

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 48.151, F.S.; authorizing the
4 department to create an Internet-based transmission
5 system to accept service of process; amending s.
6 110.1315, F.S.; removing a requirement that the
7 Executive Office of the Governor review and approve a
8 certain alternative retirement income security program
9 provided by the department; amending s. 112.215, F.S.;
10 authorizing the Chief Financial Officer, with the
11 approval of the State Board of Administration, to
12 include specified employees other than state employees
13 in a deferred compensation plan; conforming a
14 provision to a change made by the act; amending s.
15 137.09, F.S.; removing a requirement that the
16 department approve certain bonds of county officers;
17 amending s. 215.97, F.S.; revising and providing
18 definitions; increasing the amount of a certain audit
19 threshold; revising applicability to remove for-profit
20 organizations; exempting specified higher education
21 entities from certain audit requirements; revising the
22 requirements for state-funded contracts or agreements
23 between a state awarding agency and a higher education
24 entity; providing an exception; providing
25 applicability; conforming provisions to changes made
26 by the act; amending s. 322.142, F.S.; authorizing the

27 Department of Highway Safety and Motor Vehicles to
28 provide certain driver license images to the
29 department for the purpose of investigating
30 allegations of violations of the insurance code;
31 amending s. 374.983, F.S.; naming the Board of
32 Commissioners of the Florida Inland Navigation
33 District, rather than the Chief Financial Officer, as
34 the entity that receives and approves certain surety
35 bonds of commissioners; amending s. 509.211, F.S.;
36 revising certain standards for carbon monoxide
37 detector devices in specified spaces or rooms of
38 public lodging establishments; deleting a provision
39 authorizing the State Fire Marshal of the department
40 to exempt a device from such standards; amending s.
41 624.307, F.S.; conforming provisions to changes made
42 by the act; specifying requirements for the Chief
43 Financial Officer in providing notice of electronic
44 transmission of process documents; amending s.
45 624.423, F.S.; authorizing service of process by
46 specified means; reenacting and amending s. 624.502,
47 F.S.; providing that a party requesting service of
48 process shall pay a specified fee to the department or
49 Office of Insurance Regulation for such service;
50 amending s. 626.907, F.S.; requiring a service of
51 process fee for certain service of process made by the
52 Chief Financial Officer; revising methods by which

53 | copies of the service of process may be provided to a
54 | defendant; specifying the determination of a
55 | defendant's last known principal place of business;
56 | amending s. 626.916, F.S.; revising applicability of
57 | certain provisions relating to insurance coverage
58 | eligibility for export under the Surplus Lines Law;
59 | amending s. 626.921, F.S.; revising membership
60 | requirements of the Florida Surplus Lines Service
61 | Office board of governors; amending s. 627.7074, F.S.;
62 | providing an additional ground for disqualifying a
63 | neutral evaluator for disputed sinkhole insurance
64 | claims; amending s. 633.102, F.S.; redefining the term
65 | "fire service provider"; creating s. 633.107, F.S.;
66 | authorizing the department to grant exemptions from
67 | disqualification for licensure or certification by the
68 | Division of State Fire Marshal under certain
69 | circumstances; specifying the information an applicant
70 | must provide; providing the manner in which the
71 | department must render its decision to grant or deny
72 | an exemption; providing procedures for an applicant to
73 | contest the decision; providing an exception from
74 | certain requirements; authorizing the division to
75 | adopt rules; creating s. 633.135, F.S.; establishing
76 | the Firefighter Assistance Program for certain
77 | purposes; requiring the division to administer the
78 | program and annually award grants to qualifying fire

79 departments; defining the term "combination fire
80 department"; providing eligibility requirements;
81 requiring the State Fire Marshal to adopt rules and
82 procedures; providing program requirements; amending
83 s. 633.208, F.S.; revising applicability of the Life
84 Safety Code to exclude one-family and two-family
85 dwellings, rather than only such dwellings that are
86 newly constructed; amending s. 633.408, F.S.; revising
87 firefighter and volunteer firefighter certification
88 requirements; specifying the duration of certain
89 firefighter certifications; amending s. 633.412, F.S.;
90 deleting a requirement that the division suspend or
91 revoke all issued certificates if an individual's
92 certificate is suspended or revoked; amending s.
93 633.414, F.S.; conforming provisions to changes made
94 by the act; revising alternative requirements for
95 renewing specified certifications; providing grounds
96 for denial of, or disciplinary action against,
97 certifications for a firefighter or volunteer
98 firefighter; amending s. 633.426, F.S.; revising a
99 definition; providing a date after which an individual
100 is subject to revocation of certification under
101 specified circumstances; providing an appropriation
102 and authorizing a position; providing an effective
103 date.

