

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee
 3 Representative Beshears offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 48.151 Service on statutory agents for certain persons.—

10 (3) The Chief Financial Officer or his or her assistant or
 11 deputy or another person in charge of the office is the agent
 12 for service of process on all insurers applying for authority to
 13 transact insurance in this state, all licensed nonresident
 14 insurance agents, all nonresident disability insurance agents
 15 licensed pursuant to s. 626.835, any unauthorized insurer under
 16 s. 626.906 or s. 626.937, domestic reciprocal insurers,
 17 fraternal benefit societies under chapter 632, warranty

Amendment No. 1

18 associations under chapter 634, prepaid limited health service
19 organizations under chapter 636, and persons required to file
20 statements under s. 628.461. As an alternative to service of
21 process made by mail or personal service on the Chief Financial
22 Officer, on his or her assistant or deputy, or on another person
23 in charge of the office, the Department of Financial Services
24 may create an Internet-based transmission system to accept
25 service of process by electronic transmission of documents.

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

28 110.1315 Alternative retirement benefits; other-personal-
29 services employees.—

30 (1) ~~Upon review and approval by the Executive Office of~~
31 ~~the Governor,~~ The Department of Financial Services shall provide
32 an alternative retirement income security program for eligible
33 temporary and seasonal employees of the state who are
34 compensated from appropriations for other personal services. The
35 Department of Financial Services may contract with a private
36 vendor or vendors to administer the program under a defined-
37 contribution plan under ss. 401(a) and 403(b) or s. 457 of the
38 Internal Revenue Code, and the program must provide retirement
39 benefits as required under s. 3121(b)(7)(F) of the Internal
40 Revenue Code. The Department of Financial Services may develop a
41 request for proposals and solicit qualified vendors to compete
42 for the award of the contract. A vendor shall be selected on the
43 basis of the plan that best serves the interest of the

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

44 participating employees and the state. The proposal must comply
45 with all necessary federal and state laws and rules.

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

48 112.215 Government employees; deferred compensation
49 program.—

50 (4) (a) The Chief Financial Officer, with the approval of
51 the State Board of Administration, shall establish such plan or
52 plans of deferred compensation for state employees and may
53 include persons employed by a state university as defined in s.
54 1000.21, a special district as defined in s. 189.012, or a water
55 management district as defined in s. 189.012, including all such
56 investment vehicles or products incident thereto, as may be
57 available through, or offered by, qualified companies or
58 persons, and may approve one or more such plans for
59 implementation by and on behalf of the state and its agencies
60 and employees.

61 (12) The Chief Financial Officer may adopt any rule
62 necessary to administer and implement this act with respect to
63 deferred compensation plans for state employees and persons
64 employed by a state university as defined in s. 1000.21, a
65 special district as defined in s. 189.012, or a water management
66 district as defined in s. 189.012.

67 Section 4. Section 137.09, Florida Statutes, is amended to
68 read:

Amendment No. 1

69 137.09 Justification and approval of bonds.—Each surety
70 upon every bond of any county officer shall make affidavit that
71 he or she is a resident of the county for which the officer is
72 to be commissioned, and that he or she has sufficient visible
73 property therein unencumbered and not exempt from sale under
74 legal process to make good his or her bond. Every such bond
75 shall be approved by the board of county commissioners ~~and by~~
76 ~~the Department of Financial Services~~ when the board is ~~they and~~
77 ~~it are~~ satisfied in its ~~their~~ judgment that the bond ~~same~~ is
78 legal, sufficient, and proper to be approved.

