

Tab 1 SB 1092 by Bean (CO-INTRODUCERS) Perry; (Similar to CS/H 00487) Fire Prevention and Control

Tab 2 CS/SB 1360 by EN, Rodriguez; (Identical to H 01067) Florida Endangered and Threatened Species Act

Tab 3 CS/SB 1404 by BI, Perry; (Compare to CS/CS/H 01077) Department of Financial Services

178232	D	S	L	RCS	AEG, Perry	Delete everything after	02/19	03:19	PM
606376	AA	S		WD	AEG, Broxson	btw L.517 - 518:	02/18	12:39	PM
793798	SAA	S	L	WD	AEG, Broxson	btw L.517 - 518:	02/18	12:01	PM
228352	AA	S		RCS	AEG, Bean	btw L.517 - 518:	02/19	03:19	PM
967524	AA	S		RCS	AEG, Perry	btw L.517 - 518:	02/19	03:19	PM
930908	AA	S		RCS	AEG, Powell	btw L.517 - 518:	02/19	03:19	PM
784810	AA	S	L	RCS	AEG, Broxson	btw L.517 - 518:	02/19	03:19	PM
376164	AA	S	L	RCS	AEG, Perry	Delete L.39 - 47:	02/19	03:19	PM
392550	A	S	L	WD	AEG, Broxson	btw L.330 - 331:	02/18	12:40	PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE,
 ENVIRONMENT AND GENERAL GOVERNMENT**

**Senator Mayfield, Chair
 Senator Powell, Vice Chair**

MEETING DATE: Tuesday, February 18, 2020
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Mayfield, Chair; Senator Powell, Vice Chair; Senators Albritton, Bean, Berman, Broxson, Hooper, Hutson, Rodriguez, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1092 Bean (Similar CS/H 487)	Fire Prevention and Control; Creating the Firefighter Cancer Decontamination Equipment Grant Program within the Division of State Fire Marshal of the Department of Financial Services for certain purposes; requiring the division to administer the program and annually award grants, and distribute equipment and training, to qualifying fire departments in a certain manner; requiring the State Fire Marshal to adopt rules and procedures, etc. BI 01/15/2020 Favorable AEG 02/18/2020 Favorable AP	Favorable Yeas 8 Nays 0
2	CS/SB 1360 Environment and Natural Resources / Rodriguez (Identical H 1067)	Florida Endangered and Threatened Species Act; Directing the Fish and Wildlife Conservation Commission to protect certain declassified species; prohibiting the commission from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc. EN 02/10/2020 Fav/CS AEG 02/18/2020 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Agriculture, Environment and General Government
Tuesday, February 18, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 1404 Banking and Insurance / Perry (Compare CS/CS/H 1077, H 1263, CS/S 1594)	Department of Financial Services; Specifying powers and duties of the Division of Public Assistance Fraud; prohibiting persons from acting as or advertising themselves as being funeral directors, embalmers, direct disposers, or preneed sales agents unless they are so licensed; revising the definition of the term "two-component explosives" for the purpose of regulation by the Division of State Fire Marshal; providing that certain persons serving as volunteer firefighters may serve as a regular or permanent firefighter for a limited period, subject to certain restrictions, etc. BI 01/21/2020 Fav/CS AEG 02/18/2020 Fav/CS AP	Fav/CS Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: SB 1092

INTRODUCER: Senators Bean and Perry

SUBJECT: Fire Prevention and Control

DATE: February 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Arnold</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1092 creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division of the State Fire Marshal (Division) to provide financial assistance to qualifying fire departments to help procure equipment, supplies, and educational training material designed to mitigate exposure to hazardous, cancer-causing chemicals.

The bill authorizes the State Fire Marshal to adopt rules and procedures to administer the program, including for the approval of applications and development of need-based criteria. Needs-based criteria must include, but are not limited to, decontamination equipment and supply needs of the fire department, the financial needs of the fire department, and the level of nonstate matching funds proposed in the application.

The bill requires grant recipients to:

- Provide a minimum 25 percent nonstate matching funds;
- Report their activity to the Division of State Fire Marshal for submission in the Fire and Emergency Incident Information Reporting System;
- Comply with the Florida Firefighters Occupational Safety and Health Act; and
- Comply with any other rule determined by the State Fire Marshal to effectively implement, administer, and manage the program.

SB 2500, the Senate General Appropriations Act for Fiscal Year 2020-2021, provides \$150,000 in general revenue funds to create this program.

The bill takes effect July 1, 2020.

II. Present Situation:

Division of the State Fire Marshal

State law on fire prevention and control designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division.¹ Pursuant to this authority, the State Fire Marshal:

- Regulates, trains, and certifies fire service personnel;
- Investigates the causes of fires;
- Enforces arson laws;
- Regulates the installation of fire equipment;
- Conducts firesafety inspections of state property;
- Develops firesafety standards;
- Provides facilities for the analysis of fire debris; and
- Operates the Florida State Fire College.

The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).² The BFP conducts fire/life safety inspections and construction plans review on all state-owned buildings; regulates the fireworks and the fire sprinkler industries; inspects and licenses boilers; and certifies suppression industry workers.³ The BFST approves firefighter training curricula; offers fire service training at the Florida State Fire College; and certifies that fire service members meet industry-based standards.⁴

Florida Fire Prevention Code

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC),⁵ which contains all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.⁶ The State Fire Marshal adopts a new edition of the FFPC every three years.⁷ The FFPC includes national firesafety and life safety standards set forth by the National Fire Protection Association (NFPA),⁸ including the NFPA's Fire Code (1), Life Safety Code (101), and Guide on Alternative Approaches to Life Safety (101A).⁹

¹ Section 633.104, F.S.

² Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited December 19, 2019).

³ *Id.*

⁴ *Id.*

⁵ Section 633.202(2), F.S.

⁶ Section 633.202(1), F.S.

⁷ *Id.*

⁸ Section 633.202(2), F.S. Founded in 1896, the NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical, and related hazards. It has developed over 300 voluntary consensus codes and standards in the areas of fire, electrical, and building safety, which are widely used by state and local officials. National Fire Protection Association, *About NFPA*, <https://www.nfpa.org/about-nfpa> (last visited December 19, 2019).

⁹ The NFPA states that the Guide on Alternative Approaches to Life Safety “is intended to be used in conjunction with the NFPA 101: Life Safety Code, not as a substitute.” National Fire Protection Association, *NFPA 101A: A Guides on*

Firesafety Enforcement by Local Governments

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the FFPC as the minimum fire prevention code, which operates uniformly among local government and in conjunction with the Florida Building Code.¹⁰ These local enforcing authorities may adopt more stringent firesafety standards, subject to certain requirements in s. 633.208, F.S., but may not enact firesafety ordinances which conflict with ch. 633, F.S., or any other state law.¹¹

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and the rules prescribed by the State Fire Marshal within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.¹² Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a firesafety inspector (certified by the State Fire Marshal) to conduct all firesafety inspections required by law.¹³

Firefighter Assistance Grant Program

The 2016 Legislature created the Firefighter Assistance Grant Program (FAGP) for the purpose of assisting fire departments in providing firefighter training and procuring necessary firefighter personal protective equipment, self-contained breathing apparatus equipment, and fire engine pumper apparatus equipment.¹⁴ The Division administers the FAGP and annually awards grants to volunteer and combination (combination of career and volunteer) fire departments using the annual Florida Fire Service Needs Assessment Survey.¹⁵

Firefighter Cancer Initiative

The 2015 Legislature appropriated \$965,000 in nonrecurring funds from General Revenue for the purpose of identifying exposures that account for increased cancer risk among firefighters; expanding access to cancer screenings across the state; enabling prevention and earlier detection of the disease; and developing new technology and methods that measure exposure in the field.¹⁶ The University of Miami Sylvester Comprehensive Cancer Center created and administers the Firefighter Cancer Initiative (FCI) in collaboration with the State Fire Marshal.¹⁷ To date, the FCI has participation from more than 3,700 firefighters, distributed more than 4,000 post fire on-

Alternative Approaches to Life Safety, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=101A> (last visited December 19, 2019).

¹⁰ Sections 633.108 and 633.208, F.S.

¹¹ Section 633.214(4), F.S. The State Fire Marshal maintains a list of local amendments to the FFPC. This information is available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited December 19, 2019).

¹² Section 633.118, F.S.

¹³ Section 633.216(1), F.S.

¹⁴ Chapter 2016-132, L.O.F.

¹⁵ *Id.*

¹⁶ Chapter 2015-232, L.O.F., s. 6 (Specific Appropriation 2382A).

¹⁷ Appropriations Project Request 1549 (2019 Reg. Session),

https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=1549_v1.pdf&DocumentType=MemberBudgetRequests&Session=2019&BillNumber=4091 (last visited December 19, 2019).

scene decontamination kits to fire departments, and secured more than \$2 million in external funding.¹⁸

Each post fire on-scene decontamination kit includes the following tools needed for firefighters to effectively clean their gear after exposure to a fire:

- Flash drive, including education videos and training outline;
- Laminated Field Operation Guide;
- Standard Operating Guideline;
- Five gallon bucket and leak-proof lid;
- Five gallon six mil clear bags;
- Duct tape;
- Dish soap;
- Short handle scrub brush;
- All-purpose spray bottle;
- Dermal wipes;
- Two 50 foot, 5/8 inch hose lines;
- Two garden hose nozzles;
- Two adapters; and
- Collapsible traffic cone.¹⁹

Elevated Mortality Patterns and Cancer Incidence Rates in Firefighters

Firefighters are at higher risk of developing and dying from cancer than the general population of the United States due to carcinogenic exposure on the job.²⁰ Recent studies quantifying the relationship between occupational exposures and cancer risk indicate firefighters have a nine percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general population in the United States.²¹ Excess risk has been attributed to several cancer sites, including malignancies of respiratory, digestive, and urinary systems.²²

Carcinogenic exposure is both airborne (inhaled) and bloodborne (transdermal), and is present both on-scene and in the firehouse, as fire and emergency services stations are the collection points for contaminated equipment from emergency scenes.²³ Additionally, the increased use of plastics and synthetic materials in modern construction and furnishings has rendered today's

¹⁸ *Id.*

¹⁹ Press Release, Department of Financial Services, *CFO Jimmy Patronis, Sylvester Comprehensive Cancer Center Deliver more than 4,000 Cancer Exposure Decontamination Kits to Florida Firefighters* (August 2, 2018) <https://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=5071> (last visited December 19, 2019).

²⁰ See Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago, and Philadelphia (1950-2009) available at https://www.cdc.gov/niosh/firefighters/pdfs/OEM_FF_Ca_Study_10-2013.pdf (last visited December 19, 2019).

²¹ *Id.*

²² *Id.*, see also Exposure-response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago, and Philadelphia (1950-2009) available at [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\)-508.pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015)-508.pdf) (last visited December 19, 2019).

²³ Federal Emergency Management Agency, US Fire Administration, *Safety and Health Considerations for the Design of Fire and Emergency Medical Services Stations* (May 2018), https://www.usfa.fema.gov/downloads/pdf/publications/design_of_fire_ems_stations.pdf (last visited December 19, 2019).

house fires more hazardous than house fires of previous generations.²⁴ By some estimates, firefighters may be exposed to as many 90,000 chemicals in the firefighting environment.²⁵

III. Effect of Proposed Changes:

Section 1 creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division to provide financial assistance to qualifying fire departments to help procure equipment, supplies, and educational training material designed to mitigate exposure to hazardous, cancer-causing chemicals.

It authorizes the State Fire Marshal to adopt rules and procedures to administer the program, including for the approval of applications and development of need-based criteria. Needs-based criteria must include, but are not limited to, decontamination equipment and supply needs of the fire department, the financial needs of the fire department, and the level of nonstate matching funds proposed in the application.

It further requires grant recipients to:

- Provide a minimum 25 percent nonstate matching funds;
- Report their activity to the Division of State Fire Marshal for submission in the Fire and Emergency Incident Information Reporting System;
- Comply with the Florida Firefighters Occupational Safety and Health Act; and
- Comply with any other rule determined by the State Fire Marshal to effectively implement, administer, and manage the program.

Section 2 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁴ *Id.*

²⁵ Toxic chemicals that may be found in any given firefighting environment include acetaldehyde, acrolein, acrylonitrile, arsenic, benzene, butadiene, coal-tar pitch, carbon monoxide, ethyl benzene, formaldehyde, hydrogen chloride, isocyanates, methyl methacrylate, naphthalene, nickel, polycyclic aromatic hydrocarbons, polybrominated diphenyl ethers, polychlorinated biphenyls, styrene, toluene, toluene diisocyanate, and vinyl chloride.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 2500, the Senate General Appropriations Act for Fiscal Year 2020-2021, provides \$150,000 in general revenue funds to create this program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 633.137 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bean

4-00998A-20

20201092__

1 A bill to be entitled
 2 An act relating to fire prevention and control;
 3 creating s. 633.137, F.S.; creating the Firefighter
 4 Cancer Decontamination Equipment Grant Program within
 5 the Division of State Fire Marshal of the Department
 6 of Financial Services for certain purposes; requiring
 7 the division to administer the program and annually
 8 award grants, and distribute equipment and training,
 9 to qualifying fire departments in a certain manner;
 10 requiring the State Fire Marshal to adopt rules and
 11 procedures; providing application criteria; providing
 12 requirements for grant recipients; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 633.137, Florida Statutes, is created to
 18 read:

19 633.137 Firefighter Cancer Decontamination Equipment Grant
 20 Program.—

21 (1) The Firefighter Cancer Decontamination Equipment Grant
 22 Program is created within the division to help protect the
 23 health and safety of firefighters in this state. The program
 24 shall provide financial assistance to help fire departments,
 25 including volunteer fire departments, procure equipment,
 26 supplies, and educational training designed to mitigate exposure
 27 to hazardous, cancer-causing chemicals.

28 (2) The division shall administer the program and annually
 29 award grants to fire departments on a need-based basis. The

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00998A-20

20201092__

30 division shall distribute equipment and training in a manner
 31 that leads to the greatest reduction in incidences of
 32 firefighters being exposed to hazardous post-fire contaminants.

33 (3) The State Fire Marshal shall adopt rules and procedures
 34 for the program, including for the approval of applications and
 35 development of need-based criteria. This criteria shall include,
 36 but are not limited to, the decontamination equipment and supply
 37 needs of the fire department, the financial needs of the fire
 38 department, and the level of nonstate matching funds proposed in
 39 the application. Grant applications must include a minimum of 25
 40 percent nonstate funding.

41 (4) Grant recipients must:

42 (a) Report their activity to the division for submission in
 43 the Fire and Emergency Incident Information Reporting System
 44 created under s. 633.136.

45 (b) Comply with the Florida Firefighters Occupational
 46 Safety and Health Act, ss. 633.502-633.536.

47 (c) Comply with any other rule determined by the State Fire
 48 Marshal to effectively and efficiently implement, administer,
 49 and manage the program.

50 Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Appropriations Subcommittee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 15, 2020

I respectfully request that **Senate Bill # 1092**, relating to Fire Prevention and Control, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE

APPEARANCE RECORD

2/18/20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1092

Bill Number (if applicable)

Topic Fire Prevention and Control

Amendment Barcode (if applicable)

Name Meredith Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 11, The Capitol

Phone (850) 413-2890

Street

Tallahassee

FL

32399

Email Meredith.Stanfield@

City

State

Zip

myFloridaCFO.com

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing CFO Jimmy Patronis

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20
Meeting Date

1092
Bill Number (if applicable)

Topic Fire Prevention and Control

Amendment Barcode (if applicable)

Name Tara Taggart

Job Title Legislative Policy Analyst

Address PO Box 1757

Phone 850-701-3603

Street

Tallahassee FL 32302

City

State

Zip

Email ttaggart@flcities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

FEB 18, 2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1092

Bill Number (if applicable)

Topic Fire Prevention & Control

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 Palm Dr

Phone 407-468-1622

Street

Melbourne Beach FL 32951

City

State

Zip

Email ray@ffca.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA Fire Chiefs' Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20

Meeting Date

SB 1092

Bill Number (if applicable)

Topic FIRE PREVENTION + CONTROL

Amendment Barcode (if applicable)

Name Wayne BERNASKA

Job Title President

Address 343 W. MADISON ST
Street

Phone 321-231-9116

City

State

Zip

Email Bernie @ FPFF.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: CS/SB 1360

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Florida Endangered and Threatened Species Act

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1360 revises the definitions of “endangered species” and “threatened species” in the Florida Endangered and Threatened Species Act to include the impact of climate change as a factor that may jeopardize the survival of certain species of fish and wildlife. The bill requires the Fish and Wildlife Conservation Commission (FWC) to continue to protect endangered or threatened fish and wildlife species as the FWC determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the FWC from considering the economic cost of protecting a fish or wildlife species as a factor in designating it as endangered or threatened.

The bill requires the Department of Agriculture and Consumer Services (DACS) to consider the impacts of climate change on plant species as part of its four-year review of the Regulated Plant Index. The bill requires the DACS to continue to protect endangered or threatened plant species as the DACS determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the DACS from considering the economic cost of protecting a plant species as a factor in designating it as endangered or threatened.

The bill has no fiscal impact on state funds and has an effective date of July 1, 2020.

II. Present Situation:

Endangered Species Act of 1973 (Federal)¹

The Endangered Species Act (ESA), enacted in 1973 and amended in 1996, designates that species of fish, (including marine mammals), wildlife, and plants, which are so depleted they are in danger of or threatened with extinction, must be conserved.² The ESA is overseen by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The ESA provides for the conservation of threatened and endangered species of fish, wildlife, and plants by federal action and by encouraging state conservation programs.³ The objective of the ESA is to enable listed species not merely to survive, but to recover from their endangered or threatened status.⁴ The act authorizes the determination and listing of endangered and threatened species and their habitats.

Delisting/Declassification

When a species is able to survive on its own in the wild, the species is considered to be recovered and protection of the ESA is no longer necessary. At least once every five years, the USFWS conducts a review of all listed species to determine whether any species should be removed from the list, changed in status from endangered to threatened, or changed in status from threatened to endangered.⁵ When the USFWS removes a species from the federal list of Endangered and Threatened Wildlife and Plants, the species is “delisted.” To delist a species, the USFWS must determine that threats have been eliminated or controlled, based on several factors including population size and trends and the stability of habitat quality and quantity.⁶

The USFWS reviews five factors in its determination of whether a species still needs protection under the ESA:

- Is there a present or threatened destruction, modification, or curtailment of the species’ habitat or range;
- Is the species subject to over-utilization for commercial, recreational, scientific, or educational purposes;
- Is disease or predation a factor;
- Are there adequate existing regulatory mechanisms in place, taking into account the initiatives by states and other organizations, to protect the species or habitat; and
- Are other natural or manmade factors affecting the species’ continued existence?⁷

During this process, the USFWS works with species experts; federal, state, and local agencies; tribes; nongovernmental organizations; the academic community; and other stakeholders to achieve success in population assessments, recovery, and eliminating or reducing threats. Species are generally delisted for the following reasons: recovery, extinction, or evidence of additional

¹ 16 U.S.C. s. 1531-1544.

² 16 U.S.C. s. 1531.

³ *Id.*

⁴ *Id.*; *Sierra Club v. U.S. Fish and Wildlife Service*, 245 F. 3d 434 (2001).

⁵ 16 U.S.C. s. 1533.

⁶ USFWS, *Delisting a Species, Section 4 of the Endangered Species Act*, available at <https://www.fws.gov/endangered/esa-library/pdf/delisting.pdf>.

⁷ *Id.*

populations. After a species is delisted, it is monitored for at least five years according to a post-delisting monitoring plan.⁸

Economic Costs

Historically, economics has not been a factor in the decision of whether or not to list a species under the ESA. However, economic costs are considered in the designation of critical habitat,⁹ even when the impacts are attributable to other causes, including listing.¹⁰

The ESA states that listing decisions are to be made “solely on the basis of the best scientific and commercial data available.”¹¹ The 1978 regulations expanded on this prohibition by adding “without reference to possible economic or other impacts of such determination.”¹² The revised regulations, effective September 26, 2019 removed this language¹³ to clarify that it is not prohibited for the USFWS to compile economic information that is not used to influence a listing decision.¹⁴ When first proposing the rule, the USFWS and the NMFS indicated that there may be circumstances where referencing economic or other impacts may be informative to the public.¹⁵

State Programs

Section 6 of the ESA provides funding for the development of state programs for the management of threatened and endangered species by state wildlife agencies.¹⁶ Additionally, each state has state endangered species lists containing species that are endangered in the state but are not a federally-listed species. The Secretary of the Interior must enter into a cooperative agreement with a state, which establishes and maintains an adequate and active program for the conservation of endangered and threatened species if the program meets certain standards under the ESA.¹⁷ If a cooperative agreement exists, a state may receive federal funds under the ESA to implement the program, though normally states are expected to contribute a minimum matching amount.¹⁸

Fish and Wildlife Conservation Commission

Pursuant to s. 9, Art. IV of the State Constitution, the FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.¹⁹ While the USFWS has primary responsibility for Florida species that are federally

⁸ 16 U.S.C. s. 1533.

⁹ 50 C.F.R. s. 424.12.

¹⁰ *New Mexico Cattle Growers Ass'n v. United States Fish & Wildlife Serv.*, 248 F.3d 1277, 1285 (10th Cir. 2001).

¹¹ 50 C.F.R. s. 424.11(b) (2019).

¹² 50 C.F.R. s. 424.11(b) (1984).

¹³ 50 C.F.R. s. 424.11(b) (2019).

¹⁴ Endangered and Threatened Wildlife and Plants, Revision of the Regulations for Listing Species and Designating Critical Habitat, 84 Fed. Reg. 45020, 45024 (Aug. 27, 2019) (to be codified at 50 C.F.R. s. 424.11).

¹⁵ Endangered and Threatened Wildlife and Plants, Revision of the Regulations for Listing Species and Designating Critical Habitat, 84 Fed. Reg. 35194-35195 (Jul. 25, 2018) (to be codified at 50 C.F.R. s. 424.11).

¹⁶ 16 U.S.C. § 1535.

¹⁷ 16 U.S.C. § 1535(c).

¹⁸ 16 U.S.C. § 1535(d)(2).

¹⁹ Fla. Const. Art. IV, s. 9.

endangered or threatened, the FWC works in partnership with the USFWS to help conserve these species and maintains a list of state endangered and threatened species.

