

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.; specifying fees to be paid by a party requesting  
48 service to the department or Office of Insurance  
49 Regulation for certain service of process on  
50 authorized and unauthorized insurers; amending s.  
51 626.907, F.S.; requiring a service of process fee for  
52 certain service of process made by the Chief Financial

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

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

103  
104 Be It Enacted by the Legislature of the State of Florida:

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

48.151 Service on statutory agents for certain persons.—

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

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

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

(1) ~~Upon review and approval by the Executive Office of the Governor,~~ The Department of Financial Services shall provide

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

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

147 112.215 Government employees; deferred compensation  
148 program.—

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

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

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

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

168 137.09 Justification and approval of bonds.—Each surety  
 169 upon every bond of any county officer shall make affidavit that  
 170 he or she is a resident of the county for which the officer is  
 171 to be commissioned, and that he or she has sufficient visible  
 172 property therein unencumbered and not exempt from sale under  
 173 legal process to make good his or her bond. Every such bond  
 174 shall be approved by the board of county commissioners ~~and by~~  
 175 ~~the Department of Financial Services~~ when the board is ~~they and~~  
 176 ~~it are~~ satisfied in its ~~their~~ judgment that the bond ~~same~~ is  
 177 legal, sufficient, and proper to be approved.

178 Section 5. Paragraphs (h) through (y) of subsection (2) of  
 179 section 215.97, Florida Statutes, are redesignated as paragraphs  
 180 (i) through (z), respectively, a new paragraph (h) is added to  
 181 that subsection, present paragraphs (a), (m), and (v) of that  
 182 subsection and paragraph (o) of subsection (8) are amended,

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

186 215.97 Florida Single Audit Act.—

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

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

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

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

208 (w) ~~(v)~~ "State project-specific audit" means an audit of



209 one state project performed in accordance with the requirements  
210 of subsection (11) ~~(10)~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

260       (d) This subsection does not prohibit the state awarding

261 agency from including terms and conditions in the contract or  
 262 agreement which require additional assurances that the state  
 263 financial assistance meets the applicable requirements of laws,  
 264 regulations, and other compliance rules.

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

267 322.142 Color photographic or digital imaged licenses.—

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

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

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

282 374.983 Governing body.—

283 (2) The present board of commissioners of the district  
 284 shall continue to hold office until their respective terms shall  
 285 expire. Thereafter the members of the board shall continue to be  
 286 appointed by the Governor for a term of 4 years and until their

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

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

313 509.211 Safety regulations.—

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

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

335 624.307 General powers; duties.—

336 (9) Upon receiving service of legal process issued in any  
 337 civil action or proceeding in this state against any regulated  
 338 person or any unauthorized insurer under s. 626.906 or s.

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

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

359 624.423 Serving process.—

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

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

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

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

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

388 624.502 Service of process fee.—In all instances as  
389 provided in any section of the insurance code and s. 48.151(3)  
390 in which service of process is authorized to be made upon the

391 Chief Financial Officer or the director of the office, the party  
 392 requesting service ~~plaintiff~~ shall pay to the department or  
 393 office a fee of \$15 for such service of process on an authorized  
 394 insurer or \$25 for such service of process on an unauthorized  
 395 insurer, which fee shall be deposited into the Administrative  
 396 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:~~

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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. This act shall take effect July 1, 2016.