bounty hunter, or other similar title in
 1286 this state.

1287 (3) A person, other than a certified law enforcement
 1288 officer, may not apprehend, detain, or arrest a principal on a
 1289 bond, wherever issued, unless that person is qualified,
 1290 licensed, and appointed as provided in this chapter or licensed
 1291 as a bail bond agent or bail bond enforcement agent, or holds an
 1292 equivalent license by the state where the bond was written.

1293 (4) Any person who violates this section commits a felony
 1294 of the third degree, punishable as provided in s. 775.082, s.
 1295 775.083, or s. 775.084.

1296 (5) Any licensee under this chapter who knowingly aids or
 1297 abets an unlicensed person in violating this section commits a
 1298 felony of the third degree, punishable as provided in s.
 1299 775.082, s. 775.083, or s. 775.084.

1300 Section 31. Section 843.08, Florida Statutes, is amended

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1301 to read:

1302 843.08 False personation.—A person who falsely assumes or

1303 pretends to be a firefighter, a sheriff, an officer of the

1304 Florida Highway Patrol, an officer of the Fish and Wildlife

1305 Conservation Commission, an officer of the Department of

1306 Environmental Protection, ~~a fire or arson investigator of the~~

1307 ~~Department of Financial Services,~~ an officer of the Department

1308 of Financial Services, any personnel or representative of the

1309 Division of Investigative and Forensic Services, an officer of

1310 the Department of Corrections, a correctional probation officer,

1311 a deputy sheriff, a state attorney or an assistant state

1312 attorney, a statewide prosecutor or an assistant statewide

1313 prosecutor, a state attorney investigator, a coroner, a police

1314 officer, a lottery special agent or lottery investigator, a

1315 beverage enforcement agent, a school guardian as described in s.

1316 30.15(1)(k), a security officer licensed under chapter 493, any

1317 member of the Florida Commission on Offender Review or any

1318 administrative aide or supervisor employed by the commission,

1319 any personnel or representative of the Department of Law

1320 Enforcement, or a federal law enforcement officer as defined in

1321 s. 901.1505, and takes upon himself or herself to act as such,

1322 or to require any other person to aid or assist him or her in a

1323 matter pertaining to the duty of any such officer, commits a

1324 felony of the third degree, punishable as provided in s.

1325 775.082, s. 775.083, or s. 775.084. However, a person who

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1326 | falsely personates any such officer during the course of the
 1327 | commission of a felony commits a felony of the second degree,
 1328 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1329 | If the commission of the felony results in the death or personal
 1330 | injury of another human being, the person commits a felony of
 1331 | the first degree, punishable as provided in s. 775.082, s.
 1332 | 775.083, or s. 775.084.

1333 | Section 32. Paragraph (f) is added to subsection (11) of
 1334 | section 943.045, Florida Statutes, to read:

1335 | 943.045 Definitions; ss. 943.045-943.08.—The following
 1336 | words and phrases as used in ss. 943.045-943.08 shall have the
 1337 | following meanings:

1338 | (11) "Criminal justice agency" means:

1339 | (f) The investigations component of the Department of
 1340 | Financial Services which investigates the crimes of fraud and
 1341 | official misconduct in all public assistance given to residents
 1342 | of this state or provided to others by this state.

1343 | Section 33. Except as otherwise expressly provided in this
 1344 | act, this act shall take effect July 1, 2021.