Florida Endangered and Threatened Species Act²⁰

The Florida Endangered and Threatened Species Act of 1977 provides for research and management to conserve and protect threatened and endangered species as a natural resource.²¹ Responsibility for the research and management of upland, freshwater, and marine species is given to the FWC.²² The act also encourages the FWC to develop a public education program dealing with endangered and threatened species. Annually, the FWC director submits a revised plan for management and conservation of endangered and threatened species to the Governor, the Cabinet, and the Legislature.²³

Endangered and threatened species can be listed as state-designated or federally-designated endangered or threatened species. State-designated threatened species are species that are native to Florida and are classified as threatened as determined by:

- A reduction in population size;
- Decline in geographic range;
- A population size estimated to be under 10,000 mature individuals with a continuing decline;
- A population size estimated to be under 1,000 mature individuals or with a very restricted area of occupancy; or
- A quantitative analysis showing the probability of extinction in the wild is at least 10 percent within 100 years.²⁴

Federally-designated endangered and threatened species are species of fish or wild animal life that are native to Florida and are classified as endangered or threatened by their federal designation as endangered or threatened under the ESA.²⁵

Pursuant to the FWC rule, if a species native to Florida is reclassified under the ESA and is a species within the FWC's constitutional authority, the species must also be reclassified under the Florida Endangered and Threatened Species list.²⁶ However, if a species is removed from the ESA protection, or delisted, the species must receive a biological status review to determine if it warrants listing as a state-listed species.²⁷ The FWC must consider the biological status report, independent scientific reviews received, and public comments regarding biological status when making a final determination regarding a change in listing status.²⁸

Before any species is removed from the state-endangered and threatened species lists, the FWC must develop a management plan that is intended to maintain or enhance the conservation of that

²⁰ Ch. 77-375, ss. 1-6, Laws of Fla. (creating s. 379.2291).

²¹ Section 379.2291(2), F.S.

²² Section 379.2291(4), F.S.

²³ Section 379.2291(5), F.S.; see FWC, *Endangered and Threatened Species Management and Conservation Plan, Progress Report, Fiscal Year 2018-2019* (Nov. 19, 2019), available at <https://myfwc.com/media/22264/2018-19-legislative-report.pdf>.

²⁴ Fla. Admin. Code R. 68A-27.001(3).

²⁵ Fla. Admin. Code R. 68A-27.001(2).

²⁶ Fla. Admin. Code R. 68A-27.0012(1).

²⁷ *Id.*

²⁸ Fla. Admin. Code R. 68A-27.0012(c)2.e.

species.²⁹ The FWC also developed the Imperiled Species Management Plan to address the needs of state-listed species that did not already have a management plan or specific program in place.³⁰

Climate Change Effects on Fish and Wildlife

The FWC is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.³¹ Projections indicate that few other states will be impacted by climate change as severely as Florida.³² Some of the climatic changes that may affect Florida include: sea-level rise and changes in precipitation, air temperature, extreme events, and carbon dioxide.³³

Many species of fish and wildlife in Florida could be threatened by climatic shifts. Species with narrow tolerance ranges, those occupying habitats in areas where migration or relocation is challenging due to physical barriers or unsuitable habitat, those with limited ability to disperse, or those with specialized habitat requirements, small populations, or low genetic diversity are expected to be most at risk.³⁴

Regulated Plant Index

The Division of Plant Industry within the DACS protects plant species native to the state that are endangered, threatened, or commercially exploited.³⁵ The policy of the state is to provide recognition of these plant species; protect them from unlawful harvesting on both public and privately owned lands; and provide an orderly and controlled procedure for restricted harvesting from the wild.³⁶ The state also encourages the propagation of endangered species and provides information necessary to legally collect these species for propagation.³⁷

Florida's native plant species in need of conservation efforts are listed in the Regulated Plant Index and are classified as endangered, threatened, or commercially exploited.³⁸ The list includes 448 endangered, 118 threatened, and nine commercially exploited species. Fifty-four of these species are on the federal list of endangered plant species and 14 are on the federal list of threatened species.³⁹

²⁹ Fla. Admin. Code R. 68A-27.0012(1).

³⁰ FWC, *Imperiled Species Management Plan*, available at <https://myfwc.com/media/2030/imperiled-species-management-plan.pdf>.

³¹ FWC, *What FWC is Doing*, <https://myfwc.com/conservation/special-initiatives/climate-change/fwc/> (last visited Feb. 4, 2020); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81-6-108, 9-35-9-51 (2016), available at <https://myfwc.com/media/5864/adaptation-guide.pdf>.

³² *Id.* at 4-1.

³³ *Id.* at 4-2.

³⁴ *Id.* at 5-1.

³⁵ Section 581.185(3), F.S.

³⁶ Section 581.185(1), F.S.

³⁷ *Id.*

³⁸ Fla. Admin. Code R. 5B-40.0055.

³⁹ DACS, *Florida's Endangered Plants*, <https://www.fdacs.gov/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Entomology-Nematology-Plant-Pathology/Botany/Florida-s-Endangered-Plants> (last visited Feb. 4, 2020).

The DACS has adopted rules relating to the listing, delisting, and changing the listing of plants on the Regulated Plant Index.⁴⁰ Every four years, the DACS and the Endangered Plant Advisory Council review the Regulated Plant Index and consider any species of plant which is in danger of disappearing from its native habitat within the foreseeable future throughout all or a significant portion of the range of the species because of:

- Present or threatened destruction, modification, or curtailment of the range of the species;
- Overutilization of the species for commercial, scientific, or educational purposes;
- Disease or predation; or
- Any other natural or manmade factor affecting the continued existence of the species.⁴¹

Any changes to the Regulated Plant Index must consider the recommendation of the Endangered Plant Advisory Council and the best environmental and commercial data available.⁴² The DACS must also consider the recommendations of the general public.⁴³ The Endangered Plant Advisory Council meets at least once a year.⁴⁴

III. Effect of Proposed Changes:

Section 1 (Fish and Wildlife)

The bill revises the legislative policy of the Florida Endangered or Threatened Species Act to conserve and manage resources, with particular attention to species “designated,” rather than “defined” by the FWC or the United States Department of the Interior or its successor agencies, as being endangered or threatened.

The bill revises the definitions of “endangered species” and “threatened species” to include the impact of climate change as a factor that may jeopardize the survival of certain species of fish and wildlife.

The bill revises the requirement that the FWC, in consultation with several agencies, establish reduced speed zones along roads, streets, and highways to protect endangered and threatened species, rather than endangered or threatened species.

The bill requires the FWC to continue to protect endangered or threatened fish and wildlife species as the FWC determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the FWC from considering the economic cost of protecting a fish or wildlife species as a factor in designating it as endangered or threatened.

Section 2 (Plants)

The bill requires the DACS and the Endangered Plant Advisory Council to consider the impacts of climate change on plant species as part of its four-year review of the Regulated Plant Index.

⁴⁰ Fla. Admin. Code Ch. 5B-40.

⁴¹ Section 581.185(5), F.S.

⁴² Section 581.185(4), F.S.

⁴³ *Id.*, Fla. Admin. Code R. 5B-40.0056(1).

⁴⁴ Fla. Admin. Code R. 5B-40.0056(2).

The bill requires the DACS to continue to protect endangered or threatened plant species as the DACS determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the DACS from considering the economic cost of protecting a plant species as a factor in designating it as endangered or threatened.

Section 3

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 379.2291 and 581.185.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on February 10, 2020:

- Revises title of bill to “An act relating to endangered and threatened species” to include the section relating to endangered and threatened plant species which are not covered under the Florida Endangered and Threatened Species Act.
- Deletes incorrect reference to DEP.

- B. **Amendments:**

None.

By the Committee on Environment and Natural Resources; and
Senator Rodriguez

592-03420-20

20201360c1

1 A bill to be entitled
2 An act relating to endangered and threatened species;
3 amending s. 379.2291, F.S.; revising legislative
4 intent of the Florida Endangered and Threatened
5 Species Act; revising definitions; directing the Fish
6 and Wildlife Conservation Commission to protect
7 certain declassified species; prohibiting the
8 commission from considering certain costs when
9 designating a species as endangered or threatened;
10 amending s. 581.185, F.S.; revising criteria for
11 placement of species on the Regulated Plant Index by
12 the Department of Agriculture and Consumer Services;
13 directing the department, in consultation with the
14 Endangered Plant Advisory Council, to protect certain
15 declassified species; prohibiting the department from
16 considering certain costs when designating a species
17 as endangered or threatened; providing an effective
18 date.
19
20 Be It Enacted by the Legislature of the State of Florida:
21
22 Section 1. Subsections (2), (3), and (4) of section
23 379.2291, Florida Statutes, are amended to read:
24 379.2291 Endangered and Threatened Species Act.—
25 (2) DECLARATION OF POLICY.—The Legislature recognizes that
26 the State of Florida harbors a wide diversity of fish and
27 wildlife and that it is the policy of this state to conserve and
28 wisely manage these resources, with particular attention to
29 those species designated ~~defined~~ by the Fish and Wildlife

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-03420-20

20201360c1

30 Conservation Commission, the Department of Environmental
31 Protection, or the United States Department of Interior, or
32 successor agencies, as being endangered or threatened. As
33 Florida has more endangered and threatened species than any
34 other continental state, it is the intent of the Legislature to
35 provide for research and management to conserve and protect
36 these species as a natural resource.
37 (3) DEFINITIONS.—As used in this section:
38 (a) "Fish and wildlife" means any member of the animal
39 kingdom, including, but not limited to, any mammal, fish, bird,
40 amphibian, reptile, mollusk, crustacean, arthropod, or other
41 invertebrate.
42 (b) "Endangered species" means any species of fish and
43 wildlife naturally occurring in Florida, whose prospects of
44 survival are in jeopardy due to modification or loss of habitat;
45 overuse ~~overutilization~~ for commercial, sporting, scientific, or
46 educational purposes; disease; predation; inadequacy of
47 regulatory mechanisms; or other natural or manmade factors
48 affecting its continued existence, including climate change.
49 (c) "Threatened species" means any species of fish and
50 wildlife naturally occurring in Florida which may not be in
51 immediate danger of extinction, but which exists in such small
52 populations as to become endangered if it is subjected to
53 increased stress as a result of further modification of its
54 environment, including climate change.
55 (4) INTERAGENCY COORDINATION.—
56 (a) The commission shall be responsible for research and
57 management of freshwater and upland species and for research and
58 management of marine species.

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20201360c1

59 (b) Recognizing that citizen awareness is a key element in
60 the success of this plan, the commission and the Department of
61 Education are encouraged to work together to develop a public
62 education program with emphasis on, but not limited to, both
63 public and private schools.

64 (c) The commission, in consultation with the Department of
65 Agriculture and Consumer Services, the Department of Economic
66 Opportunity, or the Department of Transportation, may establish
67 reduced speed zones along roads, streets, and highways to
68 protect endangered and threatened species ~~or threatened species~~.

69 (d) Notwithstanding declassification under the federal
70 Endangered Species Act of 1973, the commission shall continue to
71 protect species that meet the definition of endangered or
72 threatened under subsection (3), as determined by the
73 commission.

74 (e) The commission may not consider the economic cost of
75 protecting a species as a factor in designating the species as
76 endangered or threatened.

77 Section 2. Subsection (5) of section 581.185, Florida
78 Statutes, is amended to read:

79 581.185 Preservation of native flora of Florida.—

80 (5) REVIEW.—

81 (a) Beginning in 1984, and every 4 years thereafter, the
82 department and the Endangered Plant Advisory Council shall
83 conduct a comprehensive review of this section and of the
84 Regulated Plant Index, as provided in rules of the department,
85 shall be made by the department and the Endangered Plant
86 Advisory Council at 4 year intervals.

87 (b) The department shall consider any species of plant that

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-03420-20

20201360c1

88 should be placed on the Regulated Plant Index which is in danger
89 of disappearing from its native habitat within the foreseeable
90 future throughout all or a significant portion of the range of
91 the species because of:

92 1. Present or threatened destruction, modification, or
93 curtailment of the range of the species.

94 2. ~~Overuse~~ ~~Overutilization~~ of the species for commercial,
95 scientific, or educational purposes.

96 3. Disease or predation.

97 4. Any other natural or manmade factor affecting the
98 continued existence of the species, including climate change.

99 (c) In carrying out reviews and arriving at recommendations
100 under paragraphs (a) and (b), the department and the advisory
101 council shall use the best scientific and commercial data
102 available and shall consult with interested persons and
103 organizations.

104 (d) Notwithstanding declassification under the federal
105 Endangered Species Act of 1973, the department shall continue to
106 protect species that meet the definition of endangered or
107 threatened under subsection (2), as determined by the department
108 in consultation with the advisory council.

109 (e) The department may not consider the economic cost of
110 protecting a species as a factor in designating the species as
111 endangered or threatened.

112 Section 3. This act shall take effect July 1, 2020.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1360

Bill Number (if applicable)

Topic FL Endangered & Threatened Species Act

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title _____

Address P.O. Box 2020

Street

Phone 727.421.6902

St. Petersburg FL 33731

City

State

Zip

Email travis@moore-relations.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Defenders of Wildlife

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1360

Bill Number (if applicable)

Topic Endangered species

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Government Relations Director

Address 1700 N Monroe 11-286

Phone _____

Street

Tally FL 32303

City

State

Zip

Email lindsay@feroters.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Conservation voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

AGAS 1105

THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1360

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 104-2 CREST ST

Street

Phone 941-323-2484

TLH FL 32301

City

State

Zip

Email cullen@agass.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: PCS/CS/SB 1404 (863198)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government;
Banking and Insurance Committee and Senator Perry

SUBJECT: Department of Financial Services

DATE: February 20, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palecki</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1404 amends sections of Florida Statutes governing the following Department of Financial Services (DFS) Divisions: Investigative and Forensic Services; Public Assistance Fraud; Funeral, Cemetery, and Consumer Services; and State Fire Marshal. The bill:

- Prohibits employees who fall under the State Risk Management Trust Fund from engaging in retaliatory conduct against a sexual harassment victim;
- Provides that willful and knowing dissemination of certain identifying information of a sexual harassment victim is a misdemeanor of the first degree;
- Designates the Division of Public Assistance Fraud a criminal justice agency;
- Amends the composition requirements of the Board of Funeral, Cemetery, and Consumer Services; clarifies member requirements; amends the definition of “quorum” to enable ease of business; removes term staggering requirements; and clarifies rulemaking responsibilities;
- Clarifies and provides grounds for disqualification of death care licensure applicants based on criminal history;
- Amends provisions for criminal background checks for Funeral, Cemetery and Consumer Services applicants;
- Prohibits specific unlicensed funeral activity and increases the penalty to a third-degree felony;
- Increases criminal penalties associated with unlicensed funeral activity;
- Updates the definition of “two-component explosive” to reflect changes in the marketplace;

- Revises the provisions concerning notice to a purchaser of a preneed contract and changes how funds are distributed if the purchaser does not respond to written notice from the licensee;
- Amends continuing education requirements for individuals licensed to solicit, sell, or adjust insurance in the state;
- Allows contractors to begin repairs on a previously permitted fire alarm prior to receiving a permit to do so, yet maintains that such repair will not be compliant until permitted and approved;
- Extends the expiration date for exemptions that allow doorstep refuse and recycling collection containers in apartments with enclosed corridors under certain circumstances;
- Amends the Fire and Emergency Incident Information Reporting Program by replacing “fire protection agencies” with “fire service providers” and defines the term “fire service provider;”
- Eliminates a fire protection sprinkler system contractor designation and increases the number of sprinklers that can be relocated, added or deleted;
- Revises the composition of the Fire and Emergency Incident Information System Technical Advisory Panel and the Firefighters Employment, Standards and Training Council;
- Requires those seeking a license to install or maintain a fire protection system, to successfully complete a prescribed training course, to include both written and practical training, and requires such training to be offered at the State Fire College;
- Creates parity between residential and high rise apartment buildings and extends assessment and compliance deadlines by three years with regards to minimum radio signal strength for fire department communications and two-way radio systems;
- Prohibits influencing a firesafety inspector to violate applicable law through threats, coercion, trickery, or compensation, and prohibits a firesafety inspector from knowingly and willingly accepting such an attempt;
- Allows fire service providers to hire volunteer firefighters, and allow them to continue to function in a volunteer firefighter capacity for the first year of employment while they obtain career firefighter certifications;
- Expands the applicability of criminal penalties for impersonation of investigators and personnel of the DFS; and
- Renames the Florida Blockchain Task Force, incorporates financial technology, and extends the report date from March 21, 2020 to January 31, 2021.

The bill does not impact state revenues or expenditures; however, as to the criminal penalties created by the bill, the Criminal Justice Impact Conference (CJIC) has not yet adopted a prison bed impact for this legislation and the fiscal impact relating to those penalties is indeterminate.

The effective date is July 1, 2020.

II. Present Situation:

The Department of Financial Services (DFS) is statutorily responsible for:

- Carrying out the state's accounting and auditing functions; including preparing the state's Comprehensive Annual Financial Report, monitoring state contracts, and making payment for state expenditures;

- Implementing state fire prevention and control measures, including the investigation of arson and other suspicious fires; training and certification of firefighter candidates; and regulation of explosive storage and use;
- Operating the state's risk management program and securing insurance and reinsurance for covered state liabilities;
- Managing the state Treasury and directing safekeeping and the investment of all state funds;
- Managing the deferred compensation program for state employees;
- Investigating fraud, including insurance fraud, public assistance fraud, and false claims against the state;
- Regulating cemeteries and funeral homes;
- Licensing and oversight of insurance agents and agencies;
- Ensuring that Florida employers provide workers' compensation coverage for their employees in a cost effective manner;
- Assisting consumers in the resolution of issues pertaining to insurance and funeral services; and
- Collecting and returning unclaimed property belonging to Florida residents.¹

The DFS is composed of the following divisions:

- Accounting and Auditing;
- Administration;
- Consumer Services;
- Funeral, Cemetery and Consumer Services;
- Insurance Agent and Agency Services;
- Investigative and Forensic Services;
- Public Assistance Fraud;
- Rehabilitation and Liquidation;
- Risk Management;
- State Fire Marshal;
- Treasury;
- Unclaimed Property; and
- Workers' Compensation.²

Division of Public Assistance Fraud

The Division of Public Assistance Fraud (PAF) is responsible for enforcing state laws regarding program eligibility and proper use of public assistance benefits. PAF is responsible for investigating allegations of fraud related to the Cash Assistance/Temporary Assistance for Needy Families (TANF) program, the Supplemental Nutritional Assistance Program (SNAP); Medicaid recipients; disaster assistance/emergency benefits; the School Readiness and Voluntary Pre-Kindergarten programs; and Social Security Disability benefits.³

¹ Florida Department of Financial Services, *Statement of Agency Organization and Operation*, <https://www.myfloridacfo.com/sitepages/required/agencyorg.aspx> (last visited January 30, 2020).

² Florida Department of Financial Services, *Divisions and Offices* <https://www.myfloridacfo.com/> (last visited January 30, 2019)

³ Division of Public Assistance, <https://myfloridacfo.com/Division/PAF/> (last visited January 16, 2020).

PAF has operated as a criminal justice agency since its inception in 1972. However, when the Division of Investigative and Forensic Services (DIFS) was created in 2016, under ch. 20, F.S., PAF was not designated as a criminal justice agency⁴, thereby limiting access to information within criminal records systems. Under Florida law, a criminal justice agency is defined, in part, as any governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice.^{5,6} PAF currently operates, in part, as a criminal justice agency. However, current statute does not appropriately reflect this designation.

State Risk Management

The State Risk Management Trust Fund (Fund) is administered by the DFS and is a self-insurance fund.⁷ The Fund provides various types of insurance to all departments of the State of Florida, including their employees, agents, and volunteers.⁸ The Fund provides the following insurance coverage:

- Property Claims, to include:⁹
 - Loss from fire, lightning, sinkholes, and hazards customarily insured by extended coverage;
 - Loss from removal of personal property from such properties when endangered by covered perils;
 - Flood insurance to the extent necessary to meet self-insurance requirements under the National Flood Insurance Program;
 - All buildings, whether financed in whole or in part by revenue bonds or certificates, and the contents thereof of any other buildings leased or rented by the state, to include manufactured homes and contents;
 - Rental value insurance is provided to indemnify the state or its agencies for loss of income when such rental income insurance is required to be carried by bonding or revenue certificates or resolutions; and
 - Rental value insurance is also provided to indemnify the state or its agencies for loss of income from those buildings operated and maintained by the Department of Management Services from the Supervision Trust Fund;
- Casualty Claims, to include:¹⁰

⁴ Department of Financial Services, *Legislative Bill Analysis of SB 1404* (January 14, 2020) (on file with Senate Banking and Insurance Committee).

⁵ Section 943.045(11)(e), F.S. *See also*: s. 943.045(2), F.S.; the term “administration of criminal justice” means “performing functions of detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders by governmental agencies. The administration of criminal justice includes criminal identification activities and the collection, processing, storage, and dissemination of criminal justice information by governmental agencies.”

⁶ Section 943.045(11)(a)-(e), F.S., defines a criminal justice agency as a court, the Department of Law Enforcement, the Department of Juvenile Justice, the protective investigations component of the Department of Children and Families, which investigates the crime of crimes of abuse and neglect, and any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule court and that allocates a substantial part of its annual budget to the administration of criminal justice.

⁷ Section 284.30, F.S.

⁸ Section 284.31, F.S.

⁹ Section 284.01, F.S.

¹⁰ Section 284.30, F.S.

- Workers' Compensation;
- General Liability:
 - Premises and Operations
 - Personal Injury; and
 - Professional Malpractice Liability;¹¹
- Fleet Automotive Liability;
- Federal Civil Rights Actions under 42 U.S.C. s. 1983 or similar federal statutes; and
- Court-awarded fees in other proceedings against the state, except for such awards in eminent domain or for inverse condemnation or awards by the Public Employees Relations Commission.

Separate accounts must be kept for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. 1983 or similar federal statutes, and court-awarded attorney's fees barring exceptions.¹²

Each entity covered by the Fund must develop and implement a loss prevention program,¹³ provide for regular and periodic facility and equipment inspections,¹⁴ investigate job-related employee accidents,¹⁵ and establish a program to promote increased safety awareness among employees.¹⁶ The Division of Risk Management, within the DFS, provides loss prevention services and technical assistance to state agencies and universities for managing risk.¹⁷

Premiums, as calculated on all coverages, are billed and charged to each state agency according to coverages obtained from the Fund.^{18, 19} All premiums paid into the Fund and all moneys received from the Fund from investment or any other source is held by the DFS for the purpose of paying: losses, expenses incurred in adjustment of losses, premiums for reinsurance, risk and claims management and operating expenses.^{20, 21}

Funeral, Cemetery, and Consumer Services

Composition and Business of Board of Funeral, Cemetery, and Consumer Services

Section 20.121(4), F.S., creates the Board of Funeral, Cemetery, and Consumer Services (Board) within the Division of Funeral, Cemetery, and Consumer Services of the Department of Financial Services. The board acts as the licensing authority for the purposes of certain matters

¹¹ Department of Financial Services, Division of Risk Management, *Insurance Coverage Provided*, <https://www.myfloridacfo.com/Division/Risk/liability/LiabilityInsuranceCoverage.htm> (last visited February 19, 2020).

¹² Section 284.31, F.S.

¹³ Section 284.50(1)(a), F.S.

¹⁴ Section 284.50(1)(b), F.S.

¹⁵ Section 284.50(1)(c), F.S.

¹⁶ Section 284.50(1)(d), F.S.