104

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

106

107 Section 1. Subsection (3) of section 48.151, Florida
 108 Statutes, is amended to read:

109 48.151 Service on statutory agents for certain persons.—

110 (3) The Chief Financial Officer or his or her assistant or
 111 deputy or another person in charge of the office is the agent
 112 for service of process on all insurers applying for authority to
 113 transact insurance in this state, all licensed nonresident
 114 insurance agents, all nonresident disability insurance agents
 115 licensed pursuant to s. 626.835, any unauthorized insurer under
 116 s. 626.906 or s. 626.937, domestic reciprocal insurers,
 117 fraternal benefit societies under chapter 632, warranty
 118 associations under chapter 634, prepaid limited health service
 119 organizations under chapter 636, and persons required to file
 120 statements under s. 628.461. As an alternative to service of
 121 process made by mail or personal service on the Chief Financial
 122 Officer, on his or her assistant or deputy, or on another person
 123 in charge of the office, the Department of Financial Services
 124 may create an Internet-based transmission system to accept
 125 service of process by electronic transmission of documents.

126 Section 2. Subsection (1) of section 110.1315, Florida
 127 Statutes, is amended to read:

128 110.1315 Alternative retirement benefits; other-personal-
 129 services employees.—

130 (1) ~~Upon review and approval by the Executive Office of~~

131 ~~the Governor,~~ The Department of Financial Services shall provide
 132 an alternative retirement income security program for eligible
 133 temporary and seasonal employees of the state who are
 134 compensated from appropriations for other personal services. The
 135 Department of Financial Services may contract with a private
 136 vendor or vendors to administer the program under a defined-
 137 contribution plan under ss. 401(a) and 403(b) or s. 457 of the
 138 Internal Revenue Code, and the program must provide retirement
 139 benefits as required under s. 3121(b)(7)(F) of the Internal
 140 Revenue Code. The Department of Financial Services may develop a
 141 request for proposals and solicit qualified vendors to compete
 142 for the award of the contract. A vendor shall be selected on the
 143 basis of the plan that best serves the interest of the
 144 participating employees and the state. The proposal must comply
 145 with all necessary federal and state laws and rules.

146 Section 3. Paragraph (a) of subsection (4) and subsection
 147 (12) of section 112.215, Florida Statutes, are amended to read:

148 112.215 Government employees; deferred compensation
 149 program.—

150 (4) (a) The Chief Financial Officer, with the approval of
 151 the State Board of Administration, shall establish such plan or
 152 plans of deferred compensation for state employees and may
 153 include persons employed by a state university as defined in s.
 154 1000.21, a special district as defined in s. 189.012, or a water
 155 management district as defined in s. 189.012, including all such
 156 investment vehicles or products incident thereto, as may be

157 available through, or offered by, qualified companies or
158 persons, and may approve one or more such plans for
159 implementation by and on behalf of the state and its agencies
160 and employees.

161 (12) The Chief Financial Officer may adopt any rule
162 necessary to administer and implement this act with respect to
163 deferred compensation plans for state employees and persons
164 employed by a state university as defined in s. 1000.21, a
165 special district as defined in s. 189.012, or a water management
166 district as defined in s. 189.012.

167 Section 4. Section 137.09, Florida Statutes, is amended to
168 read:

169 137.09 Justification and approval of bonds.—Each surety
170 upon every bond of any county officer shall make affidavit that
171 he or she is a resident of the county for which the officer is
172 to be commissioned, and that he or she has sufficient visible
173 property therein unencumbered and not exempt from sale under
174 legal process to make good his or her bond. Every such bond
175 shall be approved by the board of county commissioners ~~and by~~
176 ~~the Department of Financial Services~~ when the board is ~~they and~~
177 ~~it are~~ satisfied in its ~~their~~ judgment that the bond ~~same~~ is
178 legal, sufficient, and proper to be approved.

179 Section 5. Paragraphs (h) through (y) of subsection (2) of
180 section 215.97, Florida Statutes, are redesignated as paragraphs
181 (i) through (z), respectively, a new paragraph (h) is added to
182 that subsection, present paragraphs (a), (m), and (v) of that

183 subsection and paragraph (o) of subsection (8) are amended,
 184 subsections (9), (10), and (11) are renumbered as subsections
 185 (10), (11), and (12), respectively, and a new subsection (9) is
 186 added to that section, to read:

187 215.97 Florida Single Audit Act.—

188 (2) ~~Definitions;~~ As used in this section, the term:

189 (a) "Audit threshold" means the threshold amount used to
 190 determine when a state single audit or project-specific audit of
 191 a nonstate entity shall be conducted in accordance with this
 192 section. Each nonstate entity that expends a total amount of
 193 state financial assistance equal to or in excess of \$750,000
 194 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
 195 required to have a state single audit, or a project-specific
 196 audit, for such fiscal year in accordance with the requirements
 197 of this section. Every 2 years the Auditor General, after
 198 consulting with the Executive Office of the Governor, the
 199 Department of Financial Services, and all state awarding
 200 agencies, shall review the threshold amount for requiring audits
 201 under this section and may adjust such threshold amount
 202 consistent with the purposes of this section.