79 Section 5. Paragraphs (h) through (y) of subsection (2) of
80 section 215.97, Florida Statutes, are redesignated as paragraphs
81 (i) through (z), respectively, a new paragraph (h) is added to
82 that subsection, present paragraphs (a), (m), and (v) of that
83 subsection and paragraph (o) of subsection (8) are amended,
84 subsections (9), (10), and (11) are renumbered as subsections
85 (10), (11), and (12), respectively, and a new subsection (9) is
86 added to that section, to read:

87 215.97 Florida Single Audit Act.—

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

89 (a) "Audit threshold" means the threshold amount used to
90 determine when a state single audit or project-specific audit of
91 a nonstate entity shall be conducted in accordance with this
92 section. Each nonstate entity that expends a total amount of
93 state financial assistance equal to or in excess of \$750,000
94 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be

Amendment No. 1

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:~~

Amendment No. 1

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

122 ~~2. A fixed-rate-per-unit contract that entitles the~~
123 ~~provider to receive compensation for each contract deliverable~~
124 ~~provided;~~

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

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

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

133 (a) The contract or agreement must comply with ss.
134 215.971(1) and 216.3475 and must be in the form of one or a
135 combination of the following:

136 1. A fixed-price contract that entitles the provider to
137 receive compensation for the fixed contract amount upon
138 completion of all contract deliverables.

139 2. A fixed-rate-per-unit contract that entitles the
140 provider to receive compensation for each contract deliverable
141 provided.

142 3. A cost-reimbursable contract that entitles the provider
143 to receive compensation for actual allowable costs incurred in
144 performing contract deliverables.

Amendment No. 1

145 (b) If a higher education entity has extremely limited or
146 no required activities related to the administration of a state
147 project and acts only as a conduit of state financial
148 assistance, none of the requirements of this section apply to
149 the conduit higher education entity. However, the subrecipient
150 that is provided state financial assistance by the conduit
151 higher education entity is subject to the requirements of
152 subsection (8) and this subsection.

153 (c) Regardless of the amount of the state financial
154 assistance, this subsection does not exempt a higher education
155 entity from compliance with provisions of law that relate to
156 maintaining records concerning state financial assistance to the
157 higher education entity or that allow access and examination of
158 those records by the state awarding agency, the higher education
159 entity, the Department of Financial Services, or the Auditor
160 General.

161 (d) This subsection does not prohibit the state awarding
162 agency from including terms and conditions in the contract or
163 agreement which require additional assurances that the state
164 financial assistance meets the applicable requirements of laws,
165 regulations, and other compliance rules.

166 Section 6. Paragraph (j) of subsection (4) of section
167 322.142, Florida Statutes, is amended to read:

168 322.142 Color photographic or digital imaged licenses.—

169 (4) The department may maintain a film negative or print
170 file. The department shall maintain a record of the digital

Amendment No. 1

171 image and signature of the licensees, together with other data
172 required by the department for identification and retrieval.
173 Reproductions from the file or digital record are exempt from
174 the provisions of s. 119.07(1) and may be made and issued only:

175 (j) To the Department of Financial Services pursuant to an
176 interagency agreement to facilitate the location of owners of
177 unclaimed property, the validation of unclaimed property claims,
178 ~~and~~ the identification of fraudulent or false claims, and the
179 investigation of allegations of violations of the insurance code
180 by licensees and unlicensed persons;

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

183 374.983 Governing body.—

184 (2) The present board of commissioners of the district
185 shall continue to hold office until their respective terms shall
186 expire. Thereafter the members of the board shall continue to be
187 appointed by the Governor for a term of 4 years and until their
188 successors shall be duly appointed. Specifically, commencing on
189 January 10, 1997, the Governor shall appoint the commissioners
190 from Broward, Indian River, Martin, St. Johns, and Volusia
191 Counties and on January 10, 1999, the Governor shall appoint the
192 commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm
193 Beach, and St. Lucie Counties. The Governor shall appoint the
194 commissioner from Nassau County for an initial term that
195 coincides with the period remaining in the current terms of the
196 commissioners from Broward, Indian River, Martin, St. Johns, and

