

CS/HB 1209 – Department of Financial Services

This bill amends multiple statutes. First, it amends s. 497.157, F.S., stating that “a person may not be, act as, or advertise or hold himself or herself out to be a funeral director, an embalmer, or a direct disposer unless he or she is currently licensed by the department.” Also, “a person may not be, act as, or advertise or hold himself or herself out to be a preneed sales agent unless he or she is currently licensed by the department and appointed by a preneed main licensee for which he or she is executing preneed contracts.” It also increases the current 2nd degree misdemeanor to an **unranked, 3rd degree felony (Level 1 by default)** for “any person who is not licensed under this chapter and who engages in activity requiring licensure under this chapter.” This bill also amends s. 648.30, F.S., adding an **unranked, 3rd degree felony (Level 1 by default)** for “any licensee under this chapter who knowingly aids or abets an unlicensed person in violating this section. Currently, a Level 1, 3rd degree felony exists for acting as a bail bond agent or temporary bail bond agent, representing oneself as one, or apprehending/detaining/arresting when unlicensed. Finally, this bill amends s. 843.08, F.S., expanding the pool of positions for false personation by adding “any personnel or representative of the Division of Investigative and Forensic Services.” This would impact the Level 2, 3rd degree felony for false personation, the Level 4, 2nd degree felony for “a person who falsely personates any such officer during the course of the commission of a felony,” and the Level 7, 1st degree felony for when “the commission of the felony results in the death or personal injury of another human being.”

Per FDLE, there were no arrests for providing funeral services without a license in either FY 18-19 or FY 19-20. Per DOC, there were no new commitments to prison for unlicensed bail bond agent violations in either FY 18-19 or FY 19-20. There were 3 new commitments in FY 18-19 and 1 new commitment in FY 19-20 for false personation violations under s. 843.08, F.S.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House