203 (h) "Higher education entity" means a Florida College
 204 System institution or a state university, as those terms are
 205 defined in s. 1000.21.

206 (n) ~~(m)~~ "Nonstate entity" means a local governmental
 207 entity, higher education entity, nonprofit organization, or for-
 208 profit organization that receives state financial assistance.

209 (w)~~(v)~~ "State project-specific audit" means an audit of
 210 one state project performed in accordance with the requirements
 211 of subsection (11) ~~(10)~~.

212 (8) Each recipient or subrecipient of state financial
 213 assistance shall comply with the following:

214 (o) A higher education entity is exempt from the
 215 requirements of paragraph (2) (a) and this subsection ~~A contract~~
 216 ~~involving the State University System or the Florida College~~
 217 ~~System funded by state financial assistance may be in the form~~
 218 ~~of:~~

219 ~~1. A fixed-price contract that entitles the provider to~~
 220 ~~receive full compensation for the fixed contract amount upon~~
 221 ~~completion of all contract deliverables;~~

222 ~~2. A fixed-rate-per-unit contract that entitles the~~
 223 ~~provider to receive compensation for each contract deliverable~~
 224 ~~provided;~~

225 ~~3. A cost-reimbursable contract that entitles the provider~~
 226 ~~to receive compensation for actual allowable costs incurred in~~
 227 ~~performing contract deliverables; or~~

228 ~~4. A combination of the contract forms described in~~
 229 ~~subparagraphs 1., 2., and 3.~~

230 (9) This subsection applies to any contract or agreement
 231 between a state awarding agency and a higher education entity
 232 that is funded by state financial assistance.

233 (a) The contract or agreement must comply with ss.
 234 215.971(1) and 216.3475 and must be in the form of one or a

235 combination of the following:

236 1. A fixed-price contract that entitles the provider to
237 receive compensation for the fixed contract amount upon
238 completion of all contract deliverables.

239 2. A fixed-rate-per-unit contract that entitles the
240 provider to receive compensation for each contract deliverable
241 provided.

242 3. A cost-reimbursable contract that entitles the provider
243 to receive compensation for actual allowable costs incurred in
244 performing contract deliverables.

245 (b) If a higher education entity has extremely limited or
246 no required activities related to the administration of a state
247 project and acts only as a conduit of state financial
248 assistance, none of the requirements of this section apply to
249 the conduit higher education entity. However, the subrecipient
250 that is provided state financial assistance by the conduit
251 higher education entity is subject to the requirements of
252 subsection (8) and this subsection.

253 (c) Regardless of the amount of the state financial
254 assistance, this subsection does not exempt a higher education
255 entity from compliance with provisions of law that relate to
256 maintaining records concerning state financial assistance to the
257 higher education entity or that allow access and examination of
258 those records by the state awarding agency, the higher education
259 entity, the Department of Financial Services, or the Auditor
260 General.

261 (d) This subsection does not prohibit the state awarding
 262 agency from including terms and conditions in the contract or
 263 agreement which require additional assurances that the state
 264 financial assistance meets the applicable requirements of laws,
 265 regulations, and other compliance rules.

266 Section 6. Paragraph (j) of subsection (4) of section
 267 322.142, Florida Statutes, is amended to read:

268 322.142 Color photographic or digital imaged licenses.—

269 (4) The department may maintain a film negative or print
 270 file. The department shall maintain a record of the digital
 271 image and signature of the licensees, together with other data
 272 required by the department for identification and retrieval.
 273 Reproductions from the file or digital record are exempt from
 274 the provisions of s. 119.07(1) and may be made and issued only:

275 (j) To the Department of Financial Services pursuant to an
 276 interagency agreement to facilitate the location of owners of
 277 unclaimed property, the validation of unclaimed property claims,
 278 ~~and~~ the identification of fraudulent or false claims, and the
 279 investigation of allegations of violations of the insurance code
 280 by licensees and unlicensed persons;

281 Section 7. Subsection (2) of section 374.983, Florida
 282 Statutes, is amended to read:

283 374.983 Governing body.—

284 (2) The present board of commissioners of the district
 285 shall continue to hold office until their respective terms shall
 286 expire. Thereafter the members of the board shall continue to be