Amendment No. 1

197 Volusia Counties. Thereafter, the commissioner from Nassau
198 County shall be appointed to a 4-year term. Each new appointee
199 must be confirmed by the Senate. Whenever a vacancy occurs among
200 the commissioners, the person appointed to fill such vacancy
201 shall hold office for the unexpired portion of the term of the
202 commissioner whose place he or she is selected to fill. Each
203 commissioner under this act before he or she assumes office
204 shall be required to give a good and sufficient surety bond in
205 the sum of \$10,000 payable to the Governor and his or her
206 successors in office, conditioned upon the faithful performance
207 of the duties of his or her office, such bond to be approved by
208 and filed with the board of commissioners of the district ~~Chief~~
209 ~~Financial Officer~~. Any and all premiums upon such surety bonds
210 shall be paid by the board of commissioners of such district as
211 a necessary expense of the district.

212 Section 8. Subsection (4) of section 509.211, Florida
213 Statutes, is amended to read:

214 509.211 Safety regulations.—

215 (4) Every enclosed space or room that contains a boiler
216 regulated under chapter 554 which is fired by the direct
217 application of energy from the combustion of fuels and that is
218 located in any portion of a public lodging establishment that
219 also contains sleeping rooms shall be equipped with one or more
220 carbon monoxide detector ~~sensor~~ devices that bear the
221 certification mark from a testing and certification organization
222 accredited in accordance with ISO/IEC Guide 65, General

Amendment No. 1

223 Requirements for Bodies Operating Product Certification Systems,
224 ~~label of a nationally recognized testing laboratory and that~~
225 have been tested and listed as complying with the most recent
226 Underwriters Laboratories, Inc., Standard 2075 2034, or its
227 equivalent, ~~unless it is determined that carbon monoxide hazards~~
228 ~~have otherwise been adequately mitigated as determined by the~~
229 ~~Division of State Fire Marshal of the Department of Financial~~
230 ~~Services.~~ Such devices shall be integrated with the public
231 lodging establishment's fire detection system. Any such
232 installation or determination shall be made in accordance with
233 rules adopted by the Division of State Fire Marshal.

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

236 624.307 General powers; duties.—

237 (9) Upon receiving service of legal process issued in any
238 civil action or proceeding in this state against any regulated
239 person or any unauthorized insurer under s. 626.906 or s.
240 626.937 which is required to appoint the Chief Financial Officer
241 as its attorney to receive service of all legal process, the
242 Chief Financial Officer, as attorney, may, in lieu of sending
243 the process by registered or certified mail, send the process or
244 make it available by any other verifiable means, including, but
245 not limited to, making the documents available by electronic
246 transmission from a secure website established by the department
247 to the person last designated by the regulated person or the
248 unauthorized insurer to receive the process. When process

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

249 documents are made available electronically, the Chief Financial
250 Officer shall send a notice of receipt of service of process to
251 the person last designated by the regulated person or
252 unauthorized insurer to receive legal process. The notice must
253 state the date and manner in which the copy of the process was
254 made available to the regulated person or unauthorized insurer
255 being served and contain the uniform resource locator (URL) for
256 a hyperlink to access files and information on the department's
257 website to obtain a copy of the process.

258 Section 10. Section 624.423, Florida Statutes, is amended
259 to read:

260 624.423 Serving process.—

261 (1) Service of process upon the Chief Financial Officer as
262 process agent of the insurer ~~(under s. 624.422 and s. 626.937)~~
263 shall be made by serving a copy of the process upon the Chief
264 Financial Officer or upon her or his assistant, deputy, or other
265 person in charge of her or his office. Service may also be made
266 by mail or electronically as provided in s. 48.151. Upon
267 receiving such service, the Chief Financial Officer shall retain
268 a record copy and promptly forward one copy of the process by
269 registered or certified mail or by other verifiable means, as
270 provided under s. 624.307(9), to the person last designated by
271 the insurer to receive the same, as provided under s.
272 624.422(2). For purposes of this section, records may be
273 retained as paper or electronic copies.