¹⁷ Department of Financial Services, Division of Risk Management, *Welcome to the Division of Risk Management*, <https://www.myfloridacfo.com/Division/Risk/> (last visited February 19, 2020).

¹⁸ Section 284.02(1), F.S.

¹⁹ Section 284.36, F.S.

²⁰ Section 284.02(2), F.S.

²¹ Section 284.37, F.S.

related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements.²²

Currently, the board must have 10 members; one member must be the State Health Officer, or their designee, and the remaining nine members must be nominated by the Chief Financial Officer (CFO), appointed by the Governor, and confirmed by the Senate.²³ The composition of the board must be as follows:

- The State Health Officer.
- Two funeral directors who are:
 - Licensed under part III of ch. 497, F.S., as funeral directors, and
 - Associated with a funeral establishment;
- One funeral director who is:
 - Licensed under part III of ch. 497, F.S.,
 - Associated with a funeral establishment licensed under part III of ch. 497, F.S., that has a valid preneed license issued pursuant to ch. 497, F.S., and
 - Operates a incinerator facility that is approved under ch. 403, F.S., and licensed under part IV of ch. 497, F.S.;
- Two persons whose primary occupation is associated with a licensed cemetery;
- Three consumers who:
 - Are residents of Florida;
 - Have never been licensed funeral directors or embalmers;
 - Are not connected with a cemetery or licensed cemetery company;
 - Are not connected to the death care industry or the practice of embalming, funeral directing, or direct disposition;
 - At least one of which is at least 60 years of age; and
 - At least one of which is a licensed certified public accountant; and
- One principal of a monument establishment licensed under ch. 497, F.S., as a monument builder.

Members must not be principals or employees of the same company or partnership, or group of companies or partnerships under common control.²⁴ The DFS reports that the CFO often does not receive a sufficient amount of applications to fill member positions.²⁵ For example, the position that must be filled by a certified public accountant has remained vacant since September 2017.²⁶

²² See s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.

²³ Section 497.101(1), F.S.

²⁴ Section 497.101(2), F.S.

²⁵ See *Supra* note 4.

²⁶ *Id.*

Board members are appointed for four-year terms, except for the State Health Officer, who serves as long as they hold office.²⁷ The CFO is authorized to stagger the terms of members after the terms of the initial members expire.²⁸ The terms have already been staggered at the initiation of the board.²⁹

A quorum is necessary to conduct the business of the board. A quorum consists of six members of the board.³⁰ The DFS indicates that it can be difficult to obtain this number due to board vacancies, absenteeism, and necessary recusal.³¹

The DFS is required to adopt rules regarding application forms and procedures for appointment to the board.³²

Disqualification of Licensure Applicants

Section 497.142(10), F.S., requires all licensure and licensure renewal applicants to disclose criminal history. The following crimes must be disclosed:

- Any felony or misdemeanor, no matter when committed, that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation;
- Any other felony committed within 20 years preceding the application; and
- Any other misdemeanor committed within five years preceding the application.

Licensing Background Checks

Applicants for licensure under ch. 497, F.S., relating to Funeral, Cemetery, and Consumer Services, must provide certified true copies of any crime committed in any jurisdiction, within the 10 years preceding their application, in order to deem the application complete.³³ Currently, regardless of adjudication, disclosure of the following crimes is required:

- Any felony or misdemeanor, no matter when committed, that was directly or indirectly related to the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation;³⁴
- Any other felony that was committed within the 20 years immediately preceding the application under this chapter;³⁵ and
- Any other misdemeanor that was committed within the five years preceding the application under this chapter.³⁶

²⁷ Section 497.101(3), F.S.

²⁸ *Id.*

²⁹ *See Supra* note 4.

³⁰ Section 497.101(6), F.S.

³¹ *See Supra* note 4.

³² *Id.*, s. 497.103(2)(c), F.S.

³³ Section 497.142(9), F.S.

³⁴ Section 497.142(10)(c)1., F.S.

³⁵ Section 497.142(10)(c)2., F.S.

³⁶ Section 497.142(10)(c)3., F.S.

Unlicensed Practice

Chapter 497, F.S., requires individuals to maintain a license for specified death care industry practices. The DFS is authorized to issue administrative complaints against entities believed to be in violation of licensure requirements.³⁷ Section 497.159, F.S., provides for criminal penalties; unlicensed activity is a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.³⁸

Preneed Contract – Notice to Purchaser

A preneed contract is any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.³⁹ To ensure performance of unfulfilled preneed contracts, a preneed licensee must provide written notice to the purchaser or the beneficiary's legally authorized person, with the intent to distribute funds in accordance with the terms of the contract if:

- Fifty years have passed since the date of the preneed contract execution;⁴⁰
- The beneficiary of the preneed contract reaches the age of 105 or older;⁴¹ or
- The social security number of the beneficiary, as shown on the contract, is contained within the United States Social Security Administration Death Master File.⁴²

This written notice must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested.⁴³ Currently, the purchaser or the beneficiary's legally authorized person must respond to such notice within 120 days after delivery, otherwise the funds held in trust will be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of ch. 717, F.S., relating to the disposition of unclaimed property.

Continuing Education Requirements

Individuals licensed to engage in the sale of insurance or adjustment of insurance claims in this state are required to fulfill continuing education requirements, pursuant to s. 626.2815, F.S. Currently, licensees, except title insurance agents, are required to complete a 5-hour update course every two years, specific to the license they hold.⁴⁴ Unless otherwise provided, licensees must also complete 19 hours of elective continuing education courses every two years.⁴⁵ If a licensee has been licensed for six years or more, this requirement drops to 15 hours.⁴⁶ An individual subject to chapter 648, F.S., relating to bail bond agents, is required to complete a 5-hour update course and a minimum of 9 hours of elective continuing education courses every two years.⁴⁷

³⁷ Section 497.157(2), F.S.

³⁸ Section 497.159(6), F.S.

³⁹ Section 497.005(61), F.S.

⁴⁰ Section 497.459(7)(a)1., F.S.

⁴¹ Section 497.459(7)(a)2., F.S.

⁴² Section 497.459(7)(a)3., F.S.

⁴³ Section 497.459(7)(b)1., F.S.

⁴⁴ Section 626.2815(3), F.S.

⁴⁵ Section 626.2815(3)(a), F.S.

⁴⁶ Section 626.2815(3)(b), F.S.

⁴⁷ Section 626.2815(3)(e), F.S.

If continuing education requirements are not met, DFS has the authority to immediately terminate or refuse to renew the appointment of an agent or adjuster, following notification from DFS, unless an extension or waiver has been granted.⁴⁸

State Fire Marshal

Explosives

Chapter 552, F.S., sets forth the requirements to lawfully engage in the business of a manufacturer-distributor, or to acquire, sell, possess, store, or engage in the use of explosives in this state. The chapter's current definition of a two-component explosive requires the use of a "No. 6 blasting cap" for detonation.⁴⁹ No. 6 blasting caps went out of production several years ago and current blasting caps no longer use the same rating system.⁵⁰

Uniform Fire Alarm Permit Application

Contractors are required to file a Uniform Fire Alarm Permit Application with a local law enforcement agency, and must receive the permit before installing, replacing, or repairing an existing fire alarm that was previously permitted by the local enforcement agency, if the local enforcement agency requires a permit for the repair.⁵¹

Doorstep Refuse and Recycling Collection

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.⁵² The State Fire Marshal adopts a new edition of the Fire Code every three years.⁵³ The 6th edition of the Fire Code took effect on January 1, 2018.

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.⁵⁴ requirements in s. 633.208, F.S., as long as they do not conflict with ch. 633, F.S., relating to fire prevention and control, or any other state law.⁵⁵

Residents of apartment buildings may place combustible waste and refuse in exit access corridors in apartment buildings if the following conditions are met:

- Doorstep refuse and recycling collection containers do not exceed 13 gallons for apartment buildings with enclosed corridors and interior or exterior stairs;

⁴⁸ Section 626.2815(9), F.S.

⁴⁹ Section 552.081(13), F.S.

⁵⁰ See *Supra* note 4.

⁵¹ Section 553.7921(1)(b), F.S.

⁵² Chapter 69A-60, F.A.C.

⁵³ Section 633.202, F.S.

⁵⁴ Sections 633.108 and 633.208, F.S.

⁵⁵ Sections 633.208 and 633.214(4), F.S.

- Doorstep refuse and recycling collection containers do not exceed 27 gallons for apartment buildings with open air corridors and exterior stairs or balconies with exterior exit stairs;
- Waste, which is in a doorstep refuse and recycling collection container, is not placed in an exit access corridor for a single period greater than five hours;
- Doorstep refuse and recycling collection containers are not in an exit access corridor for a single period greater than 12 hours for apartment buildings with enclosed corridors and interior or exterior stairs;
- Doorstep refuse and recycling collection containers do not reduce the exit access corridor's width below the width required by the Fire Code;
- Doorstep refuse and recycling collection containers are able to stand upright on their own and may not leak fluids when standing upright; and
- The apartment's management staff have written policies and procedures to ensure compliance with the above conditions. Management staff must enforce the policies and must provide a copy of the policies to the authority having jurisdiction upon request.⁵⁶

Currently, this provision expires on July 1, 2021.

Fire and Emergency Incident Information Reporting Program

The Florida Fire Incident Reporting System (FFIRS) is located within the Division of State Fire Marshal. The FFIRS was created by rule and is a means for fire protection agencies to report and maintain computerized records of fires and other fire department incidents in a uniform manner.⁵⁷ Annual reports are furnished to the Governor, Legislature and fire protection agencies, and upon request, the public.⁵⁸

Established in 2005, the Fire and Emergency Incident Reporting Program (Program), included the creation of the Fire and Emergency Incident Information Technical Advisory Panel (Panel) and codified FFIRS language. The FFIRS is the Florida coordinating officer for the National Fire Incident Reporting Section (NFIRS)⁵⁹. The NFIRS provides system resources and an overview of the standard national reporting system used by the United States fire departments to report fires and other incidents to which they respond and to maintain records of such incidents in a uniform manner.⁶⁰ The NFIRS provides software and training at no cost to fire departments.⁶¹

The Panel was created to advise, review and make recommendations to the State Fire Marshal. Currently, the membership is comprised of 15 members:

- The thirteen members of Firefighters Employment, Standards, and Training Council;⁶²
- One member from the Florida Forest Service, Department of Agriculture and Consumer Services; and

⁵⁶ Section 633.202(20), F.S.

⁵⁷ Department of Financial Services, Division of State Fire Marshal, *Florida Fire and Incident Reporting System*, <https://www.myfloridacfo.com/Division/SFM/FFIRS/> (last visited February 18, 2020).

⁵⁸ Section 633.136, F.S.

⁵⁹ See *supra* note 57.

⁶⁰ U.S. Fire Administration, National Fire Incident Reporting System, <https://www.nfirs.fema.gov/> (last visited February 18, 2020).

⁶¹ See *supra* note 57.

⁶² See *infra* note 92 and accompanying text.

- One member from the Department of Health, appointed by the State Surgeon General.⁶³

Fire Sprinkler Systems

A licensed fire protection engineer or architect, with fire protection design experience, may design any type of fire protection system.⁶⁴ A person certified as a Contractor I,⁶⁵ Contractor II,⁶⁶ or Contractor IV,⁶⁷ under ch. 633, F.S., relating to fire prevention and control, may design fire protection systems of 49 or fewer sprinklers. These designated contractors may also design the alteration of an existing fire sprinkler system, as long as no more than 49 sprinklers are relocated, added, or deleted.⁶⁸

Firesafety Inspectors

Section 633.216, F.S., requires each county, municipality, and special district that has firesafety enforcement responsibilities to employ or contract with a firesafety inspector. Subject to certain exceptions⁶⁹, the firesafety inspector is responsible for conducting all firesafety inspections required by law.⁷⁰ These firesafety inspections include the inspection of buildings and facilities, on a recurring or regular basis, on behalf of the state or any county, municipality, or special district with fire safety responsibilities.⁷¹ The Florida Fire Prevention Code⁷² governs design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules. These local enforcing authorities may adopt more stringent firesafety standards, subject to certain requirements in s. 633.208, F.S., but may not enact firesafety ordinances which conflict with ch. 633, F.S., or any other state law.⁷³

⁶³ Section 633.136(2), F.S.

⁶⁴ Section 633.102(3), F.S. A fire protection system is defined as “a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire.” Section 633.102(11), F.S.

⁶⁵ “A contractor whose business includes the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding preengineered systems.” Section 633.102(3)(a), F.S.

⁶⁶ “A contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler risers, all piping that is an integral part of the system beginning at the point of service as defined in this section, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.”

Section 633.102(3)(b), F.S.

⁶⁷ “A contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes, excluding preengineered systems and excluding single-family homes in cluster units, such as apartments, condominiums, and assisted living facilities or any building that is connected to other dwellings.”

Section 633.102(3)(d), F.S.

⁶⁸ s. 633.102(3), F.S.

⁶⁹ For example, this requirement does not apply to farm outbuildings or licensed plumbing contractor installed standpipe systems and certain connected items. Section 633.226, F.S.

⁷⁰ Section 633.216(1), F.S.

⁷¹ Section 633.102(12), F.S.

⁷² Chapter 69A-60, F.A.C. The Florida Fire Prevention Code is adopted by the State Fire Marshal, and contains and incorporates by reference all firesafety laws and rules. s. 633.202(1), F.S.

⁷³ See Rule 69A-60.002, F.A.C.; s. 633.214(4), F.S.

The Chief Financial Officer is designated as the “State Fire Marshal.”⁷⁴ In any county, municipality, or special district that does not employ or appoint a firesafety inspector, the State Fire Marshal assumes the duties of the local county, municipality, or independent special fire control district with respect to firesafety inspections of educational property.⁷⁵

A person who violates any provision of ch. 633, F.S., Fire Prevention and Control, any order or rules of the State Fire Marshal, or any order to cease and desist or to correct conditions commits a misdemeanor of the second degree.⁷⁶

It is illegal to impersonate the State Fire Marshal or a firesafety inspector. A person who impersonates either official commits a felony of the third degree, and if the impersonation occurs during the commission of a separate felony, a person commits a felony of the first degree.⁷⁷ Section 468.629, F.S., makes it illegal for a person to influence a building code enforcement official by coercion or compensation.⁷⁸ Any person who commits such acts commits a misdemeanor of the first degree, and, if the person was previously convicted of such act, a felony of the third degree.⁷⁹

Volunteer Firefighter Employment

The National Fire Prevention Association estimates that there were approximately 1,056,200 local firefighters in the United States as of 2017.⁸⁰ Of the total number of firefighters, 35 percent were career firefighters, and 65 percent were volunteer firefighters.⁸¹ Florida has 528 fire departments.⁸² At least 315 Florida fire departments utilize volunteers to sustain operations.⁸³ Approximately 12 million Florida residents depend on volunteer firefighters to protect their communities.⁸⁴ The Firefighter Assistance Grant Program, created in 2016 to improve the emergency response capability of fire departments reliant on volunteer firefighters, provides grant money to such fire departments to provide volunteer firefighter training and procure equipment. In 2018, 29 fire departments were awarded such grants.⁸⁵

Florida fire service providers are currently prohibited from employing an individual to extinguish fires or to supervise those who do unless the individual holds a current and valid Firefighter

⁷⁴ Section 633.104(1), F.S.

⁷⁵ Section 633.104(7), F.S.

⁷⁶ Section 633.124(1), F.S.

⁷⁷ Section 633.122, F.S.

⁷⁸ Section 468.629(1)(f) and (g), F.S.

⁷⁹ Section 468.629(2), F.S.

⁸⁰ National Fire Prevention Association, U.S. Fire Department Profile, <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/US-fire-department-profile> (last visited January 16, 2020).

⁸¹ *Id.*

⁸² National Fire Prevention Association, *Number of U.S. Fire Departments by State*, <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osNumberOfFireDeptInUS.ashx?la=en> (last visited January 16, 2020).

⁸³ Division of State Fire Marshal, *Florida Volunteer Firefighter Information*, <https://myfloridacfo.com/Division/SFM/VOLFF/default.htm> (last visited January 16, 2020).

⁸⁴ *Id.*

⁸⁵ Division of State Fire Marshal, *FY2018 Florida Firefighter Assistance Grant Award Outcomes*, https://myfloridacfo.com/Division/SFM/VOLFF/FY2018_GrantOutcomes.pdf (last visited January 16, 2020).

Certificate of Compliance.⁸⁶ Thus, fire service providers are currently prohibited from employing volunteer firefighters, who hold a Volunteer Firefighter Certificate of Completion.⁸⁷ Volunteer firefighters can enter immediately dangerous to life and health (IDLH) environments. However, if employed by the same department prior to achieving a Firefighter Certificate of Compliance they would not be allowed to enter the IDLH environments they were authorized to enter the day before beginning career employment.⁸⁸

False Personation

Pursuant to s. 843.08, F.S., any person who falsely assumes or pretends to be an officer of a specified type commits a felony of the third degree, a felony of the second degree when committed with another felony, and a felony in the first degree if the felony is the cause of death or personal injury of another individual.⁸⁹ A person who impersonates an officer of the DFS is subject to these criminal penalties.⁹⁰ However, there is no criminal penalty for impersonating an investigator or personnel of the DFS. The DFS employs personnel who are not officers but have access to active criminal cases and conduct criminal investigations.⁹¹

Firefighters Employment, Standards and Training Council (Council)

The Council is comprised of fifteen members and are appointed as follows:

- Two fire chiefs appointed by the Florida Fire Chiefs Association;
- Two firefighters, who are not officers, appointed by the Florida Professional Firefighters Association;
- Two firefighter officers, who are not fire chiefs, appointed by the State Fire Marshal;
- One individual appointed by the Florida League of Cities;
- One individual appointed by the Florida Association of Counties;
- One individual appointed by the Florida Association of Special Districts;
- One individual appointed by the Florida Fire Marshals' and Inspectors' Association;
- One employee of the Florida Forest Service of the Department of Agriculture and Consumer Services appointed by the director of the Florida Forest Service;
- One individual appointed by the State Fire Marshal;
- One director or instructor of a state-certified firefighting training facility appointed by the State Fire Marshal; and
- The remaining member, who shall be appointed by the State Fire Marshal, may not be a member or representative of the firefighting profession or of any local government.⁹²

There are certain eligibility requirements set forth for membership. Members shall serve only as long as they continue to meet the criteria under which they were appointed or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the

⁸⁶ Section 633.416(1)(a), F.S.

⁸⁷ Section 633.408, F.S.

⁸⁸ See *Supra* note 4.

⁸⁹ Section 843.08, F.S., contains a list specifying which types of officers it is unlawful to impersonate. This list includes, but is not limited to, firefighters, sheriffs, officers of agencies, and school guardians.

⁹⁰ Section 843.08, F.S.

⁹¹ See *Supra* note 4.

⁹² Section 633.402(1), F.S.

chair.⁹³ Members are appointed for four year terms and are not eligible to serve more than two consecutive terms⁹⁴ and serve without compensation⁹⁵ but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, F.S.⁹⁶

The Council has special powers in connection with the employment and training of firefighters⁹⁷ to recommend for adoption by the Division of State Fire Marshal:

- Uniform minimum standards for the employment and training of firefighters and training of volunteer firefighters;⁹⁸
- Minimum curriculum requirements for schools operated by or for any fire service provider for the specific purpose of training firefighter trainees, firefighters, and volunteer firefighters;⁹⁹
- Matters relating to the funding, general operation, and administration of the Bureau of Fire Standards and Training (Florida State Fire College), including, but not limited to, all standards, training, curriculum, and the issuance of any certificate of competency required by this chapter;¹⁰⁰

In addition, the Council may make or support studies on any aspect of firefighting employment, education, and training or recruitment¹⁰¹ or may make recommendations concerning any matter within its purview pursuant to this section.¹⁰²

Florida Blockchain Task Force

In 2019, the Florida Blockchain Task Force was established within DFS,¹⁰³ to explore and develop a master plan for fostering the expansion of the blockchain industry in the state. Consisting of 13 appointed members, the task force's master plan must do the following: Identify the economic growth and development opportunities presented by blockchain technology;

- Assess the existing blockchain industry in the state;
- Identify innovative and successful blockchain applications currently used by industry and other governments to determine viability for state applications;
- Review workforce needs and academic programs required to build blockchain technology expertise across all relevant industries; and
- Make recommendations to the Governor and the Legislature that will promote innovation and economic growth by reducing barriers to and expediting the expansion of the state's blockchain industry.¹⁰⁴

⁹³ Section 633.402(1)(b), F.S.

⁹⁴ Section 633.402(2), F.S.

⁹⁵ Section 633.402(7), F.S.

⁹⁶ *Id.*

⁹⁷ Section 633.402(9), F.S.

⁹⁸ Section 633.402(9)(a), F.S.

⁹⁹ Section 633.402(9)(b), F.S.

¹⁰⁰ Section 633.402(9)(c), F.S.

¹⁰¹ Section 633.402(9)(d), F.S.

¹⁰² Section 633.402(9)(e), F.S.

¹⁰³ Chapter 2019-140, Laws of Fla.

¹⁰⁴ Chapter 2019-140, Laws of Fla.

The task force is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as well as present its findings to the appropriate legislative committees in each house of the Florida Legislature. The report must include the following:

- A general description of the costs and benefits of state and local government agencies using blockchain technology;
- Recommendations concerning the feasibility of implementing blockchain technology in the state and the best approach to finance the cost of implementation;
- Recommendations for specific implementations to be developed by relevant state agencies;
- Any draft legislation the task force deems appropriate to implement such blockchain technologies;
- Identification of one pilot project that may be implemented in the state; and
- Any other information deemed relevant by the task force.

The report is to be submitted within 180 days after the initial meeting. The task force's initial meeting was September 23, 2019, making the current due date for the report March 21, 2020.

Public Records Law

Overview

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹⁰⁵ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.¹⁰⁶

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.¹⁰⁷ The Public Records Act states:

It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.¹⁰⁸

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

Legislative and Judicial Records

The Public Records Act does not apply to legislative or judicial records.¹⁰⁹ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

¹⁰⁵ FLA. CONST., art. I, s. 24(a).

¹⁰⁶ *Id.*

¹⁰⁷ Public records laws are found throughout the Florida Statutes.

¹⁰⁸ Section 119.01(1), F.S.

¹⁰⁹ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995)

Definition

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.¹¹⁰ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”¹¹¹

Access

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹¹² A violation of the Public Records Act may result in civil or criminal liability.¹¹³

Exemptions

The Legislature has the sole authority to create an exemption to public records requirements.¹¹⁴ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹⁵ An exemption serves an identifiable purpose if it meets one of the following statutory purposes, the Legislature finds that the purpose of the exemption outweighs open government policy, and the purpose cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹¹⁶
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹¹⁷ or
- It protects trade or business secrets.¹¹⁸

Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. Additionally, a bill enacting an exemption may not contain other substantive

¹¹⁰ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

¹¹¹ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹¹² Section 119.07(1)(a), F.S.