287 appointed by the Governor for a term of 4 years and until their
 288 successors shall be duly appointed. Specifically, commencing on
 289 January 10, 1997, the Governor shall appoint the commissioners
 290 from Broward, Indian River, Martin, St. Johns, and Volusia
 291 Counties and on January 10, 1999, the Governor shall appoint the
 292 commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm
 293 Beach, and St. Lucie Counties. The Governor shall appoint the
 294 commissioner from Nassau County for an initial term that
 295 coincides with the period remaining in the current terms of the
 296 commissioners from Broward, Indian River, Martin, St. Johns, and
 297 Volusia Counties. Thereafter, the commissioner from Nassau
 298 County shall be appointed to a 4-year term. Each new appointee
 299 must be confirmed by the Senate. Whenever a vacancy occurs among
 300 the commissioners, the person appointed to fill such vacancy
 301 shall hold office for the unexpired portion of the term of the
 302 commissioner whose place he or she is selected to fill. Each
 303 commissioner under this act before he or she assumes office
 304 shall be required to give a good and sufficient surety bond in
 305 the sum of \$10,000 payable to the Governor and his or her
 306 successors in office, conditioned upon the faithful performance
 307 of the duties of his or her office, such bond to be approved by
 308 and filed with the board of commissioners of the district ~~Chief~~
 309 ~~Financial Officer~~. Any and all premiums upon such surety bonds
 310 shall be paid by the board of commissioners of such district as
 311 a necessary expense of the district.

312 Section 8. Subsection (4) of section 509.211, Florida

313 Statutes, is amended to read:

314 509.211 Safety regulations.—

315 (4) Every enclosed space or room that contains a boiler
 316 regulated under chapter 554 which is fired by the direct
 317 application of energy from the combustion of fuels and that is
 318 located in any portion of a public lodging establishment that
 319 also contains sleeping rooms shall be equipped with one or more
 320 carbon monoxide detector ~~sensor~~ devices that bear the
 321 certification mark from a testing and certification organization
 322 accredited in accordance with ISO/IEC Guide 65, General
 323 Requirements for Bodies Operating Product Certification Systems,
 324 ~~label of a nationally recognized testing laboratory~~ and that
 325 have been tested and listed as complying with the most recent
 326 Underwriters Laboratories, Inc., Standard 2075 ~~2034~~, or its
 327 equivalent, ~~unless it is determined that carbon monoxide hazards~~
 328 ~~have otherwise been adequately mitigated as determined by the~~
 329 ~~Division of State Fire Marshal of the Department of Financial~~
 330 ~~Services~~. Such devices shall be integrated with the public
 331 lodging establishment's fire detection system. Any such
 332 installation or determination shall be made in accordance with
 333 rules adopted by the Division of State Fire Marshal.

334 Section 9. Subsection (9) of section 624.307, Florida
 335 Statutes, is amended to read:

336 624.307 General powers; duties.—

337 (9) Upon receiving service of legal process issued in any
 338 civil action or proceeding in this state against any regulated

339 | person or any unauthorized insurer under s. 626.906 or s.
 340 | 626.937 which is required to appoint the Chief Financial Officer
 341 | as its attorney to receive service of all legal process, the
 342 | Chief Financial Officer, as attorney, may, in lieu of sending
 343 | the process by registered or certified mail, send the process or
 344 | make it available by any other verifiable means, including, but
 345 | not limited to, making the documents available by electronic
 346 | transmission from a secure website established by the department
 347 | to the person last designated by the regulated person or the
 348 | unauthorized insurer to receive the process. When process
 349 | documents are made available electronically, the Chief Financial
 350 | Officer shall send a notice of receipt of service of process to
 351 | the person last designated by the regulated person or
 352 | unauthorized insurer to receive legal process. The notice must
 353 | state the date and manner in which the copy of the process was
 354 | made available to the regulated person or unauthorized insurer
 355 | being served and contain the uniform resource locator (URL) for
 356 | a hyperlink to access files and information on the department's
 357 | website to obtain a copy of the process.

358 | Section 10. Section 624.423, Florida Statutes, is amended
 359 | to read:

360 | 624.423 Serving process.—

361 | (1) Service of process upon the Chief Financial Officer as
 362 | process agent of the insurer ~~under s. 624.422 and s. 626.937~~
 363 | shall be made by serving a copy of the process upon the Chief
 364 | Financial Officer or upon her or his assistant, deputy, or other

365 person in charge of her or his office. Service may also be made
366 by mail or electronically as provided in s. 48.151. Upon
367 receiving such service, the Chief Financial Officer shall retain
368 a record copy and promptly forward one copy of the process by
369 registered or certified mail or by other verifiable means, as
370 provided under s. 624.307(9), to the person last designated by
371 the insurer to receive the same, as provided under s.
372 624.422(2). For purposes of this section, records may be
373 retained as paper or electronic copies.

374 (2) If ~~where~~ process is served upon the Chief Financial
375 Officer as an insurer's process agent, the insurer is ~~shall~~ not
376 ~~be~~ required to answer or plead except within 20 days after the
377 date upon which the Chief Financial Officer sends or makes
378 available by other verifiable means ~~mailed~~ a copy of the process
379 served upon her or him as required by subsection (1).

380 (3) Process served upon the Chief Financial Officer and
381 sent or made available in accordance with this section and s.
382 624.307(9) ~~copy thereof forwarded as in this section provided~~
383 shall for all purposes constitute valid and binding service
384 thereof upon the insurer.