Amendment No. 1

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

280 (3) Process served upon the Chief Financial Officer and
281 sent or made available in accordance with this section and s.
282 624.307(9) ~~copy thereof forwarded as in this section provided~~
283 shall for all purposes constitute valid and binding service
284 thereof upon the insurer.

285 Section 11. Notwithstanding the expiration date in section
286 41 of chapter 2015-222, Laws of Florida, section 624.502,
287 Florida Statutes, as amended by chapter 2013-41, Laws of
288 Florida, is reenacted and amended to read:

289 624.502 Service of process fee.—In all instances as
290 provided in any section of the insurance code and s. 48.151(3)
291 in which service of process is authorized to be made upon the
292 Chief Financial Officer or the director of the office, the party
293 requesting service ~~plaintiff~~ shall pay to the department or
294 office a fee of \$15 for such service of process on an authorized
295 insurer or \$25 for such service of process on an unauthorized
296 insurer, which fee shall be deposited into the Administrative
297 Trust Fund.

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

Amendment No. 1

300 626.907 Service of process; judgment by default.—
301 (1) Service of process upon an insurer or person
302 representing or aiding such insurer pursuant to s. 626.906 shall
303 be made by delivering to and leaving with the Chief Financial
304 Officer, his or her assistant or deputy, or another person in
305 charge of the ~~or some person in apparent charge of his or her~~
306 office two copies thereof and the service of process fee as
307 required in s. 624.502. The Chief Financial Officer shall
308 forthwith mail by registered mail, commercial carrier, or any
309 verifiable means one of the copies of such process to the
310 defendant at the defendant's last known principal place of
311 business as provided by the party submitting the documents and
312 shall keep a record of all process so served upon him or her.
313 The service of process is sufficient, provided notice of such
314 service and a copy of the process are sent within 10 days
315 thereafter by registered mail by plaintiff or plaintiff's
316 attorney to the defendant at the defendant's last known
317 principal place of business, and the defendant's receipt, or
318 receipt issued by the post office with which the letter is
319 registered, showing the name of the sender of the letter and the
320 name and address of the person to whom the letter is addressed,
321 and the affidavit of the plaintiff or plaintiff's attorney
322 showing a compliance herewith are filed with the clerk of the
323 court in which the action is pending on or before the date the
324 defendant is required to appear, or within such further time as
325 the court may allow.

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

326 Section 13. Paragraph (b) of subsection (3) of section
327 626.916, Florida Statutes, is amended to read:

328 626.916 Eligibility for export.—

329 (3)

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

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

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

337 3. The insured must sign a disclosure that substantially
338 provides the following: "You are agreeing to place coverage in
339 the surplus lines market. Superior coverage may be available in
340 the admitted market and at a lesser cost. Persons insured by
341 surplus lines carriers are not protected under the Florida
342 Insurance Guaranty Act with respect to any right of recovery for
343 the obligation of an insolvent unlicensed insurer." If the
344 notice is signed by the insured, the insured is presumed to have
345 been informed and to know that other coverage may be available,
346 and, with respect to the diligent-effort requirement under
347 subsection (1), there is no liability on the part of, and no
348 cause of action arises against, the retail agent presenting the
349 form.

350 Section 14. Paragraph (a) of subsection (4) of section
351 626.921, Florida Statutes, is amended to read:

Amendment No. 1

352 626.921 Florida Surplus Lines Service Office.—

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

355 (a) Five individuals nominated by the Florida Surplus
356 Lines Association and appointed by the department from the
357 regular membership of the Florida Surplus Lines Association.

358
359 Each board member shall be appointed to serve beginning on the
360 date designated by the plan of operation and shall serve at the
361 pleasure of the department for a 3-year term, such term
362 initially to be staggered by the plan of operation so that three
363 appointments expire in 1 year, three appointments expire in 2
364 years, and three appointments expire in 3 years. Members may be
365 reappointed for subsequent terms. The board of governors shall
366 elect such officers as may be provided in the plan of operation.