¹¹³ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹¹⁴ FLA. CONST., art. I, s. 24(c).

¹¹⁵ *Id.*

¹¹⁶ Section 119.15(6)(b)1., F.S.

¹¹⁷ Section 119.15(6)(b)2., F.S.

¹¹⁸ Section 119.15(6)(b)3., F.S.

provisions¹¹⁹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²⁰

“Confidential and Exempt” or “Exempt” Designations

When creating or expanding a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹²¹ Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹²²

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹²³ with specified exceptions.¹²⁴ It requires the automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹²⁵ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.¹²⁶

General Public Records Exemptions for State Agency Personnel

There are three general public records exemptions that apply to all state agency personnel: disclosure of an employee’s (1) social security number, (2) medical information, and (3) personal identifying information of dependent children who are insured by an agency group insurance plan.¹²⁷

¹¹⁹ The bill may, however, contain multiple exemptions that relate to one subject.

¹²⁰ FLA. CONST., art. I, s. 24(c) and FLA. CONST., art. X, s. 12(e).

¹²¹ If the Legislature designates a record as confidential, the record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004)

¹²² *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹²³ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹²⁴ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹²⁵ Section 119.15(3), F.S.

¹²⁶ Section 119.15(6)(b), F.S. Section 119.15(6)(a), F.S., asks the Legislature to carefully question the purpose and necessity of reenacting the exemption, and specifically requires that the Legislature consider the following questions:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹²⁷ Section 119.071(4)(a) and (b), F.S.

(1) Social Security Numbers

Social security numbers of all current and former agency personnel are confidential and exempt when held by the employing agency.¹²⁸ An employing agency may only release social security numbers for the following reasons:

- It is required by law.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.¹²⁹

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.¹³⁰ This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.¹³¹

(2) Medical Information

An agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. This exemption applies to prospective, current, and former employees.¹³²

(3) Personal Identifying Information

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the children of current and former employees and is also retroactively applied.¹³³

Public Records Exemptions for Enumerated Personnel

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure the personal identification and location information of enumerated agency personnel, their spouses, and their children. The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency which holds the employee's information.¹³⁴ Additionally, all of these exemptions have retroactive application.¹³⁵ In order to have such exemption applied to a court record or an official record held by a clerk of court, the party must make a request specifying the document name, type, identification number, and page number.¹³⁶ Any enumerated personnel who has his or her public records held exempt may file a written and notarized request to any record custodian to have the records released to an identified party.¹³⁷

¹²⁸ Section 119.071(4)(a)1., F.S.

¹²⁹ Section 119.071(4)(a), F.S.

¹³⁰ Section 119.071(5)(a)5., F.S.

¹³¹ Section 119.071(5)(a)5.f. and g., F.S.

¹³² Section 119.071(4)(b)1., F.S.

¹³³ Section 119.071(4)(b)2., F.S.

¹³⁴ Section 119.071(4)(d)3., F.S.

¹³⁵ Section 119.071(4)(d)5., F.S.

¹³⁶ Section 119.0714(2)(f) and (3)(f), F.S.

¹³⁷ Section 119.071(4)(d)4., F.S.

Confidential and Exempt –Alleged Sexual Harassment Victim

Section 119.071(2)(n), F.S., provides that personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt.¹³⁸ Such information may be disclosed to another governmental entity in the furtherance of its official duties.¹³⁹

Section 119.10(2)(a), F.S. provides that any person who willfully and knowingly violates any provisions of chapter 119 commits a first degree misdemeanor punishable by imprisonment up to one year or a fine up to \$1,000.

III. Effect of Proposed Changes:**Division of Public Assistance Fraud (Sections 1 and 20)**

Section 1 amends s. 20.121(2)(f), F.S., to designate the Division of Public Assistance Fraud (PAF) as a criminal justice agency for the purposes of ss. 943.045-943.08, F.S. The designation allows the PAF to continue having access to criminal justice information contained in Florida Crime Information Center (FCIC) and National Crime Center Information Center (NCIC) systems of criminal records when conducting criminal investigations and other law enforcement support functions.¹⁴⁰

Section 20 amends s. 943.045, F.S., to include the PAF in the definition of “criminal justice agency.”

State Risk Management

Section 2 creates s. 284.45, F.S., to define a sexual harassment victim as an individual employed with or being considered for employment with an entity participating in the State Risk Management Trust Fund (FUND), who becomes a victim of workplace sexual harassment within the entity. The bill prohibits individuals working for an entity covered by the Fund from engaging in retaliatory conduct, of any kind, toward a sexual harassment victim. The PCS also prohibits the willful and knowing distribution of personal identifying information of a sexual harassment victim, and specifically provides that personal identifying information includes the victim’s name and his or her:

- Home address;
- Home phone number;
- Cellular phone number;
- E-mail address;
- Social media account username or uniform resource locator (URL); or
- Any other information that could reasonably be used to identify the alleged sexual harassment victim.

¹³⁸ Section 119(2)(n), F.S., and s. 24(a), Art. 1 of the State Constitution

¹³⁹ Subject to the Open Government Sunset Review Act and stands repeal on October 2, 2022 unless reviewed and saved from repeal through reenactment by the Legislature.

¹⁴⁰ See *supra* note 4.

Personal identifying information of a victim may not be distributed to any party other than a government entity, in furtherance of its official duties, or pursuant to a court order. Any violation results in a first degree misdemeanor, punishable as provided in s. 775.082, F.S.

Funeral, Cemetery, and Consumer Services

Composition and Business of Board of Funeral, Cemetery, and Consumer Services (Board)

Section 3 amends s. 497.101, F.S., to reduce the minimum number of nominations the Chief Financial Officer (CFO) must make for nine board member positions from three nominations to one. The bill also reduces from three to two the number of positions on the Board that must be filled by consumers who are residents of Florida; have never been licensed funeral directors or embalmers; are not connected with a cemetery or licensed cemetery company nor connected to the death care industry or the practice of embalming, funeral directing, or direct disposition. The Board must also now have a consumer member who is: a resident; a licensed certified public accountant who has never been licensed as a funeral director or embalmer; not a principal or employee of any ch. 497, F.S., licensee; and not otherwise in control (as defined in s. 497.005, F.S.) over any ch. 497, F.S., licensee. This change requires the appointment of a licensed CPA who has some knowledge of and association with, but not a controlling interest in, licensees in the death care industry.

The definition of a “quorum” for the purposes of conducting Board business is amended to constitute a simple majority of eligible members instead of six members.

The section eliminates unnecessary statutory provisions regarding the staggered terms of board members, which have already been established. The statutory change will also eliminate the Department of Financial Services’ (DFS) rulemaking responsibilities concerning the application process, which the DFS asserts is unnecessary, as the Governor makes the appointments.¹⁴¹

Disqualification of Licensure Applicants

Section 4 of the bill creates s. 497.1411, F.S., to provide and clarify grounds for disqualification of licensure applicants based on criminal history. Subsection (1) provides definitions of “applicant,” “felony of the first degree,” “capital felony,” and “financial services business.” Subsection (2) provides an enumerated list of crimes which, if an applicant is found guilty of or pleads nolo contendere to, regardless of adjudication, permanently bars the applicant from licensure under ch. 497, F.S. These crimes are a first degree felony, a capital felony, a felony money laundering offense, or a felony embezzlement.

Subsection (3) provides the following disqualifying periods for other specified crimes:

- A 10-year disqualifying period for all felonies involving moral turpitude not subject to a permanent bar on licensure; and
- A five-year disqualifying period for all other felonies and for all misdemeanors directly related to the financial services business, defined as any financial activity regulated by the DFS, the Office of Insurance Regulation, or the Office of Financial Regulation.

¹⁴¹ *Id.*

These specifications are intended to provide clarity beyond the current statutory scheme, which provides no guidelines to determine whether a specific crime is considered “directly or indirectly related to or involving any aspect of the practice or business” of death care industry functions. The DFS suggests that the lack of clarity and guidance in current statute has led to inconsistencies in recommendations and Board rulings on applications.¹⁴²

Subsection (4) requires the DFS to adopt rules to administer the section. The rules must provide for additional disqualifying periods due to the commitment of multiple crimes and may include other factors reasonably related to the applicant’s criminal history. The rules must also provide mitigating and aggravating factors, except that mitigation may not result in a disqualification period of less than five years.

Subsection (5) specifies that a disqualifying period begins upon an applicant’s final release from supervision or upon completion of the applicant’s criminal sentence. The subsection further prohibits the DFS from issuing a license unless all related fines, court costs and fees, and court-ordered restitutions have been paid. Subsection (6) places the burden of proof for rehabilitation on the applicant.

Subsection (7) allows the DFS to award a license, despite a conviction, upon a grant of a pardon or restoration of civil rights. Subsection (8) authorizes the Board to grant an exemption from a criminal record related disqualification, and provides standards for mitigating factors. Chapter 120, F.S., provides administrative remedies available to applicants for whom the Board has granted or denied an exemption. Subsection (9) clarifies the disqualification periods provided in this section do not apply to the renewal of a license or to a new licensure application if the applicant has an active license as of July 1, 2020 and the applicable criminal history was considered by the Board on the prior active license approval.

Licensing Background Checks

Section 5 amends s. 497.142, F.S., to require certified true copies of any crime committed in any jurisdiction in order to deem an application complete, regardless of how many years have passed. The bill requires disclosure of all felonies, regardless of when committed and regardless of adjudication. It also requires disclosure of any misdemeanor directly or indirectly related to the financial services business,¹⁴³ no matter when committed.

Unlicensed Practice

Section 6 of the bill amends s. 497.157, F.S., to increase penalties for unlicensed activity from a misdemeanor to a felony of the third degree. Section 6 also expands unlicensed activity to include acting, advertising, or otherwise holding oneself out to be a funeral director, embalmer, direct disposer, or preneed sales agent, unless currently licensed or appointed as such.

Section 7 of the bill amends s. 497.159, F.S., by removing the second-degree misdemeanor penalty for unlicensed activity under ch. 497, F.S.

¹⁴² *Id.*

¹⁴³ The bill defines financial services business as “any financial activity regulated by the Department of Financial Services, the Office of Insurance Regulation, or the Office of Financial Regulation.”

Preneed Contract and Notice to Purchaser

Section 8 amends s. 497.459, F.S., to require a preneed licensee to conduct an analysis of his or her preneed contracts at least every three years. The three year period will begin when the first analysis pursuant to this section is conducted, which must occur at least by July 1, 2021. If an analysis finds the contract was executed at least 50 years ago or the beneficiary has reached 105 years of age, the preneed licensee must provide written notice with intent to distribute funds in accordance with the contract. The bill removes the written notice requirement when the social security number of the beneficiary of the contract is contained within the United States Social Security Administration Death Master File. The bill clarifies that such notice is to be provided by the preneed licensee, instead of the trustee.

The bill allows the purchaser or the beneficiary's legally authorized person three years to respond to the written notice. If the purchaser or the beneficiary's legally authorized person fails to respond, the funds held in trust will be distributed within 60 days of the end of the three year period as follows:

- The principle deposited into trust will be remitted to the Unclaimed Property Trust Fund; and
- Any additional funds in trust will be remitted to the preneed licensee.

If funds are distributed from trust, the preneed licensee is absolved of all liability associated with the preneed contract for which the funds were distributed, including any obligation to refund any monies paid by a purchaser. At the time funds are remitted to the Unclaimed Property Trust Fund, the names of the purchaser and beneficiary will be provided to the Division of Unclaimed Property.

The bill clarifies that any purchaser and beneficiary, or legally authorized persons of such, who receives written notice from a preneed licensee, retains all rights to both cancellation and fulfillment between the time of written notice and the distribution of funds. Fulfillment may include identifying a new beneficiary on the preneed contract, which makes the contract effective as of the date of the identification of the new beneficiary.

Explosives

Section 9 updates the definition of "two-component explosives" in s. 552.081, F.S., by removing the requirement of a "No. 6 cap," which is no longer manufactured.

Fire Alarm Permits

Section 10 amends s. 553.7921, F.S., to authorize contractors to begin repairs on existing permitted fire alarms upon filing a Uniform Fire Alarm Permit Application but prior to receiving the permit for the repair. Fire alarms repaired under such circumstances are not considered compliant until the permit is issued and the local law enforcement agency approves the repair.

Continuing Education Requirements

Section 11 amends s. 626.2815, F.S., by lowering the update course requirement to four hours for individuals licensed to solicit, sell, or adjust insurance in the state, barring title insurance agents. The update course is raised to six hours for an individual who holds a license as a

customer representative, and who is not a licensed life or health agent. Licensees must complete 20 hours of elective continuing education every two years, and if a licensee has been licensed for six years or more, he or she must complete 16 hours of continuing education every two years. Lastly, individuals who fall under chapter 648, F.S., relating to bail bond agents, are required to complete a four hour update course and a minimum of ten hours of continuing education every two years.

Florida Fire Marshal - Florida Fire Prevention and Control

Fire Sprinkler Systems

Section 12 amends s. 633.102, F.S., to allow a person certified as a Contractor I or a Contractor II to design new fire protection systems of 49 or fewer sprinklers, and to design the alteration of an existing system if it adds 49 or fewer sprinklers. A person certified as a Contractor IV can no longer design or alter fire protection systems. Additionally, the bill allows a Contractor I or II to alter an existing fire sprinkler system, as long as it entails the relocation or deletion of 249 or fewer sprinklers, and such alteration requires no change in occupancy as defined in the Florida Building Code, no change in water demand as defined in National Fire Protection Association Publication (NFPA) No. 13, and the occupancy hazard classification, as defined in NFPA No. 13, is either reduced or remains the same following the alteration.

Fire and Emergency Incident Information Reporting Program

Section 13 amends s. 633.136, F.S., by replacing “fire protection agencies” with “fire service providers” and defines the term “fire service provider.” This section also revises the composition of the Fire and Emergency Incident Information System Technical Advisory Panel (Panel) to:

- Retain 15 members on the Panel;
- Remove one member from the Florida Forest Service, Department of Agriculture and Consumer Services; and
- Remove one member from the Department of Health.

Fire services provider is defined as a municipality or county, the state, the division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.¹⁴⁴

Florida Fire Prevention Code

Section 14 amends s. 633.202(18), F.S., to extend the deadlines for certain buildings to comply with requirements for minimum radio strength for fire department communications by three years.

The bill also amends s. 633.202(20), F.S., to extend, by three years, the current expiration of exemptions that allow doorstep refuse and recycling collection containers in apartments with enclosed corridors under certain circumstances.

¹⁴⁴ Fire service provider is defined in s. 633.102, F.S.

Influencing a Firesafety Inspector

Section 15 creates s. 633.217, F.S., to prohibit influencing or attempting to influence a firesafety inspector by threatening, coercing, tricking, or offering compensation for the purpose of inducing the firesafety inspector to violate any provision of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any provision of ch. 633, F.S. Subsection (2) prohibits a firesafety inspector from knowingly and willingly accepting an attempt by a person to influence them into violating any provision of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any provision of ch. 633, F.S. Section 633.124(1), F.S., provides that any person who violates any provision of ch. 633, F.S., commits a misdemeanor of the second degree. Violations of s. 633.217, F.S., relating to influencing a firesafety inspector carry the criminal penalty of a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

State Fire College Training

Section 16 amends s. 633.304, F.S., to require any organization or individual engaging in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, or hydrotesting any fire extinguisher or preengineered system seeking licensure in this state to complete a prescribed training course that:

- Includes both written and practical training;
- Is offered at the State Fire College; and
- Is approved by the State Fire Marshal, as applicable to the class of license being sought.

Firefighters Employment, Standards and Training Council

Section 17 amends s. 633.402, F.S., to revise the composition of the Firefighters Employment, Standards, and Training Council to include:

- One member appointed by the State Fire Marshal, who may not be a representative of the firefighting profession or of any local government; and
- One individual from the Department of Health, appointed by the Surgeon General.

Volunteer Firefighter Employment

Section 18 amends s. 633.416, F.S., to authorize fire service providers to employ volunteer firefighters and allow them to act in volunteer firefighter capacity for up to one year under the direct supervision of an individual holding a valid firefighter certificate of compliance while they obtain career firefighter certifications. This will increase the availability of firefighters capable of entering immediately dangerous to life and health (IDLH) environments and protecting their communities. The DFS anticipates that this change will improve rural and small agency recruitment and retention efforts by facilitating the hiring of local candidates who are more inclined to remain in the area instead of hiring candidates from other parts of the state who are inclined to return to their home communities once gaining some experience.¹⁴⁵

¹⁴⁵ See *supra* note 4.

False Personation

Section 19 of the bill amends s. 843.08, F.S., to expand the applicability of criminal penalties associated with false personation of a fire or arson investigator of the DFS to any personnel or representative of the Division of Investigative and Forensic Services.

Florida Blockchain Task Force

Section 21 amends ch. 2019-140, L.O.F., to rename the Florida Blockchain Task Force to the “Florida Financial Technology and Blockchain Task Force.” The bill incorporates financial technology throughout the duties of the task force, including a requirement that the task force consider financial technology innovations related to money transmitters¹⁴⁶ and payment instrument sellers.¹⁴⁷ Specifically, this requirement includes consideration of mediums of exchange that are in electronic or digital form, and identifying new products and services that could lead to business growth in the state.

The bill extends the due date for the task force’s report from March 21, 2020, to January 21, 2021. All other aspects of the task force remain unchanged.

Section 22 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

To the extent that an email address or social media account username or uniform resource locator may not actually identify a person, this provision may constitute an expansion of the public records exemption which requires a standalone bill and a two-thirds vote to pass.

Vote Requirement

Article I, s. 24(c), of the State Constitution requires a two-thirds vote of each house for final passage of a bill creating an exemption to the public records requirements.¹⁴⁸ This

¹⁴⁶ “Money transmitter” means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which receives currency, monetary value, or payment instruments for the purpose of transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country.” s. 560.103(23), F.S.

¹⁴⁷ “Payment instrument seller” means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which sells a payment instrument.” s. 560.103(30), F.S.

¹⁴⁸ Article X, s. 12(e), of the State Constitution, Rules of Construction, states that a “Vote or other action of a legislative house . . . means the vote or action of a majority or other specified percentage of those members voting on the matter.” Accordingly, this two-thirds vote requirement means a favorable two-thirds vote of the members present and voting for final passage.

bill may create an exemption for certain information relating to alleged sexual harassment victims, if it does, the bill requires a two-thirds vote of each house to be enacted.

Public Necessity Statement

Article I, s. 24(c), of the State Constitution requires a bill that creates an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill, in its current form, does not address public necessity for an exemption.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article 1, section 24(a) of the state Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business. This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government. Public records laws are codified in Chapter 119, F.S., the Public Records Act. Section 119.071(2)(n), F.S., makes confidential and exempt from the public disclosure personal identifying information of an alleged victim of sexual harassment. For the purposes of this public records exemption, “personal identifying information” is undefined.

Section 2 of the bill prohibits an individual working for certain agencies from disseminating “personal identifying information” of a sexual harassment victim to any party other than a governmental entity or pursuant to a court order, under threat of criminal punishment. Section 2 of the bill defines “personal identifying information” for the purposes of s. 284.45, F.S., to include the victim’s name, home address, home and cellular phone numbers, E-mail address, social media account username or URL, or any other information that could reasonably be used to identify the victim.

In some instances, an e-mail address or social media account information may not, in reality, be personally identifying information under the public records exemption codified in s. 119.071(2)(n), F.S. If that is the case, then the language contained in section 2 of the bill may be viewed as an expansion of the public records exemption. If that is the legislative intent, the Legislature should consider the expanded exemption in a separate bill that otherwise meets the constitutional requirements of an exemption to Art. I, sec. 24(a) of the State Constitution – namely a public necessity statement and a 2/3 vote of each chamber of the legislature to be enacting.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not impact state revenues or expenditures. However, in section 6 of the PCS, s. 497.157, F.S., is amended to increase the criminal penalty to a third degree felony for impersonating a funeral director, embalmer, direct disposer, or a preneed sales agent. Also, in section 19 of the PCS, s. 843.08, F.S., relating to false impersonation is amended by expanding the subjects of false impersonation from fire or arson investigators within the Department of Financial Services to all personnel or representatives of the Division of Investigative and Forensic Services. These changes could increase the number of people subject to a felony penalty, but would seem to be insignificant. The Criminal Justice Impact Conference (CJIC) has not adopted a prison bed impact for this legislation.

VI. Technical Deficiencies:

Section 119.071(2)(n), F.S., provides that personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt. The bill creates s. 284.45, F.S., which defines “personal identifying information” for sexual harassment victims to include the victim’s name, home address, home and cellular phone numbers, E-mail address, social media account username or URL, or any other information that could reasonably be used to identify the victim.

In some instances, an e-mail address or social media account information may not, in reality, be personally identifying information under the public records exemption codified in s. 119.071(2)(n), F.S. If that is the case, then the language contained in the newly created s. 284.45, F.S., may be viewed as an expansion of the public records exemption. If that is the legislative intent, the Legislature should consider the expanded exemption in a separate bill that otherwise meets the constitutional requirements of an exemption to Art. I, sec. 24(a) of the State Constitution – namely a public necessity statement and a 2/3 vote of each chamber of the legislature to be enacting..

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.121, 497.101, 497.142, 497.157, 497.159, 497.459, 552.081, 553.7921, 626.2815, 633.102, 633.136, 633.202, 633.217, 633.304, 633.402, 633.416, 843.08, and 943.045.

The bill substantially amends chapter 2019-140, Laws of Florida.

This bill creates sections 284.45, 497.1411, and 633.217 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 18, 2020:

The committee substitute:

- Prohibits retaliatory conduct against a sexual harassment victim;
- Prohibits willful and knowledgeable distribution of a victim’s personal identifying information and provides criminal penalties for violations;
- Revises the crimes which must be disclosed in order to apply for a license, and deleted conflicting penalties, under ch. 497, F.S., related to Funeral, Cemetery, and Consumer Services;
- Revises provisions concerning notice to purchasers of preneed contracts;
- Adds the ability for a Contractor I or II licensee to alter an existing fire sprinkler system involving 249 or fewer sprinkler heads if there is no change in occupancy of the affected areas, no change in the water demand, and the occupancy hazard classification is reduced or remains the same;
- Extends the current expiration date of July 1, 2021 to July 1, 2024, for provisions that allow residents in apartment buildings to place garbage cans containing combustible waste and refuse in exit access corridors during certain hours;
- Creates parity between residential and high rise apartments for compliance with minimum radio strength for fire department communications and two-way radio system enhancements under the Florida Fire Prevention Code and extended the requirement for assessment and compliance by three years;
- Specifies that training courses offered by the State Fire College must include a written and a practical element and be approved by the State Fire Marshal;
- Revises the Fire and Emergency Incident Information Reporting Program to include a reference to fire service providers; defined the term “fire service providers” and revised the membership of the Fire and Emergency Incident Information System Technical Advisory Panel to delete two state agency members;
- Increases by one the membership of the Firefighters Employment, Standards, and Training Council;
- Revises the continued education hours required for individuals licensed to solicit, sell, or adjust insurance in the state;

- Renames the Florida Blockchain Task Force to the “Florida Financial Technology and Blockchain Task Force;” required the task force to consider financial technology innovations related to money transmitters and payment instrument sellers; and extended the expiration date of the task force to January 31, 2021.