385 Section 11. Notwithstanding the expiration date in section
386 41 of chapter 2015-222, Laws of Florida, section 624.502,
387 Florida Statutes, as amended by chapter 2013-41, Laws of
388 Florida, is reenacted and amended to read:

389 624.502 Service of process fee.—In all instances as
390 provided in any section of the insurance code and s. 48.151(3)

391 in which service of process is authorized to be made upon the
 392 Chief Financial Officer or the director of the office, the party
 393 requesting service ~~plaintiff~~ shall pay to the department or
 394 office a fee of \$15 for such service of process on an authorized
 395 or unauthorized insurer, which fee shall be deposited into the
 396 Administrative Trust Fund.

397 Section 12. Subsection (1) of section 626.907, Florida
 398 Statutes, is amended to read:

399 626.907 Service of process; judgment by default.—

400 (1) Service of process upon an insurer or person
 401 representing or aiding such insurer pursuant to s. 626.906 shall
 402 be made by delivering to and leaving with the Chief Financial
 403 Officer, his or her assistant or deputy, or another person in
 404 charge of the ~~or some person in apparent charge of his or her~~
 405 office two copies thereof and the service of process fee as
 406 required in s. 624.502. The Chief Financial Officer shall
 407 forthwith mail by registered mail, commercial carrier, or any
 408 verifiable means one of the copies of such process to the
 409 defendant at the defendant's last known principal place of
 410 business as provided by the party submitting the documents and
 411 shall keep a record of all process so served upon him or her.
 412 The service of process is sufficient, provided notice of such
 413 service and a copy of the process are sent within 10 days
 414 thereafter by registered mail by plaintiff or plaintiff's
 415 attorney to the defendant at the defendant's last known
 416 principal place of business, and the defendant's receipt, or

417 receipt issued by the post office with which the letter is
 418 registered, showing the name of the sender of the letter and the
 419 name and address of the person to whom the letter is addressed,
 420 and the affidavit of the plaintiff or plaintiff's attorney
 421 showing a compliance herewith are filed with the clerk of the
 422 court in which the action is pending on or before the date the
 423 defendant is required to appear, or within such further time as
 424 the court may allow.

425 Section 13. Paragraph (b) of subsection (3) of section
 426 626.916, Florida Statutes, is amended to read:

427 626.916 Eligibility for export.—

428 (3)

429 (b) Paragraphs (1)(a)-(d) do not apply to commercial
 430 residential property insurance or to classes of insurance which
 431 are subject to s. 627.062(3)(d)1. These classes may be
 432 exportable under the following conditions:

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

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

436 3. The insured must sign a disclosure that substantially
 437 provides the following: "You are agreeing to place coverage in
 438 the surplus lines market. Superior coverage may be available in
 439 the admitted market and at a lesser cost. Persons insured by
 440 surplus lines carriers are not protected under the Florida
 441 Insurance Guaranty Act with respect to any right of recovery for
 442 the obligation of an insolvent unlicensed insurer." If the

443 notice is signed by the insured, the insured is presumed to have
444 been informed and to know that other coverage may be available,
445 and, with respect to the diligent-effort requirement under
446 subsection (1), there is no liability on the part of, and no
447 cause of action arises against, the retail agent presenting the
448 form.

449 Section 14. Paragraph (a) of subsection (4) of section
450 626.921, Florida Statutes, is amended to read:

451 626.921 Florida Surplus Lines Service Office.—

452 (4) The association shall operate under the supervision of
453 a board of governors consisting of:

454 (a) Five individuals nominated by the Florida Surplus
455 Lines Association and appointed by the department from the
456 regular membership of the Florida Surplus Lines Association.

457
458 Each board member shall be appointed to serve beginning on the
459 date designated by the plan of operation and shall serve at the
460 pleasure of the department for a 3-year term, such term
461 initially to be staggered by the plan of operation so that three
462 appointments expire in 1 year, three appointments expire in 2
463 years, and three appointments expire in 3 years. Members may be
464 reappointed for subsequent terms. The board of governors shall
465 elect such officers as may be provided in the plan of operation.

466 Section 15. Paragraph (a) of subsection (7) of section
467 627.7074, Florida Statutes, is amended to read:

468 627.7074 Alternative procedure for resolution of disputed

469 sinkhole insurance claims.—

470 (7) Upon receipt of a request for neutral evaluation, the
471 department shall provide the parties a list of certified neutral
472 evaluators. The department shall allow the parties to submit
473 requests to disqualify evaluators on the list for cause.

474 (a) The department shall disqualify neutral evaluators for
475 cause based only on any of the following grounds:

476 1. A familial relationship within the third degree exists
477 between the neutral evaluator and either party or a
478 representative of either party.