367 Section 15. Paragraph (a) of subsection (7) of section
368 627.7074, Florida Statutes, is amended to read:

369 627.7074 Alternative procedure for resolution of disputed
370 sinkhole insurance claims.—

371 (7) Upon receipt of a request for neutral evaluation, the
372 department shall provide the parties a list of certified neutral
373 evaluators. The department shall allow the parties to submit
374 requests to disqualify evaluators on the list for cause.

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

Amendment No. 1

377 1. A familial relationship within the third degree exists
378 between the neutral evaluator and either party or a
379 representative of either party.

380 2. The proposed neutral evaluator has, in a professional
381 capacity, previously represented either party or a
382 representative of either party in the same or a substantially
383 related matter.

384 3. The proposed neutral evaluator has, in a professional
385 capacity, represented another person in the same or a
386 substantially related matter and that person's interests are
387 materially adverse to the interests of the parties. The term
388 "substantially related matter" means participation by the
389 neutral evaluator on the same claim, property, or adjacent
390 property.

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

394 5. The proposed neutral evaluator has, within the
395 preceding 5 years, worked for any entity that performed any
396 sinkhole loss testing, review, or analysis for the property.

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

399 633.102 Definitions.—As used in this chapter, the term:

400 (13) "Fire service provider" means a municipality or
401 county, the state, the division, or any political subdivision of
402 the state, including authorities and special districts, that

Amendment No. 1

403 employs ~~employing~~ firefighters or uses ~~utilizing~~ volunteer
404 firefighters to provide fire extinguishment or fire prevention
405 services for the protection of life and property. The term
406 includes any organization under contract or other agreement with
407 such entity to provide such services.

408 Section 17. Section 633.107, Florida Statutes, is created
409 to read:

410 633.107 Exemption from disqualification from licensure or
411 certification.—

412 (1) The department may grant an exemption from
413 disqualification to any person disqualified from licensure or
414 certification by the Division of State Fire Marshal under this
415 chapter because of a criminal record or dishonorable discharge
416 from the United States Armed Forces if the applicant has paid in
417 full any fee, fine, fund, lien, civil judgment, restitution,
418 cost of prosecution, or trust contribution imposed by the court
419 as part of the judgment and sentence for any disqualifying
420 offense and:

421 (a) At least 5 years have elapsed since the applicant
422 completed or has been lawfully released from confinement,
423 supervision, or nonmonetary condition imposed by the court for a
424 disqualifying offense; or

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

427 (2) For the department to grant an exemption, the
428 applicant must clearly and convincingly demonstrate that he or

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

429 she would not pose a risk to persons or property if permitted to
430 be licensed or certified under this chapter, evidence of which
431 must include, but need not be limited to, facts and
432 circumstances surrounding the disqualifying offense, the time
433 that has elapsed since the offense, the nature of the offense
434 and harm caused to the victim, the applicant's history before
435 and after the offense, and any other evidence or circumstances
436 indicating that the applicant will not present a danger if
437 permitted to be licensed or certified.

438 (3) The department has discretion whether to grant or deny
439 an exemption. The department shall provide its decision in
440 writing which, if the exemption is denied, must state with
441 particularity the reasons for denial. The department's decision
442 is subject to proceedings under chapter 120, except that a
443 formal proceeding under s. 120.57(1) is available only if there
444 are disputed issues of material fact that the department relied
445 upon in reaching its decision.

446 (4) An applicant may request an exemption, notwithstanding
447 the time limitations of paragraphs (1)(a) and (b), if by
448 executive clemency his or her civil rights are restored, or he
449 or she receives a pardon, from the disqualifying offense. The
450 fact that the applicant receives executive clemency does not
451 alleviate his or her obligation to comply with subsection (2) or
452 in itself require the department to award the exemption.

453 (5) The division may adopt rules to administer this
454 section.