CS by Banking and Insurance on January 21, 2020:

Creates s. 633.217, F.S., prohibiting the act of threatening, coercing, tricking, or attempting to threaten, coerce, or trick, or bribe a firesafety inspector for the purpose of influencing or inducing the firesafety officer to violate any provision of the Florida Fire Prevention Code, any rule adopted by the State Fire Marshal, or any other provision of ch. 633, F.S., which governs Fire Prevention and Control.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and General Government (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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



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11 (f) The Division of Public Assistance Fraud, which shall
12 function as a criminal justice agency for purposes of ss.
13 943.045-943.08. The division shall conduct investigations
14 pursuant to s. 414.411 within or outside of this state as it
15 deems necessary. If, during an investigation, the division has
16 reason to believe that any criminal law of this state has or may
17 have been violated, it shall refer any records tending to show
18 such violation to state or federal law enforcement or
19 prosecutorial agencies and shall provide investigative
20 assistance to those agencies as required.

21 Section 2. Section 284.45, Florida Statutes, is created to
22 read:

23 284.45 Sexual harassment victims.—

24 (1) An individual working for an entity covered by the
25 State Risk Management Trust Fund may not engage in retaliatory
26 conduct of any kind against a sexual harassment victim. As used
27 in this section, the term "sexual harassment victim" means an
28 individual employed, or being considered for employment, with an
29 entity participating in the State Risk Management Trust Fund,
30 who becomes a victim of workplace sexual harassment through the
31 course of employment, or while being considered for employment,
32 with the entity.

33 (2) The willful and knowing dissemination of personal
34 identifying information of a sexual harassment victim to any
35 party other than a governmental entity in furtherance of its
36 official duties or pursuant to a court order is a misdemeanor of
37 the first degree, punishable as provided in s. 775.082. For
38 purposes of this subsection, personal identifying information
39 includes the name of the victim and his or her:



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- 40 (a) Home address;
- 41 (b) Home phone number;
- 42 (c) Cellular phone number;
- 43 (d) E-mail address;
- 44 (e) Social media account username or uniform resource
- 45 locator (URL); or

- 46 (f) Any other information that could reasonably be used to
- 47 identify, locate, or contact the alleged victim.

48 Section 3. Subsections (1), (2), (3), (6), and (8) of

49 section 497.101, Florida Statutes, are amended to read:

50 497.101 Board of Funeral, Cemetery, and Consumer Services;

51 membership; appointment; terms.—

52 (1) The Board of Funeral, Cemetery, and Consumer Services

53 is created within the Department of Financial Services and shall

54 consist of 10 members, 9 of whom shall be appointed by the

55 Governor from nominations made by the Chief Financial Officer

56 and confirmed by the Senate. The Chief Financial Officer shall

57 nominate one to three persons for each of the nine vacancies on

58 the board, and the Governor shall fill each vacancy on the board

59 by appointing one of the ~~three~~ persons nominated by the Chief

60 Financial Officer to fill that vacancy. If the Governor objects

61 to each of the ~~three~~ nominations for a vacancy, she or he shall

62 inform the Chief Financial Officer in writing. Upon notification

63 of an objection by the Governor, the Chief Financial Officer

64 shall submit one to three additional nominations for that

65 vacancy until the vacancy is filled. One member must be the

66 State Health Officer or her or his designee.

67 (2) Two members of the board shall be funeral directors

68 licensed under part III of this chapter who are associated with



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69 a funeral establishment. One member of the board shall be a
70 funeral director licensed under part III of this chapter who is
71 associated with a funeral establishment licensed under part III
72 of this chapter that has a valid preneed license issued pursuant
73 to this chapter and who owns or operates a cinerator facility
74 approved under chapter 403 and licensed under part VI of this
75 chapter. Two members of the board shall be persons whose primary
76 occupation is associated with a cemetery company licensed
77 pursuant to this chapter. Two ~~Three~~ members of the board shall
78 be consumers who are residents of the state, have never been
79 licensed as funeral directors or embalmers, are not connected
80 with a cemetery or cemetery company licensed pursuant to this
81 chapter, and are not connected with the death care industry or
82 the practice of embalming, funeral directing, or direct
83 disposition. One of the two consumer members shall be at least
84 60 years of age, ~~and one shall be licensed as a certified public~~
85 ~~accountant under chapter 473.~~ One member of the board shall be a
86 consumer who is a resident of this state; is licensed as a
87 certified public accountant under chapter 473; has never been
88 licensed as a funeral director or embalmer; is not a principal
89 or employee of any licensee licensed under this chapter; and
90 does not otherwise have control, as defined in s. 497.005, over
91 any licensee licensed under this chapter. One member of the
92 board shall be a principal of a monument establishment licensed
93 under this chapter as a monument builder. One member shall be
94 the State Health Officer or her or his designee. There shall not
95 be two or more board members who are principals or employees of
96 the same company or partnership or group of companies or
97 partnerships under common control.



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98 (3) Board members shall be appointed for terms of 4 years,
99 and the State Health Officer shall serve as long as that person
100 holds that office. The designee of the State Health Officer
101 shall serve at the pleasure of the Governor. ~~When the terms of~~
102 ~~the initial board members expire, the Chief Financial Officer~~
103 ~~shall stagger the terms of the successor members as follows: one~~
104 ~~funeral director, one cemetery representative, the monument~~
105 ~~builder, and one consumer member shall be appointed for terms of~~
106 ~~2 years, and the remaining members shall be appointed for terms~~
107 ~~of 4 years. All subsequent terms shall be for 4 years.~~

108 (6) The headquarters and records of the board shall be in
109 the Division of Funeral, Cemetery, and Consumer Services of the
110 Department of Financial Services in the City of Tallahassee. The
111 board may be contacted through the Division of Funeral,
112 Cemetery, and Consumer Services of the Department of Financial
113 Services in the City of Tallahassee. The Chief Financial Officer
114 shall annually appoint from among the board members a chair and
115 vice chair of the board. The board shall meet at least every 6
116 months, and more often as necessary. Special meetings of the
117 board shall be convened upon the direction of the Chief
118 Financial Officer. A quorum is necessary for the conduct of
119 business by the board. Unless otherwise provided by law, a
120 majority of the board members eligible to vote shall constitute
121 a quorum for the purpose of conducting its business ~~six board~~
122 ~~members shall constitute a quorum for the conduct of the board's~~
123 ~~business.~~

124 ~~(8) The department shall adopt rules establishing forms by~~
125 ~~which persons may apply for membership on the board and~~
126 ~~procedures for applying for such membership. Such forms shall~~



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127 ~~require disclosure of the existence and nature of all current~~
128 ~~and past employments by or contracts with, and direct or~~
129 ~~indirect affiliations or interests in, any entity or business~~
130 ~~that at any time was licensed by the board or by the former~~
131 ~~Board of Funeral and Cemetery Services or the former Board of~~
132 ~~Funeral Directors and Embalmers or that is or was otherwise~~
133 ~~involved in the death care industry, as specified by department~~
134 ~~rule.~~

135 Section 4. Section 497.1411, Florida Statutes, is created
136 to read:

137 497.1411 Disqualification of applicants and licensees;
138 penalties against licensees; rulemaking.-

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

140 (a) "Applicant" means an individual applying for licensure
141 or relicensure under this chapter, and an officer, a director, a
142 majority owner, a partner, a manager, or other person who
143 manages or controls an entity applying for licensure or
144 relicensure under this chapter.

145 (b) "Felony of the first degree" and "capital felony"
146 include all felonies designated as such in this state at the
147 time of the commission of the offense, as well as any offense in
148 another jurisdiction that is substantially similar to an offense
149 so designated in this state.

150 (c) "Financial services business" means any financial
151 activity regulated by the department, the Office of Insurance
152 Regulation, or the Office of Financial Regulation.

153 (2) An applicant who has been found guilty of or has
154 pleaded guilty or nolo contendere to any of the following
155 crimes, regardless of adjudication, is permanently barred from



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156 licensure under this chapter:
157 (a) A felony of the first degree.
158 (b) A capital felony.
159 (c) A felony money laundering offense.
160 (d) A felony embezzlement.
161 (3) An applicant who has been found guilty of or has
162 pleaded guilty or nolo contendere to a crime not included in
163 subsection (2), regardless of adjudication, is subject to:
164 (a) A 10-year disqualifying period for all felonies
165 involving moral turpitude that are not specifically included in
166 the permanent bar contained in subsection (2).
167 (b) A 5-year disqualifying period for all felonies to which
168 neither the permanent bar in subsection (2) nor the 10-year
169 disqualifying period in paragraph (a) applies.
170 (c) A 5-year disqualifying period for all misdemeanors
171 directly related to the financial services business.
172 (4) The board shall adopt rules to administer this section.
173 The rules must provide for additional disqualifying periods due
174 to the commitment of multiple crimes and may include other
175 factors reasonably related to the applicant's criminal history.
176 The rules shall provide for mitigating and aggravating factors.
177 However, mitigation may not result in a period of
178 disqualification of less than 5 years and may not mitigate the
179 disqualifying periods in paragraphs (3)(b) and (c).
180 (5) For purposes of this section, a disqualifying period
181 begins upon the applicant's final release from supervision or
182 upon completion of the applicant's criminal sentence. The
183 department may not issue a license to an applicant unless all
184 related fines, court costs and fees, and court-ordered



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185 restitution have been paid.

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

191 (7) Notwithstanding subsections (2) and (3), an applicant
192 who has been found guilty of, or has pleaded guilty or nolo
193 contendere to, a crime in subsection (2) or subsection (3) and
194 who has subsequently been granted a pardon or the restoration of
195 civil rights pursuant to chapter 940 and s. 8, Art. IV of the
196 State Constitution, or a pardon or the restoration of civil
197 rights under the laws of another jurisdiction with respect to a
198 conviction in that jurisdiction, is not barred or disqualified
199 from licensure under this chapter. However, such a pardon or
200 restoration of civil rights does not require the department to
201 award such license.

202 (8) (a) The board may grant an exemption from
203 disqualification to any person disqualified from licensure under
204 subsection (3) if:

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

209 2. At least 5 years have elapsed since the applicant
210 completed or has been lawfully released from confinement,
211 supervision, or nonmonetary condition imposed by the court for a
212 disqualifying offense.

213 (b) For the board to grant an exemption under this



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214 subsection, the applicant must clearly and convincingly
215 demonstrate that he or she would not pose a risk to persons or
216 property if licensed under this chapter, evidence of which must
217 include, but need not be limited to, facts and circumstances
218 surrounding the disqualifying offense, the time that has elapsed
219 since the offense, the nature of the offense and harm caused to
220 the victim, the applicant's history before and after the
221 offense, and any other evidence or circumstances indicating that
222 the applicant will not present a danger if licensed or
223 certified.

224 (c) The board has discretion whether to grant or deny an
225 exemption under this subsection. The board's decision is subject
226 to chapter 120.

227 (9) The disqualification periods provided in this section
228 do not apply to the renewal of a license or to a new application
229 for licensure if the applicant has an active license as of July
230 1, 2020, and the applicable criminal history was considered by
231 the board on the prior approval of any active license held by
232 the applicant. This subsection does not affect any criminal
233 history disclosure requirement of this chapter.

234 Section 5. Subsection (9) and paragraph (c) of subsection
235 (10) of section 497.142, Florida Statutes, are amended to read:
236 497.142 Licensing; fingerprinting and criminal background
237 checks.-

238 (9) If any applicant under this chapter has been, ~~within~~
239 ~~the 10 years preceding the application under this chapter,~~
240 convicted or found guilty of, or entered a plea of nolo
241 contendere to, regardless of adjudication, any crime in any
242 jurisdiction, the application shall not be deemed complete until



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243 such time as the applicant provides such certified true copies
244 of the court records evidencing the conviction, finding, or plea
245 as required by this section or, as the licensing authority may
246 by rule require.

247 (10) (c) Crimes to be disclosed are:

248 1. Any felony ~~or misdemeanor~~, no matter when committed,
249 ~~that was directly or indirectly related to or involving any~~
250 ~~aspect of the practice or business of funeral directing,~~
251 ~~embalming, direct disposition, cremation, funeral or cemetery~~
252 ~~preneed sales, funeral establishment operations, cemetery~~
253 ~~operations, or cemetery monument or marker sales or~~
254 ~~installation.~~

255 2. Any misdemeanor, no matter when committed, which was
256 directly or indirectly related to the financial services
257 business as defined in s. 497.1411 ~~Any other felony not already~~
258 ~~disclosed under subparagraph 1. that was committed within the 20~~
259 ~~years immediately preceding the application under this chapter.~~

260 3. Any other misdemeanor not already disclosed under
261 subparagraph 2. ~~subparagraph 1.~~ that was committed within the 5
262 years immediately preceding the application under this chapter.

263 Section 6. Present subsections (2) through (5) of section
264 497.157, Florida Statutes, are redesignated as subsections (4)
265 through (7), respectively, new subsections (2) and (3) and
266 subsection (8) are added to that section, and present subsection
267 (3) of that section is amended, to read:

268 497.157 Unlicensed practice; remedies concerning violations
269 by unlicensed persons.—

270 (2) A person may not be, act as, or advertise or hold
271 himself or herself out to be a funeral director, embalmer, or



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272 direct disposer unless he or she is currently licensed by the
273 department.

274 (3) A person may not be, act as, or advertise or hold
275 himself or herself out to be a preneed sales agent unless he or
276 she is currently licensed by the department and appointed by a
277 preneed main licensee for which they are executing preneed
278 contracts.

279 (5) ~~(3)~~ Where the department determines that an emergency
280 exists regarding any violation of this chapter by any unlicensed
281 person or entity, the department may issue and serve an
282 immediate final order upon such unlicensed person or entity, in
283 accordance with s. 120.569(2)(n). Such an immediate final order
284 may impose such prohibitions and requirements as are reasonably
285 necessary to protect the public health, safety, and welfare, and
286 shall be effective when served.

287 (a) For the purpose of enforcing such an immediate final
288 order, the department may file an emergency or other proceeding
289 in the circuit courts of the state seeking enforcement of the
290 immediate final order by injunctive or other order of the court.
291 The court shall issue its injunction or other order enforcing
292 the immediate final order pending administrative resolution of
293 the matter under subsection (4) ~~(2)~~, unless the court determines
294 that such action would work a manifest injustice under the
295 circumstances. Venue for judicial actions under this paragraph
296 shall be, at the election of the department, in the courts of
297 Leon County, or in a county where the respondent resides or has
298 a place of business.

299 (b) After serving an immediate final order to cease and
300 desist upon any person or entity, the department shall within 10



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301 days issue and serve upon the same person or entity an
302 administrative complaint as set forth in subsection (4) ~~(2)~~,
303 except that, absent order of a court to the contrary, the
304 immediate final order shall be effective throughout the pendency
305 of proceedings under subsection (4) ~~(2)~~.

306 (8) Any person who is not licensed under this chapter and
307 who engages in activity requiring licensure under this chapter
308 commits a felony of the third degree, punishable as provided in
309 s. 775.082, s. 775.083, or s. 775.084.

310 Section 7. Subsection (6) of section 497.159, Florida
311 Statutes, is amended to read:

312 497.159 Crimes.—

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

317 Section 8. Subsection (7) of section 497.459, Florida
318 Statutes, is amended to read:

319 497.459 Cancellation of, or default on, preneed contracts;
320 required notice.—

321 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

322 (a) To ensure the performance of unfulfilled preneed
323 contracts, upon the occurrence of the earlier ~~earliest~~ of either
324 ~~any~~ of the following events, a preneed licensee shall provide to
325 the purchaser or to the beneficiary's legally authorized person
326 written notice of the preneed licensee's intent to distribute
327 funds as described herein in accordance with the terms of the
328 preneed contract, if any such terms exist ~~obligation of the~~
329 ~~preneed licensee remains to be fulfilled under the contract:~~



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

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

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

338
339 By July 1, 2021, and at least every 3 years thereafter, a
340 preneed licensee shall conduct an analysis of each of its
341 preneed contracts to determine if subparagraph 1. or
342 subparagraph 2. applies.

343 (b)1. The notice in paragraph (a) must be provided by
344 certified mail, registered mail, or permitted delivery service,
345 return receipt requested, to the last known mailing address of
346 the purchaser or the beneficiary's legally authorized person,
347 whichever is applicable, as provided to the preneed licensee. If
348 the notice is returned as undeliverable within 30 calendar days
349 after the preneed licensee sent the notice, the preneed licensee
350 ~~trustee~~ shall perform a diligent search and inquiry to obtain a
351 different address for the purchaser or the beneficiary's legally
352 authorized person, whichever is applicable. For purposes of this
353 subparagraph, any address known and used by the purchaser or the
354 beneficiary's legally authorized person, whichever is
355 applicable, for sending regular mailings or other communications
356 from the purchaser or the beneficiary's legally authorized
357 person, whichever is applicable, to the preneed licensee or any
358 address produced through a current address service or searchable



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359 database shall be included with other addresses produced from
360 the diligent search and inquiry, if any. If the preneed
361 licensee's trustee's diligent search and inquiry produces an
362 address different from the notice address, the preneed licensee
363 ~~trustee~~ shall mail a copy of the notice by certified mail,
364 registered mail, or permitted delivery service, return receipt
365 requested, to any and all addresses produced as a result of the
366 diligent search and inquiry.

367 2. If the purchaser or the beneficiary's legally authorized
368 person, whichever is applicable, fails to respond to such notice
369 within 3 years ~~120 days~~ after delivery of the last mailed notice
370 under subparagraph 1., the funds held in trust must be
371 distributed within 60 days after the end of the 3-year period
372 and in accordance with any applicable provision of chapter 717,
373 as follows:

374 a. The principal deposited into trust must be remitted to
375 the Unclaimed Property Trust Fund.

376 b. Any additional funds in trust must be remitted to the
377 preneed licensee.

378
379 Upon the occurrence of the distribution from trust, the preneed
380 licensee is absolved of all liability associated with the
381 preneed contract for which funds were distributed, including any
382 obligation to refund any monies paid by a purchaser of a preneed
383 contract. The names of the purchaser and the beneficiary of any
384 preneed contract for which funds were distributed must be
385 provided to the Division of Unclaimed Property at the time such
386 funds are remitted to the Unclaimed Property Trust Fund.

387 (c) A purchaser or a beneficiary that receive the notice



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388 required under this subsection retains all rights to fulfillment
389 or cancellation of the preneed contract during the time between
390 the issuance of the notice and the distribution described in
391 subparagraph (b)2. Legally authorized persons, in the priority
392 set forth in this chapter, of the purchaser or beneficiary may
393 obtain fulfillment or cancellation of the preneed contract. Such
394 fulfillment may include identifying a new beneficiary on the
395 preneed contract. A preneed licensee shall provide fulfillment
396 or cancellation of the preneed contract upon the attestation of
397 any one legally authorized person that he or she is not aware of
398 an objection to the requested action by any person in his or her
399 priority class or a higher priority class. If the legally
400 authorized person chooses to identify a new beneficiary on the
401 preneed contract, the preneed contract is deemed effective as of
402 the date of the identification of the new beneficiary in
403 ~~accordance with the terms of the preneed contract, the trust~~
404 ~~agreement, and any applicable provisions of chapter 717.~~

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

408 (d) This section does not apply to any internment
409 merchandise or services associated with such internment rights.

410 (e) The licensing authority shall have authority to adopt
411 rules for the review and approval of notice forms used by
412 preneed licensees to provide notice under this subsection.

413 Section 9. Subsection (13) of section 552.081, Florida
414 Statutes, is amended to read:

415 552.081 Definitions.—As used in this chapter:

416 (13) "Two-component explosives" means any two inert



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417 components which, when mixed, become capable of detonation by
418 any detonator ~~a No. 6 blasting cap~~, and shall be classified as a
419 Class "A" explosive when so mixed.

420 Section 10. Present subsection (2) of section 553.7921,
421 Florida Statutes, is redesignated as subsection (3), a new
422 subsection (2) is added to that section, and subsection (1) of
423 that section is amended, to read:

424 553.7921 Fire alarm permit application to local enforcement
425 agency.—

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

430 ~~(a) installing or replacing a fire alarm, if the local~~
431 ~~enforcement agency requires a plan review for the installation~~
432 ~~or replacement; or~~

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

436 (2) If the local enforcement agency requires a fire alarm
437 permit to repair an existing alarm system that was previously
438 permitted by the local enforcement agency, a contractor may
439 begin work after filing a Uniform Fire Alarm Permit Application
440 as provided in subsection (3). A fire alarm repaired pursuant to
441 this subsection may not be considered compliant until the
442 required permit is issued and the local enforcement agency
443 approves the repair.

444 Section 11. Effective January 1, 2021, subsection (3) of
445 section 626.2815, Florida Statutes, is amended to read:



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446 626.2815 Continuing education requirements.-

447 (3) Each licensee except a title insurance agent must
448 complete a 4-hour ~~5-hour~~ update course every 2 years which is
449 specific to the license held by the licensee. The course must be
450 developed and offered by providers and approved by the
451 department. The content of the course must address all lines of
452 insurance for which examination and licensure are required and
453 include the following subject areas: insurance law updates,
454 ethics for insurance professionals, disciplinary trends and case
455 studies, industry trends, premium discounts, determining
456 suitability of products and services, and other similar
457 insurance-related topics the department determines are relevant
458 to legally and ethically carrying out the responsibilities of
459 the license granted. A licensee who holds multiple insurance
460 licenses must complete an update course that is specific to at
461 least one of the licenses held. Except as otherwise specified,
462 any remaining required hours of continuing education are
463 elective and may consist of any continuing education course
464 approved by the department under this section.

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

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

471 (c) A licensee who has been licensed for 25 years or more
472 and is a CLU or a CPCU or has a Bachelor of Science degree in
473 risk management or insurance with evidence of 18 or more
474 semester hours in insurance-related courses must also complete a



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475 minimum of 6 ~~5~~ hours of elective continuing education courses
476 every 2 years.

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

481 (e) An individual subject to chapter 648 must complete the
482 4-hour ~~5-hour~~ update course and a minimum of 10 ~~9~~ hours of
483 elective continuing education courses every 2 years.

484 (f) Elective continuing education courses for public
485 adjusters must be specifically designed for public adjusters and
486 approved by the department. Notwithstanding this subsection,
487 public adjusters for workers' compensation insurance or health
488 insurance are not required to take continuing education courses
489 pursuant to this section.

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

492 (h) An individual teaching an approved course of
493 instruction or lecturing at any approved seminar and attending
494 the entire course or seminar qualifies for the same number of
495 classroom hours as would be granted to a person taking and
496 successfully completing such course or seminar. Credit is
497 limited to the number of hours actually taught unless a person
498 attends the entire course or seminar. An individual who is an
499 official of or employed by a governmental entity in this state
500 and serves as a professor, instructor, or in another position or
501 office, the duties and responsibilities of which are determined
502 by the department to require monitoring and review of insurance
503 laws or insurance regulations and practices, is exempt from this



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504 section.