479 2. The proposed neutral evaluator has, in a professional
480 capacity, previously represented either party or a
481 representative of either party in the same or a substantially
482 related matter.

483 3. The proposed neutral evaluator has, in a professional
484 capacity, represented another person in the same or a
485 substantially related matter and that person's interests are
486 materially adverse to the interests of the parties. The term
487 "substantially related matter" means participation by the
488 neutral evaluator on the same claim, property, or adjacent
489 property.

490 4. The proposed neutral evaluator has, within the
491 preceding 5 years, worked as an employer or employee of any
492 party to the case.

493 5. The proposed neutral evaluator has, within the
494 preceding 5 years, worked for any entity that performed any

495 sinkhole loss testing, review, or analysis for the property.

496 Section 16. Subsection (13) of section 633.102, Florida
 497 Statutes, is amended to read:

498 633.102 Definitions.—As used in this chapter, the term:

499 (13) "Fire service provider" means a municipality or
 500 county, the state, the division, or any political subdivision of
 501 the state, including authorities and special districts, that
 502 employs ~~employing~~ firefighters or uses ~~utilizing~~ volunteer
 503 firefighters to provide fire extinguishment or fire prevention
 504 services for the protection of life and property. The term
 505 includes any organization under contract or other agreement with
 506 such entity to provide such services.

507 Section 17. Section 633.107, Florida Statutes, is created
 508 to read:

509 633.107 Exemption from disqualification from licensure or
 510 certification.—

511 (1) The department may grant an exemption from
 512 disqualification to any person disqualified from licensure or
 513 certification by the Division of State Fire Marshal under this
 514 chapter because of a criminal record or dishonorable discharge
 515 from the United States Armed Forces if the applicant has paid in
 516 full any fee, fine, fund, lien, civil judgment, restitution,
 517 cost of prosecution, or trust contribution imposed by the court
 518 as part of the judgment and sentence for any disqualifying
 519 offense and:

520 (a) At least 5 years have elapsed since the applicant

521 completed or has been lawfully released from confinement,
522 supervision, or nonmonetary condition imposed by the court for a
523 disqualifying offense; or

524 (b) At least 5 years have elapsed since the applicant was
525 dishonorably discharged from the United States Armed Forces.

526 (2) For the department to grant an exemption, the
527 applicant must clearly and convincingly demonstrate that he or
528 she would not pose a risk to persons or property if permitted to
529 be licensed or certified under this chapter, evidence of which
530 must include, but need not be limited to, facts and
531 circumstances surrounding the disqualifying offense, the time
532 that has elapsed since the offense, the nature of the offense
533 and harm caused to the victim, the applicant's history before
534 and after the offense, and any other evidence or circumstances
535 indicating that the applicant will not present a danger if
536 permitted to be licensed or certified.

537 (3) The department has discretion whether to grant or deny
538 an exemption. The department shall provide its decision in
539 writing which, if the exemption is denied, must state with
540 particularity the reasons for denial. The department's decision
541 is subject to proceedings under chapter 120, except that a
542 formal proceeding under s. 120.57(1) is available only if there
543 are disputed issues of material fact that the department relied
544 upon in reaching its decision.

545 (4) An applicant may request an exemption, notwithstanding
546 the time limitations of paragraphs (1)(a) and (b), if by

547 executive clemency his or her civil rights are restored, or he
548 or she receives a pardon, from the disqualifying offense. The
549 fact that the applicant receives executive clemency does not
550 alleviate his or her obligation to comply with subsection (2) or
551 in itself require the department to award the exemption.

552 (5) The division may adopt rules to administer this
553 section.

554 Section 18. Section 633.135, Florida Statutes, is created
555 to read:

556 633.135 Firefighter Assistance Grant Program.—

557 (1) The Firefighter Assistance Grant Program is created
558 within the division to improve the emergency response capability
559 of volunteer fire departments and combination fire departments.
560 The program shall provide financial assistance to improve
561 firefighter safety and enable such fire departments to provide
562 firefighting, emergency medical, and rescue services to their
563 communities. For purposes of this section, the term "combination
564 fire department" means a fire department composed of a
565 combination of career and volunteer firefighters.

566 (2) The division shall administer the program and annually
567 award grants to volunteer fire departments and combination fire
568 departments using the annual Florida Fire Service Needs
569 Assessment Survey. The purpose of the grants is to assist such
570 fire departments in providing volunteer firefighter training and
571 procuring necessary firefighter personal protective equipment,
572 self-contained breathing apparatus equipment, and fire engine

573 pumper apparatus equipment. However, the division shall
574 prioritize the annual award of grants to such fire departments
575 in a county having a population of 75,000 or less.