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

455 Section 18. Section 633.135, Florida Statutes, is created
456 to read:

457 633.135 Firefighter Assistance Grant Program.—

458 (1) The Firefighter Assistance Grant Program is created
459 within the division to improve the emergency response capability
460 of volunteer fire departments and combination fire departments.
461 The program shall provide financial assistance to improve
462 firefighter safety and enable such fire departments to provide
463 firefighting, emergency medical, and rescue services to their
464 communities. For purposes of this section, the term "combination
465 fire department" means a fire department composed of a
466 combination of career and volunteer firefighters.

467 (2) The division shall administer the program and annually
468 award grants to volunteer fire departments and combination fire
469 departments using the annual Florida Fire Service Needs
470 Assessment Survey. The purpose of the grants is to assist such
471 fire departments in providing volunteer firefighter training and
472 procuring necessary firefighter personal protective equipment,
473 self-contained breathing apparatus equipment, and fire engine
474 pumper apparatus equipment. However, the division shall
475 prioritize the annual award of grants to such fire departments
476 in a county having a population of 75,000 or less.

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

Amendment No. 1

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

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

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

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

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

491 (4) Funds shall be used to:

492 (a) Provide firefighter training to individuals to obtain
493 a Volunteer Firefighter Certificate of Completion pursuant to s.
494 633.408. Training must be provided at no cost to the fire
495 department or student by a division-approved instructor and must
496 be documented in the division's electronic database.

497 (b) Purchase firefighter personal protective equipment,
498 including structural firefighting protective ensembles and
499 individual ensemble elements such as garments, helmets, gloves,
500 and footwear, that complies with NFPA No. 1851, "Standard on
501 Selection, Care, and Maintenance of Protective Ensembles for
502 Structural Fire Fighting and Proximity Fire Fighting," by the
503 National Fire Protection Association.

Amendment No. 1

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

508 (d) Purchase fire engine pumper apparatus equipment. Funds
509 provided under this paragraph may be used to purchase the
510 equipment or subsidize a federal grant from the Federal
511 Emergency Management Agency to purchase the equipment.

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

514 633.208 Minimum firesafety standards.—

515 (8) The provisions of the Life Safety Code, as contained
516 in the Florida Fire Prevention Code, do not apply to ~~newly~~
517 ~~constructed~~ one-family and two-family dwellings. However, fire
518 sprinkler protection may be permitted by local government in
519 lieu of other fire protection-related development requirements
520 for such structures. While local governments may adopt fire
521 sprinkler requirements for one- and two-family dwellings under
522 this subsection, it is the intent of the Legislature that the
523 economic consequences of the fire sprinkler mandate on home
524 owners be studied before the enactment of such a requirement.
525 After the effective date of this act, any local government that
526 desires to adopt a fire sprinkler requirement on one- or two-
527 family dwellings must prepare an economic cost and benefit
528 report that analyzes the application of fire sprinklers to one-
529 or two-family dwellings or any proposed residential subdivision.

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

530 The report must consider the tradeoffs and specific cost savings
531 and benefits of fire sprinklers for future owners of property.
532 The report must include an assessment of the cost savings from
533 any reduced or eliminated impact fees if applicable, the
534 reduction in special fire district tax, insurance fees, and
535 other taxes or fees imposed, and the waiver of certain
536 infrastructure requirements including the reduction of roadway
537 widths, the reduction of water line sizes, increased fire
538 hydrant spacing, increased dead-end roadway length, and a
539 reduction in cul-de-sac sizes relative to the costs from fire
540 sprinkling. A failure to prepare an economic report shall result
541 in the invalidation of the fire sprinkler requirement to any
542 one- or two-family dwelling or any proposed subdivision. In
543 addition, a local jurisdiction or utility may not charge any
544 additional fee, above what is charged to a non-fire sprinklered
545 dwelling, on the basis that a one- or two-family dwelling unit
546 is protected by a fire sprinkler system.

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

550 633.408 Firefighter and volunteer firefighter training and
551 certification.—

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

554 (b) Passes the Minimum Standards Course examination within
555 12 months after completing the required courses.