505 (i) For compliance periods beginning on or after October 1,
506 2014, any person who holds a license as a title insurance agent
507 must complete a minimum of 10 hours of continuing education
508 credit every 2 years in title insurance and escrow management
509 specific to this state and approved by the department, which
510 shall include at least 3 hours of continuing education on the
511 subject matter of ethics, rules, or compliance with state and
512 federal regulations relating specifically to title insurance and
513 closing services.

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

518 Section 12. Section 633.217, Florida Statutes, is created
519 to read:

520 633.217 Influencing a firesafety inspector; prohibited
521 acts.—

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

523 (a) Threatening, coercing, tricking, or attempting to
524 threaten, coerce, or trick the firesafety inspector into
525 violating any provision of the Florida Fire Prevention Code, any
526 rule adopted by the State Fire Marshal, or any provision of this
527 chapter.

528 (b) Offering any compensation to the firesafety inspector
529 to induce a violation of the Florida Fire Prevention Code, any
530 rule adopted by the State Fire Marshal, or any provision of this
531 chapter.

532 (2) A firesafety inspector may not knowingly and willfully



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533 accept an attempt by a person to influence the firesafety
534 inspector into violating any provision of the Florida Fire
535 Prevention Code, any rule adopted by the State Fire Marshal, or
536 any provision of this chapter.

537 Section 13. Paragraphs (d), (g), and (h) of subsection (4)
538 of section 633.304, Florida Statutes, are amended to read:

539 633.304 Fire suppression equipment; license to install or
540 maintain.—

541 (4)

542 (d) A license of any class may not be issued or renewed by
543 the division and a license of any class does not remain
544 operative unless:

545 1. The applicant has submitted to the State Fire Marshal
546 evidence of registration as a Florida corporation or evidence of
547 compliance with s. 865.09.

548 2. The State Fire Marshal or his or her designee has by
549 inspection determined that the applicant possesses the equipment
550 required for the class of license sought. The State Fire Marshal
551 shall give an applicant a reasonable opportunity to correct any
552 deficiencies discovered by inspection. To obtain such
553 inspection, an applicant with facilities located outside this
554 state must:

555 a. Provide a notarized statement from a professional
556 engineer licensed by the applicant's state of domicile
557 certifying that the applicant possesses the equipment required
558 for the class of license sought and that all such equipment is
559 operable; or

560 b. Allow the State Fire Marshal or her or his designee to
561 inspect the facility. All costs associated with the State Fire



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562 Marshal's inspection must be paid by the applicant. The State
563 Fire Marshal, in accordance with s. 120.54, may adopt rules to
564 establish standards for the calculation and establishment of the
565 amount of costs associated with any inspection conducted by the
566 State Fire Marshal under this section. Such rules must include
567 procedures for invoicing and receiving funds in advance of the
568 inspection.

569 3. The applicant has submitted to the State Fire Marshal
570 proof of insurance providing coverage for comprehensive general
571 liability for bodily injury and property damage, products
572 liability, completed operations, and contractual liability. The
573 State Fire Marshal shall adopt rules providing for the amounts
574 of such coverage, but such amounts may not be less than \$300,000
575 for Class A or Class D licenses, \$200,000 for Class B licenses,
576 and \$100,000 for Class C licenses; and the total coverage for
577 any class of license held in conjunction with a Class D license
578 may not be less than \$300,000. The State Fire Marshal may, at
579 any time after the issuance of a license or its renewal, require
580 upon demand, and in no event more than 30 days after notice of
581 such demand, the licensee to provide proof of insurance, on the
582 insurer's form, containing confirmation of insurance coverage as
583 required by this chapter. Failure, for any length of time, to
584 provide proof of insurance coverage as required must result in
585 the immediate suspension of the license until proof of proper
586 insurance is provided to the State Fire Marshal. An insurer that
587 provides such coverage shall notify the State Fire Marshal of
588 any change in coverage or of any termination, cancellation, or
589 nonrenewal of any coverage.

590 4. The applicant applies to the State Fire Marshal,



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591 provides proof of experience, and successfully completes a
592 prescribed training course that includes both written and
593 practical training offered at ~~by~~ the State Fire College and ~~or~~
594 ~~an equivalent~~ course approved by the State Fire Marshal as
595 applicable to the class of license being sought. This
596 subparagraph does not apply to any holder of or applicant for a
597 permit under paragraph (g) or to a business organization or a
598 governmental entity seeking initial licensure or renewal of an
599 existing license solely for the purpose of inspecting,
600 servicing, repairing, marking, recharging, and maintaining fire
601 extinguishers used and located on the premises of and owned by
602 such organization or entity.

603 5. The applicant has a current retestor identification
604 number that is appropriate for the license for which the
605 applicant is applying and that is listed with the United States
606 Department of Transportation.

607 6. The applicant has passed, with a grade of at least 70
608 percent, a written examination testing his or her knowledge of
609 the rules and statutes governing the activities authorized by
610 the license and demonstrating his or her knowledge and ability
611 to perform those tasks in a competent, lawful, and safe manner.
612 Such examination must be developed and administered by the State
613 Fire Marshal, or his or her designee in accordance with policies
614 and procedures of the State Fire Marshal. An applicant shall pay
615 a nonrefundable examination fee of \$50 for each examination or
616 reexamination scheduled. A reexamination may not be scheduled
617 sooner than 30 days after any administration of an examination
618 to an applicant. An applicant may not be permitted to take an
619 examination for any level of license more than a total of four



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620 times during 1 year, regardless of the number of applications
621 submitted. As a prerequisite to licensure of the applicant, he
622 or she:

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

624 b. Must have 4 years of proven experience as a fire
625 equipment permittee at a level equal to or greater than the
626 level of license applied for or have a combination of education
627 and experience determined to be equivalent thereto by the State
628 Fire Marshal. Having held a permit at the appropriate level for
629 the required period constitutes the required experience.

630 c. Must not have been convicted of a felony or a crime
631 punishable by imprisonment of 1 year or more under the law of
632 the United States or of any state thereof or under the law of
633 any other country. "Convicted" means a finding of guilt or the
634 acceptance of a plea of guilty or nolo contendere in any federal
635 or state court or a court in any other country, without regard
636 to whether a judgment of conviction has been entered by the
637 court having jurisdiction of the case. If an applicant has been
638 convicted of any such felony, the applicant is excluded from
639 licensure for a period of 4 years after expiration of sentence
640 or final release by the Florida Commission on Offender Review
641 unless the applicant, before the expiration of the 4-year
642 period, has received a full pardon or has had her or his civil
643 rights restored.

644
645 This subparagraph does not apply to any holder of or applicant
646 for a permit under paragraph (g) or to a business organization
647 or a governmental entity seeking initial licensure or renewal of
648 an existing license solely for the purpose of inspecting,



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649 servicing, repairing, marking, recharging, hydrotesting, and
650 maintaining fire extinguishers used and located on the premises
651 of and owned by such organization or entity.

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

655 1. Submitted a nonrefundable examination fee in the amount
656 of \$50.

657 2. Successfully completed a training course that includes
658 both written and practical training offered at ~~by~~ the State Fire
659 College and ~~or an equivalent course~~ approved by the State Fire
660 Marshal as applicable to the class of license being sought.

661 3. Passed, with a grade of at least 70 percent, a written
662 examination testing his or her knowledge of the rules and
663 statutes governing the activities authorized by the permit and
664 demonstrating his or her knowledge and ability to perform those
665 tasks in a competent, lawful, and safe manner. Such examination
666 must be developed and administered by the State Fire Marshal in
667 accordance with the policies and procedures of the State Fire
668 Marshal. An examination fee must be paid for each examination
669 scheduled. A reexamination may not be scheduled sooner than 30
670 days after any administration of an examination to an applicant.
671 An applicant may not be permitted to take an examination for any
672 level of permit more than four times during 1 year, regardless
673 of the number of applications submitted. As a prerequisite to
674 taking the permit examination, the applicant must be at least 16
675 years of age.

676 (h) An applicant for a license or permit under this section
677 who fails the examination may take it three more times during



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678 the 1-year period after he or she originally filed an
679 application for the examination. If the applicant fails the
680 examination within 1 year after the application date and he or
681 she seeks to retake the examination, he or she must file a new
682 application, pay the application and examination fees, and
683 successfully complete a prescribed training course that includes
684 both written and practical training offered at ~~by~~ the State Fire
685 College ~~and or an equivalent~~ course approved by the State Fire
686 Marshal as applicable to the class of license being sought. The
687 applicant may not submit a new application within 6 months after
688 the date of his or her fourth reexamination. An applicant who
689 passes the examination but does not meet the remaining
690 qualifications prescribed by law and rule within 1 year after
691 the application date must file a new application, pay the
692 application and examination fee, successfully complete a
693 prescribed training course that includes both written and
694 practical training offered at ~~approved by~~ the State Fire College
695 and ~~or an equivalent~~ course approved by the State Fire Marshal
696 as applicable to the class of license being sought, and pass the
697 written examination.

698 Section 14. Subsection (1) of section 633.416, Florida
699 Statutes, is amended to read:

700 633.416 Firefighter employment and volunteer firefighter
701 service; saving clause.—

702 (1) A fire service provider may not employ an individual
703 to:

704 (a) Extinguish fires for the protection of life or property
705 or to supervise individuals who perform such services unless the
706 individual holds a current and valid Firefighter Certificate of



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707 Compliance. However, a person who is currently serving as a
708 volunteer firefighter and holds a volunteer firefighter
709 certificate of completion with a fire service provider, who is
710 then employed as a regular or permanent firefighter by such fire
711 service provider, may function, for a period of 1 year under the
712 direct supervision of an individual holding a valid firefighter
713 certificate of compliance, in the same capacity in which he or
714 she acted as a volunteer firefighter, provided that he or she
715 has completed all training required by the volunteer
716 organization. Under no circumstance can this period extend
717 beyond 1 year either collectively or consecutively from the
718 start of employment to obtain a Firefighter Certificate of
719 Compliance; or

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

724 Section 15. Section 843.08, Florida Statutes, is amended to
725 read:

726 843.08 False personation.—A person who falsely assumes or
727 pretends to be a firefighter, a sheriff, an officer of the
728 Florida Highway Patrol, an officer of the Fish and Wildlife
729 Conservation Commission, an officer of the Department of
730 Environmental Protection, ~~a fire or arson investigator of the~~
731 ~~Department of Financial Services~~, an officer of the Department
732 of Financial Services, any personnel or representative of the
733 Division of Investigative and Forensic Services, an officer of
734 the Department of Corrections, a correctional probation officer,
735 a deputy sheriff, a state attorney or an assistant state



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736 attorney, a statewide prosecutor or an assistant statewide
737 prosecutor, a state attorney investigator, a coroner, a police
738 officer, a lottery special agent or lottery investigator, a
739 beverage enforcement agent, a school guardian as described in s.
740 30.15(1)(k), a security officer licensed under chapter 493, any
741 member of the Florida Commission on Offender Review or any
742 administrative aide or supervisor employed by the commission,
743 any personnel or representative of the Department of Law
744 Enforcement, or a federal law enforcement officer as defined in
745 s. 901.1505, and takes upon himself or herself to act as such,
746 or to require any other person to aid or assist him or her in a
747 matter pertaining to the duty of any such officer, commits a
748 felony of the third degree, punishable as provided in s.
749 775.082, s. 775.083, or s. 775.084. However, a person who
750 falsely personates any such officer during the course of the
751 commission of a felony commits a felony of the second degree,
752 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
753 If the commission of the felony results in the death or personal
754 injury of another human being, the person commits a felony of
755 the first degree, punishable as provided in s. 775.082, s.
756 775.083, or s. 775.084.

757 Section 16. Paragraph (f) is added to subsection (11) of
758 section 943.045, Florida Statutes, to read:

759 943.045 Definitions; ss. 943.045-943.08.—The following
760 words and phrases as used in ss. 943.045-943.08 shall have the
761 following meanings:

762 (11) "Criminal justice agency" means:

763 (f) The investigations component of the Department of
764 Financial Services which investigates the crimes of fraud and



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765 official misconduct in all public assistance given to residents
766 of the state or provided to others by the state.

767 Section 17. Effective upon this act becoming a law,
768 paragraph (e) of subsection (1) and subsections (2) and (3) of
769 chapter 2019-140, Laws of Florida, are amended to read:

770 Section 40. (1) The Legislature finds that:

771 (e) It is in the public interest to establish a Florida
772 Financial Technology and Blockchain Task Force comprised of
773 government and industry representatives to study the ways in
774 which state, county, and municipal governments can benefit from
775 a transition to a blockchain-based system for recordkeeping,
776 security, and service delivery and to develop and submit
777 recommendations to the Governor and the Legislature concerning
778 the potential for implementation of blockchain-based systems
779 that promote government efficiencies, better services for
780 citizens, economic development, and safer cyber-secure
781 interaction between government and the public.

782 (2) The Florida Financial Technology and Blockchain Task
783 Force, a task force as defined in s. 20.03, Florida Statutes, is
784 established within the Department of Financial Services to
785 explore and develop a master plan for fostering the expansion of
786 financial technology and the blockchain industry in the state,
787 to recommend policies and state investments to help make this
788 state a leader in financial and blockchain technologies
789 ~~technology~~, and to issue a report to the Governor and the
790 Legislature. The task force shall study if and how state,
791 county, and municipal governments can benefit from a transition
792 to a blockchain-based system for recordkeeping, data security,
793 financial transactions, and service delivery and identify ways



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794 to improve government interaction with businesses and the
795 public. The task force shall also consider financial technology
796 innovations related to money transmitters and payment instrument
797 sellers, as defined in s. 560.103, Florida Statutes, including
798 mediums of exchange which are in electronic or digital form, and
799 identify new products and services that could lead to business
800 growth in this state.

801 (a) The master plan shall:

802 1. Identify the economic growth and development
803 opportunities presented by financial and blockchain technologies
804 technology.

805 2. Assess the existing blockchain industry in the state.

806 3. Identify innovative and successful blockchain
807 applications currently used by industry and other governments to
808 determine viability for state applications.

809 4. Review workforce needs and academic programs required to
810 build blockchain technology expertise across all relevant
811 industries.

812 5. Make recommendations to the Governor and the Legislature
813 that will promote innovation and economic growth by reducing
814 barriers to and expediting the expansion of the state's
815 financial technology and blockchain industries ~~industry.~~

816 (b) The task force shall consist of 13 members. Membership
817 shall be as follows:

818 1. Three agency heads or executive directors of cabinet
819 agencies, or their designees, appointed by the Governor.

820 2. Four members of the public or private sector with
821 knowledge and experience in blockchain technology, appointed by
822 the Governor.



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823 3. Three members from the public or private sector with
824 knowledge and experience in blockchain technology, appointed by
825 the Chief Financial Officer.

826 4. One member from the private sector with knowledge and
827 experience in blockchain technology, appointed by the President
828 of the Senate.

829 5. One member from the private sector with knowledge and
830 experience in blockchain technology, appointed by the Speaker of
831 the House of Representatives.

832 6. One certified public accountant licensed pursuant to
833 chapter 473 with knowledge and experience in blockchain
834 technology, appointed by the Governor.

835
836 Members of the task force shall reflect the ethnic diversity of
837 the state.

838 (c) Within 90 days after the effective date of this act, a
839 majority of the members of the task force must be appointed and
840 the task force shall hold its first meeting. The task force
841 shall elect one of its members to serve as chair. Members of the
842 task force shall serve for the duration of the existence of the
843 task force. Any vacancy that occurs shall be filled in the same
844 manner as the original appointment. Task force members shall
845 serve without compensation, and are not entitled to
846 reimbursement for per diem or travel expenses.

847 (d) The task force shall study blockchain technology,
848 including, but not limited to, the following:

849 1. Opportunities and risks associated with using blockchain
850 and distributed ledger technology for state and local
851 governments.



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852 2. Different types of blockchains, both public and private,
853 and different consensus algorithms.

854 3. Projects and cases currently under development in other
855 states and local governments, and how these cases could be
856 applied in this state.

857 4. Ways the Legislature can modify general law to support
858 secure paperless recordkeeping, increase cybersecurity, improve
859 interactions with citizens, and encourage blockchain innovation
860 for businesses in the state.

861 5. Identifying potential economic incentives for companies
862 investing in blockchain technologies in collaboration with the
863 state.

864 6. Recommending projects for potential blockchain
865 solutions, including, but not limited to, use cases for state
866 agencies that would improve services for citizens or businesses.

867 7. Identifying the technical skills necessary to develop
868 blockchain technology and ensuring that instruction in such
869 skills is available at secondary and postsecondary educational
870 institutions in this state.

871 (3) The task force shall submit a report to the Governor,
872 the President of the Senate, and the Speaker of the House of
873 Representatives and present its findings to the appropriate
874 legislative committees in each house of the Legislature by
875 January 31, 2021 ~~within 180 days after the initial meeting of~~
876 ~~the task force~~. The report must include:

877 (a) A general description of the costs and benefits of
878 state and local government agencies using blockchain technology.

879 (b) Recommendations concerning the feasibility of
880 implementing blockchain technology in the state and the best



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881 approach to finance the cost of implementation.

882 (c) Recommendations for specific implementations to be
883 developed by relevant state agencies.

884 (d) Any draft legislation the task force deems appropriate
885 to implement such blockchain technologies.

886 (e) Identification of one pilot project that may be
887 implemented in the state.

888 (f) Any other information deemed relevant by the task
889 force.

890 Section 18. Except as otherwise expressly provided in this
891 act and except for this section, which shall take effect upon
892 this act becoming a law, this act shall take effect July 1,
893 2020.

894
895 ===== T I T L E A M E N D M E N T =====

896 And the title is amended as follows:

897 Delete everything before the enacting clause
898 and insert:

899 A bill to be entitled
900 An act relating to the Department of Financial
901 Services; amending s. 20.121, F.S.; specifying powers
902 and duties of the Division of Public Assistance Fraud;
903 creating s. 284.45, F.S.; prohibiting individuals
904 working for entities covered by the State Risk
905 Management Trust Fund from engaging in retaliatory
906 conduct against sexual harassment victims; defining
907 the term "sexual harassment victim"; specifying a
908 criminal penalty for the willful and knowing
909 dissemination of a sexual harassment victim's personal



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910 identifying information, except under certain
911 circumstances; specifying protected personal
912 identifying information; amending s. 497.101, F.S.;
913 revising provisions relating to membership of the
914 Board of Funeral, Cemetery, and Consumer Services
915 within the department; deleting a requirement for the
916 department to adopt certain rules; creating s.
917 497.1411, F.S.; defining terms; providing for
918 permanent disqualification of applicants for licensure
919 under ch. 497, F.S., for certain offenses; providing
920 for disqualifying periods for applicants for certain
921 offenses; requiring the board to adopt rules;
922 providing for calculation of disqualifying periods;
923 providing conditions for licensure after completion of
924 a disqualifying period; specifying the effect of a
925 pardon or clemency; providing for exemptions from
926 disqualification in certain circumstances; providing
927 procedures for consideration of applications for such
928 exemptions; providing construction; amending s.
929 497.142, F.S.; revising criminal history disclosure
930 requirements for applicants seeking licensure under
931 ch. 497, F.S.; amending s. 497.157, F.S.; prohibiting
932 persons from acting as or advertising themselves as
933 being funeral directors, embalmers, direct disposers,
934 or preneed sales agents unless they are so licensed;
935 prohibiting persons from engaging in certain
936 activities requiring licensure without holding
937 required licenses; revising the criminal penalty for
938 unlicensed activity; amending s. 497.159, F.S.;



939 conforming a provision to changes made by the act;
940 amending s. 497.459, F.S.; revising conditions under
941 which a preneed licensee must provide certain persons
942 a written notice of intent to distribute funds;
943 requiring preneed licensees to conduct a certain
944 analysis at specified intervals; requiring the preneed
945 licensee, rather than the trustee, to conduct a
946 certain diligent search and inquiry and mail the
947 notice under certain circumstances; revising the
948 timeframe for a failure to respond to the notice
949 before funds are distributed; revising requirements
950 for the distribution of funds; providing and revising
951 construction relating to certain liability and rights;
952 specifying requirements and procedures for fulfillment
953 or cancellation of the preneed contract; providing
954 applicability; amending s. 552.081, F.S.; revising the
955 definition of the term "two-component explosives" for
956 the purpose of regulation by the Division of State
957 Fire Marshal; amending s. 553.7921, F.S.; authorizing
958 a contractor repairing certain existing fire alarm
959 systems to begin work after filing an application for
960 a required permit but before receiving the permit;
961 providing construction; amending s. 626.2815, F.S.;
962 revising continuing education requirements for certain
963 persons licensed to solicit, sell, or adjust
964 insurance; creating s. 633.217, F.S.; prohibiting
965 certain acts to influence a firesafety inspector into
966 violating certain laws; prohibiting a firesafety
967 inspector from knowingly and willfully accepting an



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968 attempt to influence him or her into violating certain
969 laws; amending s. 633.304, F.S.; revising requirements
970 for training courses for licensees installing or
971 maintaining certain fire suppression equipment;
972 amending s. 633.416, F.S.; providing that certain
973 persons serving as volunteer firefighters may serve as
974 a regular or permanent firefighter for a limited
975 period, subject to certain restrictions; amending s.
976 843.08, F.S.; prohibiting false personation of
977 personnel or representatives of the Division of
978 Investigative and Forensic Services; providing
979 criminal penalties; amending s. 943.045, F.S.;
980 revising the definition of the term "criminal justice
981 agency" to include the investigations component of the
982 department which investigates certain crimes; amending
983 chapter 2019-140, L.O.F.; renaming the Florida
984 Blockchain Task Force as the Florida Financial
985 Technology and Blockchain Task Force; adding duties to
986 the task force relating to financial technology;
987 revising the master plan of the task force; extending
988 the deadline for the task force to submit its report
989 to the Governor and the Legislature; providing
990 effective dates.



606376

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
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	.	