576 (3) The State Fire Marshal shall adopt rules and
577 procedures for the program that require grant recipients to:

578 (a) Report their activity to the division for submission
579 in the Fire and Emergency Incident Information Reporting System
580 created pursuant to s. 633.136;

581 (b) Annually complete and submit the Florida Fire Service
582 Needs Assessment Survey to the division;

583 (c) Comply with the Florida Firefighters Occupational
584 Safety and Health Act, ss. 633.502-633.536;

585 (d) Comply with any other rule determined by the State
586 Fire Marshal to effectively and efficiently implement,
587 administer, and manage the program; and

588 (e) Meet the definition of the term "fire service
589 provider" in s. 633.102.

590 (4) Funds shall be used to:

591 (a) Provide firefighter training to individuals to obtain
592 a Volunteer Firefighter Certificate of Completion pursuant to s.
593 633.408. Training must be provided at no cost to the fire
594 department or student by a division-approved instructor and must
595 be documented in the division's electronic database.

596 (b) Purchase firefighter personal protective equipment,
597 including structural firefighting protective ensembles and
598 individual ensemble elements such as garments, helmets, gloves,

599 and footwear, that complies with NFPA No. 1851, "Standard on
 600 Selection, Care, and Maintenance of Protective Ensembles for
 601 Structural Fire Fighting and Proximity Fire Fighting," by the
 602 National Fire Protection Association.

603 (c) Purchase self-contained breathing apparatus equipment
 604 that complies with NFPA No. 1852, "Standard on Selection, Care,
 605 and Maintenance of Open-Circuit Self-Contained Breathing
 606 Apparatus."

607 (d) Purchase fire engine pumper apparatus equipment. Funds
 608 provided under this paragraph may be used to purchase the
 609 equipment or subsidize a federal grant from the Federal
 610 Emergency Management Agency to purchase the equipment.

611 Section 19. Subsection (8) of section 633.208, Florida
 612 Statutes, is amended to read:

613 633.208 Minimum firesafety standards.—

614 (8) The provisions of the Life Safety Code, as contained
 615 in the Florida Fire Prevention Code, do not apply to ~~newly~~
 616 ~~constructed~~ one-family and two-family dwellings. However, fire
 617 sprinkler protection may be permitted by local government in
 618 lieu of other fire protection-related development requirements
 619 for such structures. While local governments may adopt fire
 620 sprinkler requirements for one- and two-family dwellings under
 621 this subsection, it is the intent of the Legislature that the
 622 economic consequences of the fire sprinkler mandate on home
 623 owners be studied before the enactment of such a requirement.
 624 After the effective date of this act, any local government that

625 desires to adopt a fire sprinkler requirement on one- or two-
626 family dwellings must prepare an economic cost and benefit
627 report that analyzes the application of fire sprinklers to one-
628 or two-family dwellings or any proposed residential subdivision.
629 The report must consider the tradeoffs and specific cost savings
630 and benefits of fire sprinklers for future owners of property.
631 The report must include an assessment of the cost savings from
632 any reduced or eliminated impact fees if applicable, the
633 reduction in special fire district tax, insurance fees, and
634 other taxes or fees imposed, and the waiver of certain
635 infrastructure requirements including the reduction of roadway
636 widths, the reduction of water line sizes, increased fire
637 hydrant spacing, increased dead-end roadway length, and a
638 reduction in cul-de-sac sizes relative to the costs from fire
639 sprinkling. A failure to prepare an economic report shall result
640 in the invalidation of the fire sprinkler requirement to any
641 one- or two-family dwelling or any proposed subdivision. In
642 addition, a local jurisdiction or utility may not charge any
643 additional fee, above what is charged to a non-fire sprinklered
644 dwelling, on the basis that a one- or two-family dwelling unit
645 is protected by a fire sprinkler system.

646 Section 20. Paragraph (b) of subsection (4) and subsection
647 (8) of section 633.408, Florida Statutes, are amended, and
648 subsection (9) is added to that section, to read:

649 633.408 Firefighter and volunteer firefighter training and
650 certification.—

651 (4) The division shall issue a firefighter certificate of
652 compliance to an individual who does all of the following:

653 (b) Passes the Minimum Standards Course examination within
654 12 months after completing the required courses.

655 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
656 establish a structural fire training program of not less than
657 206 hours. The division shall issue to a person satisfactorily
658 complying with this training program and who has successfully
659 passed an examination as prescribed by the division and who has
660 met the requirements of s. 590.02(1)(e), a Forestry Certificate
661 of Compliance.

662 (b) An individual who holds a current and valid Forestry
663 Certificate of Compliance is entitled to the same rights,
664 privileges, and benefits provided for by law as a firefighter.

665 (9) A Firefighter Certificate of Compliance or a Volunteer
666 Firefighter Certificate of Completion issued under this section
667 expires 4 years after the date of issuance unless renewed as
668 provided in s. 633.414.