Amendment No. 1

556 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
557 establish a structural fire training program of not less than
558 206 hours. The division shall issue to a person satisfactorily
559 complying with this training program and who has successfully
560 passed an examination as prescribed by the division and who has
561 met the requirements of s. 590.02(1)(e), a Forestry Certificate
562 of Compliance.

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

566 (9) A Firefighter Certificate of Compliance or a Volunteer
567 Firefighter Certificate of Completion issued under this section
568 expires 4 years after the date of issuance unless renewed as
569 provided in s. 633.414.

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

572 633.412 Firefighters; qualifications for certification.-

573 ~~(2) If the division suspends or revokes an individual's~~
574 ~~certificate, the division must suspend or revoke all other~~
575 ~~certificates issued to the individual by the division pursuant~~
576 ~~to this part.~~

577 Section 22. Section 633.414, Florida Statutes, is amended
578 to read:

579 633.414 Retention of firefighter, volunteer firefighter,
580 and fire investigator certifications ~~certification.-~~

Amendment No. 1

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

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

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

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

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

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

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

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

604 (3) Subsection (1) does not apply to state-certified
605 firefighters who are certified and employed full-time, as
606 determined by the fire service provider, as firesafety

Amendment No. 1

607 inspectors or fire investigators, regardless of their ~~her or his~~
608 employment status as firefighters or volunteer firefighters a
609 ~~firefighter~~.

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

614 (5) The 4-year period begins upon issuance of the
615 certificate or separation from employment†

616 ~~(a) If the individual is certified on or after July 1,~~
617 ~~2013, on the date the certificate is issued or upon termination~~
618 ~~of employment or service with a fire department.~~

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

622 (6) A certificate for a firefighter or volunteer
623 firefighter expires if he or she fails to meet the requirements
624 of this section.

625 (7) The State Fire Marshal may deny, refuse to renew,
626 suspend, or revoke the certificate of a firefighter or volunteer
627 firefighter if the State Fire Marshal finds that any of the
628 following grounds exists:

629 (a) Any cause for which issuance of a certificate could
630 have been denied if it had then existed and had been known to
631 the division.

Amendment No. 1

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

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

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

638 633.426 Disciplinary action; standards for revocation of
639 certification.—

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

641 (a) "Certificate" means any of the certificates issued
642 under s. 633.406.

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

647 (c) "Convicted" means a finding of guilt, or the
648 acceptance of a plea of guilty or nolo contendere, in any
649 federal or state court or a court in any other country, without
650 regard to whether a judgment of conviction has been entered by
651 the court having jurisdiction of the case.

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

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

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

658 (b) Conviction ~~Convicted~~ of a felony or a crime punishable
659 by imprisonment of 1 year or more under the law of the United
660 States or of any state thereof, or under the law of any other
661 country.

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

664 Section 24. This act shall take effect July 1, 2016.
665

666 -----

667 **T I T L E A M E N D M E N T**

668 Remove everything before the enacting clause and insert:

669 A bill to be entitled

670 An act relating to the Department of Financial
671 Services; amending s. 48.151, F.S.; authorizing the
672 Department of Financial Services to create an
673 Internet-based transmission system to accept service
674 of process; amending s. 110.1315, F.S.; removing a
675 requirement that the Executive Office of the Governor
676 review and approve a certain alternative retirement
677 income security program provided by the department;
678 amending s. 112.215, F.S.; authorizing the Chief
679 Financial Officer, with the approval of the State
680 Board of Administration, to include specified
681 employees other than state employees in a deferred
682 compensation plan; conforming a provision to a change
683 made by the act; amending s. 137.09, F.S.; removing a