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Broxson) recommended the following:

1 **Senate Amendment to Amendment (178232) (with title**
2 **amendment)**

3
4 Between lines 517 and 518
5 insert:

6 Section 12. Subsection (18) of section 633.202, Florida
7 Statutes, is amended to read:

8 633.202 Florida Fire Prevention Code.—

9 (18) The authority having jurisdiction shall determine the
10 minimum radio signal strength for fire department communications



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11 in all new high-rise and existing high-rise buildings. Existing
12 buildings are not required to comply with minimum radio strength
13 for fire department communications and two-way radio system
14 enhancement communications as required by the Florida Fire
15 Prevention Code until January 1, 2025 ~~2022~~. However, by December
16 31, 2022 ~~2019~~, an existing building that is not in compliance
17 with the requirements for minimum radio strength for fire
18 department communications must apply for an appropriate permit
19 for the required installation with the local government agency
20 having jurisdiction and must demonstrate that the building will
21 become compliant by January 1, 2025 ~~2022~~. Existing apartment
22 buildings are not required to comply until January 1, 2025.
23 However, existing apartment buildings are required to apply for
24 the appropriate permit for the required communications
25 installation by December 31, 2022.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 964

30 and insert:

31 insurance; amending s. 633.202, F.S.; extending
32 deadlines for certain buildings to comply with certain
33 requirements for minimum radio signal strength under
34 the Florida Fire Prevention Code; creating s. 633.217,
35 F.S.; prohibiting



793798

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
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	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Broxson) recommended the following:

**Senate Substitute for Amendment (606376) to Amendment
(178232) (with title amendment)**

Between lines 517 and 518
insert:

Section 12. Subsection (18) of section 633.202, Florida
Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(18) The authority having jurisdiction shall determine the
minimum radio signal strength for fire department communications



793798

11 in all new high-rise and existing high-rise buildings. Existing
12 buildings are not required to comply with minimum radio strength
13 for fire department communications and two-way radio system
14 enhancement communications as required by the Florida Fire
15 Prevention Code until January 1, 2023 ~~2022~~. However, by January
16 1, 2022 ~~December 31, 2019~~, an existing building that is not in
17 compliance with the requirements for minimum radio strength for
18 fire department communications must have completed a minimum
19 radio strength assessment ~~apply for an appropriate permit~~ for
20 the required installation with the local government agency
21 having jurisdiction and must demonstrate that the building will
22 become compliant by January 1, 2023 ~~2022~~. Existing apartment
23 buildings are not required to comply until January 1, 2025.
24 However, existing apartment buildings are required to apply for
25 the appropriate permit for the required communications
26 installation by December 31, 2022.

27

28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 964

31 and insert:

32 insurance; amending s. 633.202, F.S.; extending a
33 deadline for certain buildings to comply with a
34 minimum radio signal strength requirement under the
35 Florida Fire Prevention Code; requiring such buildings
36 to meet certain conditions by a specified date;
37 creating s. 633.217, F.S.; prohibiting



228352

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Bean) recommended the following:

1 **Senate Amendment to Amendment (178232) (with title**
2 **amendment)**

3
4 Between lines 517 and 518
5 insert:

6 Section 12. Subsection (20) of section 633.202, Florida
7 Statutes, is amended to read:

8 633.202 Florida Fire Prevention Code.—

9 (20) (a) In apartment occupancies with enclosed corridors
10 served by interior or exterior exit stairs, doorstep refuse and



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11 recycling collection containers, which stand upright on their
12 own and do not leak liquids when standing upright, must be
13 allowed in exit access corridors when all of the following
14 conditions exist:

15 1. The maximum doorstep refuse and recycling collection
16 container size does not exceed 13 gallons.

17 2. Waste, which is in a doorstep refuse and recycling
18 collection container, is not placed in the exit access corridors
19 for single periods exceeding 5 hours.

20 3. Doorstep refuse and recycling collection containers do
21 not occupy the exit access corridors for single periods
22 exceeding 12 hours.

23 4. Doorstep refuse and recycling collection containers do
24 not reduce the means of egress width below that required under
25 NFPA Life Safety Code 101:31, as adopted under the Florida Fire
26 Prevention Code.

27 5. Management staff have written policies and procedures in
28 place and enforce them to ensure compliance with this paragraph,
29 and, upon request, provide a copy of such policies and
30 procedures to the authority having jurisdiction.

31 (b) In apartment occupancies with open-air corridors or
32 balconies served by exterior exit stairs, doorstep refuse and
33 recycling collection containers, which stand upright on their
34 own and do not leak liquids when standing upright, must be
35 allowed in exit access corridors when all of the following
36 conditions exist:

37 1. The maximum doorstep refuse and recycling collection
38 container size does not exceed 27 gallons.

39 2. Waste, which is in a doorstep refuse and recycling



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40 collection container, is not placed in the exit access corridors
41 for single periods exceeding 5 hours.

42 3. Doorstep refuse and recycling collection containers do
43 not reduce the means of egress width below that required under
44 NFPA Life Safety Code 101:31, as adopted under the Florida Fire
45 Prevention Code.

46 4. Management staff have written policies and procedures in
47 place and enforce them to ensure compliance with this paragraph,
48 and, upon request, provide a copy of such policies and
49 procedures to the authority having jurisdiction.

50 (c) The authority having jurisdiction may approve
51 alternative containers and storage arrangements that are
52 demonstrated to provide an equivalent level of safety to that
53 provided under paragraphs (a) and (b).

54 (d) The authority having jurisdiction shall allow apartment
55 occupancies a phase-in period until December 31, 2020, to comply
56 with this subsection.

57 (e) This subsection is repealed on January 1, 2024 ~~July 1,~~
58 ~~2021~~.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete line 964

63 and insert:

64 insurance; amending s. 633.202, F.S.; extending the
65 repeal date of exemptions to the Florida Fire
66 Prevention Code which authorize doorstep refuse and
67 recycling collection containers to be in exit access
68 corridors in certain apartment occupancies under



228352

69
70

certain circumstances; creating s. 633.217, F.S.;
prohibiting



967524

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Perry) recommended the following:

**Senate Amendment to Amendment (178232) (with title
amendment)**

Between lines 517 and 518
insert:

Section 12. Subsection (3) of section 633.102, Florida
Statutes, is amended to read:

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

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



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11 out, fabricate, install, inspect, alter, repair, and service all
12 types of fire protection systems, excluding preengineered
13 systems.

14 (b) "Contractor II" means a contractor whose business is
15 limited to the execution of contracts requiring the ability to
16 lay out, fabricate, install, inspect, alter, repair, and service
17 water sprinkler systems, water spray systems, foam-water
18 sprinkler systems, foam-water spray systems, standpipes,
19 combination standpipes and sprinkler risers, all piping that is
20 an integral part of the system beginning at the point of service
21 as defined in this section, sprinkler tank heaters, air lines,
22 thermal systems used in connection with sprinklers, and tanks
23 and pumps connected thereto, excluding preengineered systems.

24 (c) "Contractor III" means a contractor whose business is
25 limited to the execution of contracts requiring the ability to
26 fabricate, install, inspect, alter, repair, and service carbon
27 dioxide systems, foam extinguishing systems, dry chemical
28 systems, and Halon and other chemical systems, excluding
29 preengineered systems.

30 (d) "Contractor IV" means a contractor whose business is
31 limited to the execution of contracts requiring the ability to
32 lay out, fabricate, install, inspect, alter, repair, and service
33 automatic fire sprinkler systems for detached one-family
34 dwellings, detached two-family dwellings, and mobile homes,
35 excluding preengineered systems and excluding single-family
36 homes in cluster units, such as apartments, condominiums, and
37 assisted living facilities or any building that is connected to
38 other dwellings. A Contractor IV is limited to the scope of
39 practice specified in NFPA 13D.



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

47
48 The definitions in this subsection may not be construed to
49 include engineers or architects and do not limit or prohibit a
50 licensed fire protection engineer or architect with fire
51 protection design experience from designing any type of fire
52 protection system. A distinction is made between system design
53 concepts prepared by the design professional and system layout
54 as defined in this section and typically prepared by the
55 contractor. However, a person certified as a Contractor I or
56 ~~Contractor II, or Contractor IV~~ under this chapter may design
57 new fire protection systems of 49 or fewer sprinklers; ~~and~~ may
58 design the alteration of an existing fire sprinkler system if
59 the alteration consists of the relocation, addition, or deletion
60 of ~~not more than~~ 49 or fewer sprinklers, notwithstanding the
61 size of the existing fire sprinkler system; or may design the
62 alteration of an existing fire sprinkler system if the
63 alteration consists of the relocation or deletion of 249 or
64 fewer sprinklers, notwithstanding the size of the existing fire
65 sprinkler system, if there is no change of occupancy, as defined
66 in the Florida Building Code, of the affected areas and there is
67 no change in the water demand as defined in National Fire
68 Protection Association publication NFPA 13 "Standard for the



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69 Installation of Sprinkler Systems," and if the occupancy hazard
70 classification as defined in NFPA 13 is reduced or remains the
71 same as a result of the alteration. A person certified as a
72 Contractor I, Contractor II, or Contractor IV may design or
73 alter a fire protection system, the scope of which complies with
74 NFPA 13D, Standard for the Installation of Sprinkler Systems in
75 One- and Two-Family Dwellings and Manufactured Homes, as adopted
76 by the State Fire Marshal, notwithstanding the number of fire
77 sprinklers. Contractor-developed plans may not be required by
78 any local permitting authority to be sealed by a registered
79 professional engineer.

80

81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete line 964

84 and insert:

85 insurance; amending s. 633.102, F.S.; revising the
86 authority of certain fire protection system
87 contractors to design and alter certain systems;
88 creating s. 633.217, F.S.; prohibiting



930908

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Powell) recommended the following:

1 **Senate Amendment to Amendment (178232) (with title**
2 **amendment)**

3
4 Between lines 517 and 518
5 insert:

6 Section 12. Section 633.136, Florida Statutes, is amended
7 to read:

8 633.136 Fire and Emergency Incident Information Reporting
9 Program; duties; fire reports.—

10 (1) (a) The Fire and Emergency Incident Information



930908

11 Reporting Program is created within the division. The program
12 shall:

13 1. Establish and maintain an electronic communication
14 system capable of transmitting fire and emergency incident
15 information to and between fire service providers ~~protection~~
16 ~~agencies~~.

17 2. Initiate a Fire and Emergency Incident Information
18 Reporting System that shall be responsible for:

19 a. Receiving fire and emergency incident information from
20 fire service providers ~~protection agencies~~.

21 b. Preparing and disseminating annual reports to the
22 Governor, the President of the Senate, the Speaker of the House
23 of Representatives, fire service providers ~~protection agencies~~,
24 and, upon request, the public. Each report shall include, but
25 not be limited to, the information listed in the National Fire
26 Incident Reporting System.

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

29 3. Adopt rules to effectively and efficiently implement,
30 administer, manage, maintain, and use the Fire and Emergency
31 Incident Information Reporting Program. The rules shall be
32 considered minimum requirements and shall not preclude a fire
33 service provider ~~protection agency~~ from implementing its own
34 requirements which may not conflict with the rules of the
35 division.

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

39 5. Maintain ~~Establish~~ an electronic information database



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40 that is accessible and searchable by fire service providers
41 ~~protection agencies.~~

42 (b) The division shall consult with the Florida Forest
43 Service of the Department of Agriculture and Consumer Services
44 and the State Surgeon General of the Department of Health to
45 coordinate data, ensure accuracy of the data, and limit
46 duplication of efforts in data collection, analysis, and
47 reporting.

48 (2) The Fire and Emergency Incident Information System
49 Technical Advisory Panel is created within the division. The
50 panel shall advise, review, and recommend to the State Fire
51 Marshal with respect to the requirements of this section. The
52 membership of the panel shall consist of the ~~following~~ 15
53 members:-

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

56 ~~(b) One member from the Florida Forest Service of the~~
57 ~~Department of Agriculture and Consumer Services, appointed by~~
58 ~~the director of the Florida Forest Service.~~

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

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

65 Section 13. Subsection (1) of section 633.402, Florida
66 Statutes, is amended to read:

67 633.402 Firefighters Employment, Standards, and Training
68 Council; organization; meetings; quorum; compensation; seal;



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69 special powers; firefighter training.-

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

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

73 1. Two fire chiefs appointed by the Florida Fire Chiefs
74 Association.

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

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

79 4. One individual appointed by the Florida League of
80 Cities.

81 5. One individual appointed by the Florida Association of
82 Counties.

83 6. One individual appointed by the Florida Association of
84 Special Districts.

85 7. One individual appointed by the Florida Fire Marshals'
86 and Inspectors' Association.

87 8. One employee of the Florida Forest Service of the
88 Department of Agriculture and Consumer Services appointed by the
89 director of the Florida Forest Service.

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

91 10. One director or instructor of a state-certified
92 firefighting training facility appointed by the State Fire
93 Marshal.

94 11. One individual ~~The remaining member, who shall be~~
95 appointed by the State Fire Marshal, who may not be a member or
96 representative of the firefighting profession or of any local
97 government.



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98 12. One individual from the Department of Health, appointed
99 by the Surgeon General.

100 (b) To be eligible for appointment as a member under
101 subparagraph (a)1., subparagraph (a)2., subparagraph (a)3.,
102 subparagraph (a)8., or subparagraph (a)10., a person must have
103 had at least 4 years' experience in the firefighting profession.
104 Members shall serve only as long as they continue to meet the
105 criteria under which they were appointed, or unless a member has
106 failed to appear at three consecutive and properly noticed
107 meetings unless excused by the chair.

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete line 964

112 and insert:

113 insurance; amending s. 633.136, F.S.; replacing fire
114 protection agencies in the Fire and Emergency Incident
115 Information Reporting Program with fire service
116 providers and defining the term; revising the
117 composition of the Fire and Emergency Incident
118 Information System Technical Advisory Panel; amending
119 s. 633.402, F.S.; revising the composition of the
120 Firefighters Employment, Standards, and Training
121 Council; creating s. 633.217, F.S.; prohibiting



784810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Broxson) recommended the following:

1 **Senate Amendment to Amendment (178232) (with title**
2 **amendment)**

3
4 Between lines 517 and 518
5 insert:

6 Section 12. Subsection (18) of section 633.202, Florida
7 Statutes, is amended to read:

8 633.202 Florida Fire Prevention Code.—

9 (18) The authority having jurisdiction shall determine the
10 minimum radio signal strength for fire department communications



784810

11 in all new high-rise and existing high-rise buildings. Existing
12 buildings are not required to comply with minimum radio strength
13 for fire department communications and two-way radio system
14 enhancement communications as required by the Florida Fire
15 Prevention Code until January 1, 2023 ~~2022~~. However, by January
16 1, 2022 ~~December 31, 2019~~, an existing building that is not in
17 compliance with the requirements for minimum radio strength for
18 fire department communications must have completed a minimum
19 radio strength assessment ~~apply for an appropriate permit~~ for
20 the required installation with the local government agency
21 having jurisdiction and must demonstrate that the building will
22 become compliant by January 1, 2023 ~~2022~~. Existing apartment
23 buildings are not required to comply until January 1, 2025.
24 However, existing apartment buildings are required to apply for
25 the appropriate permit for the required communications
26 installation by December 31, 2022.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 964

31 and insert:

32 insurance; amending s. 633.202, F.S.; extending a
33 deadline for certain buildings to comply with a
34 minimum radio signal strength requirement under the
35 Florida Fire Prevention Code; requiring such buildings
36 to meet certain conditions by a specified date;
37 creating s. 633.217, F.S.; prohibiting



376164

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Perry) recommended the following:

Senate Amendment to Amendment (178232)

Delete lines 39 - 47

and insert:

includes the name of the sexual harassment victim and his or
her:

(a) Home address;

(b) Home phone number;

(c) Cellular phone number;

(d) E-mail address;



376164

11 (e) Social media account username or uniform resource
12 locator (URL); or

13 (f) Any other information that could reasonably be used to
14 identify an alleged sexual harassment victim.



392550

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Broxson) recommended the following:

Senate Amendment (with title amendment)

Between lines 330 and 331

insert:

Section 7. Subsection (18) of section 633.202, Florida
Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(18) The authority having jurisdiction shall determine the
minimum radio signal strength for fire department communications
in all new high-rise and existing high-rise buildings. Existing



392550

11 buildings are not required to comply with minimum radio strength
12 for fire department communications and two-way radio system
13 enhancement communications as required by the Florida Fire
14 Prevention Code until January 1, 2025 ~~2022~~. However, by December
15 31, 2022 ~~2019~~, an existing building that is not in compliance
16 with the requirements for minimum radio strength for fire
17 department communications must apply for an appropriate permit
18 for the required installation with the local government agency
19 having jurisdiction and must demonstrate that the building will
20 become compliant by January 1, 2025 ~~2022~~. Existing apartment
21 buildings are not required to comply until January 1, 2025.
22 However, existing apartment buildings are required to apply for
23 the appropriate permit for the required communications
24 installation by December 31, 2022.

25

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 35

29 and insert:

30 construction; amending s. 633.202, F.S.; extending
31 deadlines for certain buildings to comply with certain
32 requirements for certain minimum radio signal strength
33 under the Florida Fire Prevention Code; creating s.
34 633.217, F.S.; prohibiting

By the Committee on Banking and Insurance; and Senator Perry

597-02425-20

20201404c1

1 A bill to be entitled
 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. 497.101, F.S.; revising provisions
 6 relating to membership of the Board of Funeral,
 7 Cemetery, and Consumer Services; deleting a
 8 requirement for the department to adopt certain rules;
 9 creating s. 497.1411, F.S.; defining terms; providing
 10 for permanent disqualification of applicants for
 11 licensure under ch. 497, F.S., for certain offenses;
 12 providing for disqualifying periods for applicants for
 13 certain offenses; requiring the department to adopt
 14 rules; providing for calculation of disqualifying
 15 periods; providing conditions for licensure after
 16 completion of a disqualifying period; providing for
 17 the effect of a pardon or clemency; providing for
 18 exemptions from disqualification in certain
 19 circumstances; providing procedures for consideration
 20 of applications for such exemptions; providing
 21 construction; amending s. 497.157, F.S.; prohibiting
 22 persons from acting as or advertising themselves as
 23 being funeral directors, embalmers, direct disposers,
 24 or preneed sales agents unless they are so licensed;
 25 prohibiting persons from engaging in certain
 26 activities requiring licensure without holding
 27 required licenses; providing criminal penalties;
 28 amending s. 552.081, F.S.; revising the definition of
 29 the term "two-component explosives" for the purpose of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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20201404c1

30 regulation by the Division of State Fire Marshal;
 31 amending s. 553.7921, F.S.; authorizing a contractor
 32 repairing certain existing fire alarm systems to begin
 33 work after filing an application for a required permit
 34 but before receiving the permit; providing
 35 construction; creating s. 633.217, F.S.; prohibiting
 36 certain acts to influence a firesafety inspector into
 37 violating certain laws; prohibiting a firesafety
 38 inspector from knowingly and willfully accepting an
 39 attempt to influence him or her into violating certain
 40 laws; amending s. 633.416, F.S.; providing that
 41 certain persons serving as volunteer firefighters may
 42 serve as a regular or permanent firefighter for a
 43 limited period, subject to certain restrictions;
 44 amending s. 843.08, F.S.; prohibiting false
 45 personation of personnel or representatives of the
 46 Division of Investigative and Forensic Services;
 47 providing criminal penalties; amending s. 943.045,
 48 F.S.; revising the definition of the term "criminal
 49 justice agency" to include the investigations
 50 component of the department which investigates certain
 51 crimes; providing an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Paragraph (f) of subsection (2) of section
 56 20.121, Florida Statutes, is amended to read:
 57 20.121 Department of Financial Services.—There is created a
 58 Department of Financial Services.

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20201404c1

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

61 (f) The Division of Public Assistance Fraud, which shall
62 function as a criminal justice agency for purposes of ss.
63 943.045-943.08. The division shall conduct investigations
64 pursuant to s. 414.411 within or outside of this state as it
65 deems necessary. If, during an investigation, the division has
66 reason to believe that any criminal law of this state has or may
67 have been violated, it shall refer any records tending to show
68 such violation to state or federal law enforcement or
69 prosecutorial agencies and shall provide investigative
70 assistance to those agencies as required.

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

73 497.101 Board of Funeral, Cemetery, and Consumer Services;
74 membership; appointment; terms.—

75 (1) The Board of Funeral, Cemetery, and Consumer Services
76 is created within the Department of Financial Services and shall
77 consist of 10 members, 9 of whom shall be appointed by the
78 Governor from nominations made by the Chief Financial Officer
79 and confirmed by the Senate. The Chief Financial Officer shall
80 nominate one to three persons for each of the nine vacancies on
81 the board, and the Governor shall fill each vacancy on the board
82 by appointing one of the ~~three~~ persons nominated by the Chief
83 Financial Officer to fill that vacancy. If the Governor objects
84 to each of the ~~three~~ nominations for a vacancy, she or he shall
85 inform the Chief Financial Officer in writing. Upon notification
86 of an objection by the Governor, the Chief Financial Officer
87 shall submit one to three additional nominations for that

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88 vacancy until the vacancy is filled. One member must be the
89 State Health Officer or her or his designee.

90 (2) Two members of the board shall be funeral directors
91 licensed under part III of this chapter who are associated with
92 a funeral establishment. One member of the board shall be a
93 funeral director licensed under part III of this chapter who is
94 associated with a funeral establishment licensed under part III
95 of this chapter that has a valid preneed license issued pursuant
96 to this chapter and who owns or operates a cinerator facility
97 approved under chapter 403 and licensed under part VI of this
98 chapter. Two members of the board shall be persons whose primary
99 occupation is associated with a cemetery company licensed
100 pursuant to this chapter. ~~Two~~ Three members of the board shall
101 be consumers who are residents of the state, have never been
102 licensed as funeral directors or embalmers, are not connected
103 with a cemetery or cemetery company licensed pursuant to this
104 chapter, and are not connected with the death care industry or
105 the practice of embalming, funeral directing, or direct
106 disposition. One of the two consumer members shall be at least
107 60 years of age, ~~and one shall be licensed as a certified public~~
108 ~~accountant under chapter 473. One member of the board shall be a~~
109 consumer who is a resident of this state; is licensed as a
110 certified public accountant under chapter 473; has never been
111 licensed as a funeral director or embalmer; is not a principal
112 or employee of any licensee licensed under this chapter; and
113 does not otherwise have control, as defined in s. 497.005, over
114 any licensee licensed under this chapter. One member of the
115 board shall be a principal of a monument establishment licensed
116 under this chapter as a monument builder. One member shall be

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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117 the State Health Officer or her or his designee. There shall not
 118 be two or more board members who are principals or employees of
 119 the same company or partnership or group of companies or
 120 partnerships under common control.