669 Section 21. Subsection (2) of section 633.412, Florida
670 Statutes, is amended to read:

671 633.412 Firefighters; qualifications for certification.—

672 ~~(2) If the division suspends or revokes an individual's~~
673 ~~certificate, the division must suspend or revoke all other~~
674 ~~certificates issued to the individual by the division pursuant~~
675 ~~to this part.~~

676 Section 22. Section 633.414, Florida Statutes, is amended

677 to read:

678 633.414 Retention of firefighter, volunteer firefighter,
679 and fire investigator certifications ~~certification.~~-

680 (1) In order for a firefighter to retain her or his
681 Firefighter Certificate of Compliance, every 4 years he or she
682 must meet the requirements for renewal provided in this chapter
683 and by rule, which must include at least one of the following:

684 (a) Be active as a firefighter. ~~†~~

685 (b) Maintain a current and valid fire service instructor
686 certificate, instruct at least 40 hours during the 4-year
687 period, and provide proof of such instruction to the division,
688 which proof must be registered in an electronic database
689 designated by the division. ~~†~~

690 (c) Within 6 months before the 4-year period expires,
691 successfully complete a Firefighter Retention Refresher Course
692 consisting of a minimum of 40 hours of training to be prescribed
693 by rule. ~~†~~ ~~or~~

694 (d) Within 6 months before the 4-year period expires,
695 successfully retake and pass the Minimum Standards Course
696 examination pursuant to s. 633.408.

697 (2) In order for a volunteer firefighter to retain her or
698 his Volunteer Firefighter Certificate of Completion, every 4
699 years he or she must:

700 (a) Be active as a volunteer firefighter; or

701 (b) Successfully complete a refresher course consisting of
702 a minimum of 40 hours of training to be prescribed by rule.

703 (3) Subsection (1) does not apply to state-certified
704 firefighters who are certified and employed full-time, as
705 determined by the fire service provider, as firesafety
706 inspectors or fire investigators, regardless of their ~~her or his~~
707 employment status as firefighters or volunteer firefighters a
708 firefighter.

709 (4) For the purposes of this section, the term "active"
710 means being employed as a firefighter or providing service as a
711 volunteer firefighter for a cumulative period of 6 months within
712 a 4-year period.

713 (5) The 4-year period begins upon issuance of the
714 certificate or separation from employment;

715 ~~(a) If the individual is certified on or after July 1,~~
716 ~~2013, on the date the certificate is issued or upon termination~~
717 ~~of employment or service with a fire department.~~

718 ~~(b) If the individual is certified before July 1, 2013, on~~
719 ~~July 1, 2014, or upon termination of employment or service~~
720 ~~thereafter.~~

721 (6) A certificate for a firefighter or volunteer
722 firefighter expires if he or she fails to meet the requirements
723 of this section.

724 (7) The State Fire Marshal may deny, refuse to renew,
725 suspend, or revoke the certificate of a firefighter or volunteer
726 firefighter if the State Fire Marshal finds that any of the
727 following grounds exists:

728 (a) Any cause for which issuance of a certificate could

729 have been denied if it had then existed and had been known to
730 the division.

731 (b) A violation of any provision of this chapter or any
732 rule or order of the State Fire Marshal.

733 (c) Falsification of a record relating to any certificate
734 issued by the division.

735 Section 23. Subsections (1) and (2) of section 633.426,
736 Florida Statutes, are amended to read:

737 633.426 Disciplinary action; standards for revocation of
738 certification.—

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

740 (a) "Certificate" means any of the certificates issued
741 under s. 633.406.

742 (b) "Certification" or "certified" means ~~the act of~~
743 holding a certificate that is current and valid and that meets
744 the requirements for renewal of certification pursuant to this
745 chapter and the rules adopted under this chapter certificate.

746 (c) "Convicted" means a finding of guilt, or the
747 acceptance of a plea of guilty or nolo contendere, in any
748 federal or state court or a court in any other country, without
749 regard to whether a judgment of conviction has been entered by
750 the court having jurisdiction of the case.

751 (2) Effective July 1, 2013, an individual who holds a
752 certificate is subject to revocation for any of the following An
753 ~~individual is ineligible to apply for certification if the~~
754 ~~individual has, at any time, been:~~

755 (a) Conviction ~~Convicted~~ of a misdemeanor relating to the
 756 certification or to perjury or false statements.

757 (b) Conviction ~~Convicted~~ of a felony or a crime punishable
 758 by imprisonment of 1 year or more under the law of the United
 759 States or of any state thereof, or under the law of any other
 760 country.

761 (c) Dishonorable discharge ~~Dishonorably discharged~~ from
 762 any of the Armed Forces of the United States.

763 Section 24. For the 2016-2017 fiscal year, the sum of
 764 \$229,165 in recurring funds from the Insurance Regulatory Trust
 765 Fund is appropriated to the Department of Financial Services,
 766 and one full-time equivalent position with associated salary
 767 rate of 50,000 is authorized, for the purpose of implementing
 768 this act.

769 Section 25. This act shall take effect July 1, 2016.