Amendment No. 1

684 requirement that the department approve certain bonds
685 of county officers; amending s. 215.97, F.S.; revising
686 and providing definitions; increasing the amount of a
687 certain audit threshold; revising applicability to
688 remove for-profit organizations; exempting specified
689 higher education entities from certain audit
690 requirements; revising the requirements for state-
691 funded contracts or agreements between a state
692 awarding agency and a higher education entity;
693 providing an exception; providing applicability;
694 conforming provisions to changes made by the act;
695 amending s. 322.142, F.S.; authorizing the Department
696 of Highway Safety and Motor Vehicles to provide
697 certain driver license images to the department for
698 the purpose of investigating allegations of violations
699 of the insurance code; amending s. 374.983, F.S.;
700 naming the Board of Commissioners of the Florida
701 Inland Navigation District, rather than the Chief
702 Financial Officer, as the entity that receives and
703 approves certain surety bonds of commissioners;
704 amending s. 509.211, F.S.; revising certain standards
705 for carbon monoxide detector devices in specified
706 spaces or rooms of public lodging establishments;
707 deleting a provision authorizing the State Fire
708 Marshal of the department to exempt a device from such
709 standards; amending s. 624.307, F.S.; conforming

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

710 provisions to changes made by the act; specifying
711 requirements for the Chief Financial Officer in
712 providing notice of electronic transmission of process
713 documents; amending s. 624.423, F.S.; authorizing
714 service of process by specified means; reenacting and
715 amending s. 624.502, F.S.; specifying fees to be paid
716 by a party requesting service to the department or
717 Office of Insurance Regulation for certain service of
718 process on authorized and unauthorized insurers;
719 amending s. 626.907, F.S.; requiring a service of
720 process fee for certain service of process made by the
721 Chief Financial Officer; revising methods by which
722 copies of the service of process may be provided to a
723 defendant; specifying the determination of a
724 defendant's last known principal place of business;
725 amending s. 626.916, F.S.; revising applicability of
726 certain provisions relating to insurance coverage
727 eligibility for export under the Surplus Lines Law;
728 amending s. 626.921, F.S.; revising membership
729 requirements of the Florida Surplus Lines Service
730 Office board of governors; amending s. 627.7074, F.S.;
731 providing an additional ground for disqualifying a
732 neutral evaluator for disputed sinkhole insurance
733 claims; amending s. 633.102, F.S.; redefining the term
734 "fire service provider"; creating s. 633.107, F.S.;
735 authorizing the department to grant exemptions from

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

736 disqualification for licensure or certification by the
737 Division of State Fire Marshal under certain
738 circumstances; specifying the information an applicant
739 must provide; providing the manner in which the
740 department must render its decision to grant or deny
741 an exemption; providing procedures for an applicant to
742 contest the decision; providing an exception from
743 certain requirements; authorizing the division to
744 adopt rules; creating s. 633.135, F.S.; establishing
745 the Firefighter Assistance Program for certain
746 purposes; requiring the division to administer the
747 program and annually award grants to qualifying fire
748 departments; defining the term "combination fire
749 department"; providing eligibility requirements;
750 requiring the State Fire Marshal to adopt rules and
751 procedures; providing program requirements; amending
752 s. 633.208, F.S.; revising applicability of the Life
753 Safety Code to exclude one-family and two-family
754 dwellings, rather than only such dwellings that are
755 newly constructed; amending s. 633.408, F.S.; revising
756 firefighter and volunteer firefighter certification
757 requirements; specifying the duration of certain
758 firefighter certifications; amending s. 633.412, F.S.;
759 deleting a requirement that the division suspend or
760 revoke all issued certificates if an individual's
761 certificate is suspended or revoked; amending s.

537213 - h0651-strike.docx

Published On: 1/15/2016 7:12:23 PM

Amendment No. 1

762 633.414, F.S.; conforming provisions to changes made
763 by the act; revising alternative requirements for
764 renewing specified certifications; providing grounds
765 for denial of, or disciplinary action against,
766 certifications for a firefighter or volunteer
767 firefighter; amending s. 633.426, F.S.; revising a
768 definition; providing a date after which an individual
769 is subject to revocation of certification under
770 specified circumstances; providing an effective date.