121 (3) Board members shall be appointed for terms of 4 years,
 122 and the State Health Officer shall serve as long as that person
 123 holds that office. The designee of the State Health Officer
 124 shall serve at the pleasure of the Governor. ~~When the terms of~~
 125 ~~the initial board members expire, the Chief Financial Officer~~
 126 ~~shall stagger the terms of the successor members as follows: one~~
 127 ~~funeral director, one cemetery representative, the monument~~
 128 ~~builder, and one consumer member shall be appointed for terms of~~
 129 ~~2 years, and the remaining members shall be appointed for terms~~
 130 ~~of 4 years. All subsequent terms shall be for 4 years.~~

131 (6) The headquarters and records of the board shall be in
 132 the Division of Funeral, Cemetery, and Consumer Services of the
 133 Department of Financial Services in the City of Tallahassee. The
 134 board may be contacted through the Division of Funeral,
 135 Cemetery, and Consumer Services of the Department of Financial
 136 Services in the City of Tallahassee. The Chief Financial Officer
 137 shall annually appoint from among the board members a chair and
 138 vice chair of the board. The board shall meet at least every 6
 139 months, and more often as necessary. Special meetings of the
 140 board shall be convened upon the direction of the Chief
 141 Financial Officer. A quorum is necessary for the conduct of
 142 business by the board. Unless otherwise provided by law, a
 143 majority of the board members eligible to vote shall constitute
 144 a quorum for the purpose of conducting its business ~~six board~~
 145 ~~members shall constitute a quorum for the conduct of the board's~~

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146 ~~business.~~

147 ~~(8) The department shall adopt rules establishing forms by~~
 148 ~~which persons may apply for membership on the board and~~
 149 ~~procedures for applying for such membership. Such forms shall~~
 150 ~~require disclosure of the existence and nature of all current~~
 151 ~~and past employments by or contracts with, and direct or~~
 152 ~~indirect affiliations or interests in, any entity or business~~
 153 ~~that at any time was licensed by the board or by the former~~
 154 ~~Board of Funeral and Cemetery Services or the former Board of~~
 155 ~~Funeral Directors and Embalmers or that is or was otherwise~~
 156 ~~involved in the death care industry, as specified by department~~
 157 ~~rule.~~

158 Section 3. Section 497.1411, Florida Statutes, is created
 159 to read:

160 497.1411 Disqualification of applicants and licensees;
 161 penalties against licensees; rulemaking.-

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

163 (a) "Applicant" means an individual applying for licensure
 164 or relicensure under this chapter, and an officer, a director, a
 165 majority owner, a partner, a manager, or other person who
 166 manages or controls an entity applying for licensure or
 167 relicensure under this chapter.

168 (b) "Felony of the first degree" and "capital felony"
 169 include all felonies designated as such in this state at the
 170 time of the commission of the offense, as well as any offense in
 171 another jurisdiction that is substantially similar to an offense
 172 so designated in this state.

173 (c) "Financial services business" means any financial
 174 activity regulated by the department, the Office of Insurance

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20201404c1

175 Regulation, or the Office of Financial Regulation.
 176 (2) An applicant who has been found guilty of or has
 177 pleaded guilty or nolo contendere to any of the following
 178 crimes, regardless of adjudication, is permanently barred from
 179 licensure under this chapter:
 180 (a) A felony of the first degree.
 181 (b) A capital felony.
 182 (c) A felony money laundering offense.
 183 (d) A felony embezzlement.
 184 (3) An applicant who has been found guilty of or has
 185 pleaded guilty or nolo contendere to a crime not included in
 186 subsection (2), regardless of adjudication, is subject to:
 187 (a) A 10-year disqualifying period for all felonies
 188 involving moral turpitude that are not specifically included in
 189 the permanent bar contained in subsection (2).
 190 (b) A 5-year disqualifying period for all felonies to which
 191 neither the permanent bar in subsection (2) nor the 10-year
 192 disqualifying period in paragraph (a) applies.
 193 (c) A 5-year disqualifying period for all misdemeanors
 194 directly related to the financial services business.
 195 (4) The department shall adopt rules to administer this
 196 section. The rules must provide for additional disqualifying
 197 periods due to the commitment of multiple crimes and may include
 198 other factors reasonably related to the applicant's criminal
 199 history. The rules shall provide for mitigating and aggravating
 200 factors. However, mitigation may not result in a period of
 201 disqualification of less than 5 years and may not mitigate the
 202 disqualifying periods in paragraphs (3)(b) and (c).
 203 (5) For purposes of this section, a disqualifying period

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20201404c1

204 begins upon the applicant's final release from supervision or
 205 upon completion of the applicant's criminal sentence. The
 206 department may not issue a license to an applicant unless all
 207 related fines, court costs and fees, and court-ordered
 208 restitution have been paid.
 209 (6) After the disqualifying period has expired, the burden
 210 is on the applicant to demonstrate that he or she has been
 211 rehabilitated, does not pose a risk to the public, is fit and
 212 trustworthy to engage in business regulated by this chapter, and
 213 is otherwise qualified for licensure.
 214 (7) Notwithstanding subsections (2) and (3), upon a grant
 215 of a pardon or the restoration of civil rights pursuant to
 216 chapter 940 and s. 8, Art. IV of the State Constitution with
 217 respect to a finding of guilt or a plea under subsection (2) or
 218 subsection (3), or such pardon or the restoration of civil
 219 rights under the laws of another jurisdiction with respect to a
 220 conviction in that jurisdiction, such finding or plea no longer
 221 bars or disqualifies the applicant from licensure under this
 222 chapter; however, such a pardon or restoration of civil rights
 223 does not require the department to award such license.
 224 (8)(a) The Board of Funeral, Cemetery, and Consumer
 225 Services may grant an exemption from disqualification to any
 226 person disqualified from licensure under this section because of
 227 a criminal record if:
 228 1. The applicant has paid in full any fee, fine, fund,
 229 lien, civil judgment, restitution, or cost of prosecution
 230 imposed by the court as part of the judgment and sentence for
 231 any disqualifying offense; and
 232 2. At least 5 years have elapsed since the applicant

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233 completed or has been lawfully released from confinement,
 234 supervision, or nonmonetary condition imposed by the court for a
 235 disqualifying offense.

236 (b) For the board to grant an exemption under this
 237 subsection, the applicant must clearly and convincingly
 238 demonstrate that he or she would not pose a risk to persons or
 239 property if licensed under this chapter, evidence of which must
 240 include, but need not be limited to, facts and circumstances
 241 surrounding the disqualifying offense, the time that has elapsed
 242 since the offense, the nature of the offense and harm caused to
 243 the victim, the applicant's history before and after the
 244 offense, and any other evidence or circumstances indicating that
 245 the applicant will not present a danger if licensed or
 246 certified.

247 (c) The board has discretion whether to grant or deny an
 248 exemption under this subsection. The board's decision is subject
 249 to chapter 120, except that a formal proceeding under s.
 250 120.57(1) is available only if there are disputed issues of
 251 material fact that the department relied upon in reaching its
 252 decision.

253 Section 4. Present subsections (2) through (5) of section
 254 497.157, Florida Statutes, are redesignated as subsections (4)
 255 through (7), respectively, new subsections (2) and (3) and
 256 subsection (8) are added to that section, and present subsection
 257 (3) of that section is amended, to read:

258 497.157 Unlicensed practice; remedies concerning violations
 259 by unlicensed persons.—

260 (2) A person may not be, act as, or advertise or hold
 261 himself or herself out to be a funeral director, embalmer, or

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262 direct disposer unless he or she is currently licensed by the
 263 department.

264 (3) A person may not be, act as, or advertise or hold
 265 himself or herself out to be a preneed sales agent unless he or
 266 she is currently licensed by the department and appointed by a
 267 preneed main licensee for which they are executing preneed
 268 contracts.

269 (5)(3) Where the department determines that an emergency
 270 exists regarding any violation of this chapter by any unlicensed
 271 person or entity, the department may issue and serve an
 272 immediate final order upon such unlicensed person or entity, in
 273 accordance with s. 120.569(2)(n). Such an immediate final order
 274 may impose such prohibitions and requirements as are reasonably
 275 necessary to protect the public health, safety, and welfare, and
 276 shall be effective when served.

277 (a) For the purpose of enforcing such an immediate final
 278 order, the department may file an emergency or other proceeding
 279 in the circuit courts of the state seeking enforcement of the
 280 immediate final order by injunctive or other order of the court.
 281 The court shall issue its injunction or other order enforcing
 282 the immediate final order pending administrative resolution of
 283 the matter under subsection (4) (2), unless the court determines
 284 that such action would work a manifest injustice under the
 285 circumstances. Venue for judicial actions under this paragraph
 286 shall be, at the election of the department, in the courts of
 287 Leon County, or in a county where the respondent resides or has
 288 a place of business.

289 (b) After serving an immediate final order to cease and
 290 desist upon any person or entity, the department shall within 10

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291 days issue and serve upon the same person or entity an
 292 administrative complaint as set forth in subsection (4) ~~(2)~~,
 293 except that, absent order of a court to the contrary, the
 294 immediate final order shall be effective throughout the pendency
 295 of proceedings under subsection (4) ~~(2)~~.

296 (8) Any person who is not licensed under this chapter and
 297 who engages in activity requiring licensure under this chapter
 298 commits a felony of the third degree, punishable as provided in
 299 s. 775.082, s. 775.083, or s. 775.084.

300 Section 5. Subsection (13) of section 552.081, Florida
 301 Statutes, is amended to read:

302 552.081 Definitions.—As used in this chapter:

303 (13) “Two-component explosives” means any two inert
 304 components which, when mixed, become capable of detonation by
 305 any detonator a No. 6 blasting cap, and shall be classified as a
 306 Class “A” explosive when so mixed.

307 Section 6. Present subsection (2) of section 553.7921,
 308 Florida Statutes, is redesignated as subsection (3), a new
 309 subsection (2) is added to that section, and subsection (1) of
 310 that section is amended, to read:

311 553.7921 Fire alarm permit application to local enforcement
 312 agency.—

313 (1) A contractor must file a Uniform Fire Alarm Permit
 314 Application as provided in subsection (3) ~~(2)~~ with the local
 315 enforcement agency and must receive the fire alarm permit
 316 before+

317 ~~(a)~~ installing or replacing a fire alarm, if the local
 318 enforcement agency requires a plan review for the installation
 319 or replacement;—~~or~~

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

323 (2) If the local enforcement agency requires a fire alarm
 324 permit to repair an existing alarm system that was previously
 325 permitted by the local enforcement agency, a contractor may
 326 begin work after filing a Uniform Fire Alarm Permit Application
 327 as provided in subsection (3). A fire alarm repaired pursuant to
 328 this subsection may not be considered compliant until the
 329 required permit is issued and the local enforcement agency
 330 approves the repair.

331 Section 7. Section 633.217, Florida Statutes, is created to
 332 read:

333 633.217 Influencing a firesafety inspector; prohibited
 334 acts.—

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

336 (a) Threatening, coercing, tricking, or attempting to
 337 threaten, coerce, or trick, the firesafety inspector into
 338 violating any provision of the Florida Fire Prevention Code, any
 339 rule adopted by the State Fire Marshal, or any provision of this
 340 chapter.

341 (b) Offering any compensation to the firesafety inspector
 342 to induce a violation of the Florida Fire Prevention Code, any
 343 rule adopted by the State Fire Marshal, or any provision of this
 344 chapter.

345 (2) A firesafety inspector may not knowingly and willfully
 346 accept an attempt by a person to influence the firesafety
 347 inspector into violating any provision of the Florida Fire
 348 Prevention Code, any rule adopted by the State Fire Marshal, or

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349 any provision of this chapter.

350 Section 8. Subsection (1) of section 633.416, Florida
351 Statutes, is amended to read:

352 633.416 Firefighter employment and volunteer firefighter
353 service; saving clause.—

354 (1) A fire service provider may not employ an individual
355 to:

356 (a) Extinguish fires for the protection of life or property
357 or to supervise individuals who perform such services unless the
358 individual holds a current and valid Firefighter Certificate of
359 Compliance. However, a person who is currently serving as a
360 volunteer firefighter and holds a volunteer firefighter
361 certificate of completion with a fire service provider, who is
362 then employed as a regular or permanent firefighter by such fire
363 service provider, may function, for a period of 1 year under the
364 direct supervision of an individual holding a valid firefighter
365 certificate of compliance, in the same capacity in which he or
366 she acted as a volunteer firefighter, provided that he or she
367 has completed all training required by the volunteer
368 organization. Under no circumstance can this period extend
369 beyond 1 year either collectively or consecutively from the
370 start of employment to obtain a Firefighter Certificate of
371 Compliance; or

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

376 Section 9. Section 843.08, Florida Statutes, is amended to
377 read:

Page 13 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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378 843.08 False personation.—A person who falsely assumes or
379 pretends to be a firefighter, a sheriff, an officer of the
380 Florida Highway Patrol, an officer of the Fish and Wildlife
381 Conservation Commission, an officer of the Department of
382 Environmental Protection, ~~a fire or arson investigator of the~~
383 ~~Department of Financial Services,~~ an officer of the Department
384 of Financial Services, any personnel or representative of the
385 Division of Investigative and Forensic Services, an officer of
386 the Department of Corrections, a correctional probation officer,
387 a deputy sheriff, a state attorney or an assistant state
388 attorney, a statewide prosecutor or an assistant statewide
389 prosecutor, a state attorney investigator, a coroner, a police
390 officer, a lottery special agent or lottery investigator, a
391 beverage enforcement agent, a school guardian as described in s.
392 30.15(1)(k), a security officer licensed under chapter 493, any
393 member of the Florida Commission on Offender Review or any
394 administrative aide or supervisor employed by the commission,
395 any personnel or representative of the Department of Law
396 Enforcement, or a federal law enforcement officer as defined in
397 s. 901.1505, and takes upon himself or herself to act as such,
398 or to require any other person to aid or assist him or her in a
399 matter pertaining to the duty of any such officer, commits a
400 felony of the third degree, punishable as provided in s.
401 775.082, s. 775.083, or s. 775.084. However, a person who
402 falsely personates any such officer during the course of the
403 commission of a felony commits a felony of the second degree,
404 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
405 If the commission of the felony results in the death or personal
406 injury of another human being, the person commits a felony of

Page 14 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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407 the first degree, punishable as provided in s. 775.082, s.
408 775.083, or s. 775.084.

409 Section 10. Paragraph (f) is added to subsection (11) of
410 section 943.045, Florida Statutes, to read:

411 943.045 Definitions; ss. 943.045-943.08.—The following
412 words and phrases as used in ss. 943.045-943.08 shall have the
413 following meanings:

414 (11) "Criminal justice agency" means:

415 (f) The investigations component of the Department of
416 Financial Services which investigates the crimes of fraud and
417 official misconduct in all public assistance given to residents
418 of the state or provided to others by the state.

419 Section 11. This act shall take effect July 1, 2020.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Appropriations Subcommittee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 23, 2020

I respectfully request that **Senate Bill #1404**, relating to Department of Financial Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry".

Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 18/2020
Meeting Date

1404
Bill Number (if applicable)

Topic Amnt and Bill

967524
Amendment Barcode (if applicable)

Name Tim Meenan

Job Title _____

Address 300 S. Duval St.
Street
Tallahassee FL 32312
City State Zip

Phone _____

Email TIM@meenanlawfirm.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Sprinkler Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/20
Meeting Date

1404
Bill Number (if applicable)
967524
Amendment Barcode (if applicable)

Topic DFS Package

Name Edward Briggs

Job Title _____

Address 235 W. Braden Blvd. Ste. 640
Street

Phone 850-933-5994

Braden FL 33571
City State Zip

Email edward@arracora.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing American Fire Sprinkler Association - FL Chapter

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

FEB 18, 2020 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1404

Bill Number (if applicable)

930908

Amendment Barcode (if applicable)

POWELL

Topic Firefighter Employment, Standards

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 Palm Dr.

Phone 407-468-6622

Street

Melbourne Beach FL

32951

Email ray@afca.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Chiefs' Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

FEB 18-2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1404

Bill Number (if applicable)

784810

Amendment Barcode (if applicable)

BROXSON

Topic Two-way Communication

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 PALM DR.

Phone 407-468-6622

Street

MELBOURNE BEACH FL 32951

Email ray@ffca.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA FIRE Chiefs' ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-00
Meeting Date

1404
Bill Number (if applicable)
784810
Amendment Barcode (if applicable)
BROXSON

Topic Dept of Financial Services

Name Wayne BERWOSKA

Job Title President

Address 343 W. MADISON ST.
Street

Phone 301-231-9116

TALLAHASSEE FL. 32301
City State Zip

Email Bernie@FPFP.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20

Meeting Date

1404

Bill Number (if applicable)

784810

Amendment Barcode (if applicable)

Topic Dept. of finance

Name Jim Millican

Job Title Chief

Address 4360 - 55th n

Street

Phone 727-526-8650

St. Pete

City

FL

State

33714

Zip

Email Jmillican@coelmentfire.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Marshalls

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1404

Bill Number (if applicable)

784810

Amendment Barcode (if applicable)

Topic _____

Name Chris Carmody

Job Title Attorney

Address 301 E. Pine Street

Street

City

Orlando

State

FL

Zip

32801

Phone 907-843-8880

Email ccarmody@gray-robinson.com

com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing NAIOP of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1404

Bill Number (if applicable)

178232

Amendment Barcode (if applicable)

Topic Dept. of Financial Services

Name Meredith Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 11 The Capitol

Street

Phone 850 413 2890

Tallahassee FL 32399

City

State

Zip

Email meredith.stanfield@myfloridacfo.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Financial Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

1404

Bill Number (if applicable)

Topic Department of Financial Services

Amendment Barcode (if applicable)

Name Meredith Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 11, The Capitol

Phone (850) 413-2890

Street

Tallahassee

FL

32399

City

State

Zip

Email Meredith.Stanfield@myflorida CFO.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing The Department of Financial Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20

Meeting Date

1404

Bill Number (if applicable)

Topic Dept. OF FINANCIAL SERVICES

Amendment Barcode (if applicable)

Name Wayne BERNOSKA

Job Title President

Address 343 W. MADISON ST
Street

Phone 321-231-9116

Tallahassee FL 32301
City State Zip

Email BERNIE @ FFPF.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PROFESSIONAL FIREFIGHTERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

FEB 18, 2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1404

Meeting Date

Bill Number (if applicable)

Topic DEPT of FIN SERVICES

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

2/18/20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1404

Bill Number (if applicable)

Topic Department of Financial Service Amendment Barcode (if applicable)

Name Laura Pearce

Job Title General Counsel

Address _____
Street

Phone _____

City

State

Zip

Email Lpearce@fid.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Insurance Agents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20
Meeting Date

CS/
SB 1404
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JOHN RICCO

Job Title EXECUTIVE DIRECTOR

Address 325 JOHN KNOX Rd. L-103

Phone _____

Street

TALLAHASSEE

City

FL

State

32303

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL. CEMETERY CREMATION + FUNERAL ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20

Meeting Date

1404

Bill Number (if applicable)

Topic Dept. of Finance

Amendment Barcode (if applicable)

Name Jim Milligan

Job Title Chief

Address 4360-55th Ave N

Phone 727-526-5100

Street

SF Gate

City

FL

State

33714

Zip

Email jmilligan@ee/menfire.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Marshals

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

CS SB1404

Bill Number (if applicable)

Topic Funeral Cemetery Provision

Amendment Barcode (if applicable)

Name Suhan Mixon

Job Title Ex. Director

Address 2630 Noble Dr T

Phone 520 4441

Street

Tall

City

FL

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Independent FD of Fla.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Governmental Oversight and Accountability

SENATOR BEN ALBRITTON
26th District

February 18, 2020

Sen. Debbie Mayfield

Please let this letter serve as my request to be excused from the Appropriations Subcommittee on Agriculture, Environment, and General Government on 2/18/2020. Please feel free to contact me with any additional questions or concerns.

Best regards,

A handwritten signature in black ink that reads "Ben Albritton".

Ben Albritton

A handwritten signature in blue ink that reads "Debbie Mayfield".

REPLY TO:

- 150 North Central Avenue, Bartow, Florida 33830 (863) 534-0073
- 308 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026
- 410 Taylor Street, Suite 106, Punta Gorda, Florida 33950 (941) 575-6717

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ED HOOPER
16th District

COMMITTEES:
Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

February 18, 2020

Honorable Debbie Mayfield
Chair, Appropriations Subcommittee on Agriculture, Environment, and General
Government
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Mayfield,

I am requesting an excusal today in the Appropriations Subcommittee on
Agriculture, Environment, and General Government.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Hooper".

Ed Hooper

A handwritten signature in blue ink, appearing to read "David Simmons".

REPLY TO:

- 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Agriculture, Environment, and General Government Judge:

Started: 2/18/2020 1:32:47 PM

Ends: 2/18/2020 1:52:09 PM

Length: 00:19:23

1:32:47 PM Sen. Mayfield (Chair)
1:34:06 PM S 1360
1:34:16 PM Sen. Rodriguez
1:35:02 PM Travis Moore, Lobbyist, Defenders of Wildlife (waives in support)
1:35:09 PM Lindsay Cross, Government Relations Director, Florida Conservation Voters (waives in support)
1:35:17 PM David Cullen, Lobbyist, Sierra Club Florida (waives in support)
1:35:23 PM Sen. Mayfield
1:35:56 PM S 1092
1:36:00 PM Sen. Bean
1:38:21 PM Meredith Stanfield, Director of Legislative and Cabinet Affairs, Office of CFO Jimmy Patronis (waives in support)
1:38:26 PM Tara Taggart, Legislative Policy Analyst, Florida League of Cities (waives in support)
1:38:32 PM Chief Ray Colburn, Executive Director, Florida Fire Chiefs' Association (waives in support)
1:38:38 PM Wayne Bernoska, President, Florida Professional Firefighters (waives in support)
1:38:50 PM Sen. Bean
1:39:46 PM S 1404
1:40:02 PM Am. 606376 (withdrawn)
1:40:06 PM Am. 392550 (withdrawn)
1:40:10 PM Am. 793798 (withdrawn)
1:40:16 PM Sen. Mayfield
1:40:43 PM Am. 178232
1:40:56 PM Sen. Perry
1:41:55 PM Am. 228352
1:42:20 PM Sen. Bean
1:43:41 PM Am. 967524
1:43:50 PM Sen. Perry
1:44:21 PM Tim Meenan, Florida Fire Sprinkler Association (waives in support)
1:44:26 PM Edward Briggs, American Fire Sprinkler Association (waives in support)
1:44:49 PM Am. 930908
1:44:57 PM Sen. Powell
1:45:34 PM Chief Ray Colburn, Executive Director, Florida Fire Chiefs' Association (waives in support)
1:45:58 PM Am. 784810
1:46:14 PM Sen. Broxson
1:47:13 PM R. Colburn (waives in support)
1:47:18 PM Wayne Bernoska, President, Florida Professional Firefighters (waives in support)
1:47:22 PM Jim Millican, Chief, Florida Fire Marshals (waives in support)
1:47:29 PM Chris Carmody, Attorney, NAIOP of Florida (waives in support)
1:48:15 PM Am. 376164
1:48:25 PM Sen. Perry
1:49:02 PM Am. 178232 (cont.)
1:49:15 PM M. Stanfield (waives in support)
1:49:36 PM S 1404 (cont.)
1:49:44 PM M. Stanfield (waives in support)
1:49:49 PM Jimmy Patronis, CFO, State of Florida (waives in support)
1:49:55 PM W. Bernoska (waives in support)
1:50:01 PM R. Colburn (waives in support)
1:50:04 PM Laura Pearce, General Counsel, Florida Association of Insurance Agents (waives in support)
1:50:09 PM John Ricco, Executive Director, FL Cemetary, Cremation, and Funeral Association (waives in support)
1:50:17 PM J. Millican (waives in support)
1:50:24 PM Juhan Mixon, Executive Director, Independent Funeral Directors of Florida (waives in support)
1:50:43 PM Sen. Perry
1:51:27 PM Sen. Mayfield