



715350

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 01/19/2016 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Banking and Insurance (Richter) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



715350

11 transact insurance in this state, all licensed nonresident  
12 insurance agents, all nonresident disability insurance agents  
13 licensed pursuant to s. 626.835, any unauthorized insurer under  
14 s. 626.906 or s. 626.937, domestic reciprocal insurers,  
15 fraternal benefit societies under chapter 632, warranty  
16 associations under chapter 634, prepaid limited health service  
17 organizations under chapter 636, and persons required to file  
18 statements under s. 628.461. As an alternative to service of  
19 process made by mail or personal service on the Chief Financial  
20 Officer, on his or her assistant or deputy, or on another person  
21 in charge of the office, the Department of Financial Services  
22 may create an Internet-based transmission system to accept  
23 service of process by electronic transmission of documents.

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

26 110.1315 Alternative retirement benefits; other-personal-  
27 services employees.-

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



715350

40 for the award of the contract. A vendor shall be selected on the  
41 basis of the plan that best serves the interest of the  
42 participating employees and the state. The proposal must comply  
43 with all necessary federal and state laws and rules.

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

46 112.215 Government employees; deferred compensation  
47 program.—

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

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

65 Section 4. Section 137.09, Florida Statutes, is amended to  
66 read:

67 137.09 Justification and approval of bonds.—Each surety  
68 upon every bond of any county officer shall make affidavit that



715350

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

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

85 215.97 Florida Single Audit Act.—

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

87 (a) "Audit threshold" means the threshold amount used to  
88 determine when a state single audit or project-specific audit of  
89 a nonstate entity shall be conducted in accordance with this  
90 section. Each nonstate entity that expends a total amount of  
91 state financial assistance equal to or in excess of \$750,000  
92 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
93 required to have a state single audit, or a project-specific  
94 audit, for such fiscal year in accordance with the requirements  
95 of this section. Every 2 years the Auditor General, after  
96 consulting with the Executive Office of the Governor, the  
97 Department of Financial Services, and all state awarding



715350

98 agencies, shall review the threshold amount for requiring audits  
99 under this section and may adjust such threshold amount  
100 consistent with the purposes of this section.

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

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

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

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

112 (o) A higher education entity is exempt from the  
113 requirements of paragraph (2) (a) and this subsection ~~A contract~~  
114 ~~involving the State University System or the Florida College~~  
115 ~~System funded by state financial assistance may be in the form~~  
116 ~~of:~~

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

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

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

126 ~~4. A combination of the contract forms described in~~



715350

127 ~~subparagraphs 1., 2., and 3.~~

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

131 (a) The contract or agreement must comply with ss.  
132 215.971(1) and 216.3475 and must be in the form of one or a  
133 combination of the following:

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

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

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

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

151 (c) Regardless of the amount of the state financial  
152 assistance, this subsection does not exempt a higher education  
153 entity from compliance with provisions of law that relate to  
154 maintaining records concerning state financial assistance to the  
155 higher education entity or that allow access and examination of



715350

156 those records by the state awarding agency, the higher education  
157 entity, the Department of Financial Services, or the Auditor  
158 General.

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

164 Section 6. Paragraph (j) of subsection (4) of section  
165 322.142, Florida Statutes, is amended to read:

166 322.142 Color photographic or digital imaged licenses.—

167 (4) The department may maintain a film negative or print  
168 file. The department shall maintain a record of the digital  
169 image and signature of the licensees, together with other data  
170 required by the department for identification and retrieval.  
171 Reproductions from the file or digital record are exempt from  
172 the provisions of s. 119.07(1) and may be made and issued only:

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

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

181 374.983 Governing body.—

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



715350

185 appointed by the Governor for a term of 4 years and until their  
186 successors shall be duly appointed. Specifically, commencing on  
187 January 10, 1997, the Governor shall appoint the commissioners  
188 from Broward, Indian River, Martin, St. Johns, and Volusia  
189 Counties and on January 10, 1999, the Governor shall appoint the  
190 commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm  
191 Beach, and St. Lucie Counties. The Governor shall appoint the  
192 commissioner from Nassau County for an initial term that  
193 coincides with the period remaining in the current terms of the  
194 commissioners from Broward, Indian River, Martin, St. Johns, and  
195 Volusia Counties. Thereafter, the commissioner from Nassau  
196 County shall be appointed to a 4-year term. Each new appointee  
197 must be confirmed by the Senate. Whenever a vacancy occurs among  
198 the commissioners, the person appointed to fill such vacancy  
199 shall hold office for the unexpired portion of the term of the  
200 commissioner whose place he or she is selected to fill. Each  
201 commissioner under this act before he or she assumes office  
202 shall be required to give a good and sufficient surety bond in  
203 the sum of \$10,000 payable to the Governor and his or her  
204 successors in office, conditioned upon the faithful performance  
205 of the duties of his or her office, such bond to be approved by  
206 and filed with the board of commissioners of the district ~~Chief~~  
207 ~~Financial Officer~~. Any and all premiums upon such surety bonds  
208 shall be paid by the board of commissioners of such district as  
209 a necessary expense of the district.

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

212 509.211 Safety regulations.—

213 (4) Every enclosed space or room that contains a boiler





715350

214 regulated under chapter 554 which is fired by the direct  
215 application of energy from the combustion of fuels and that is  
216 located in any portion of a public lodging establishment that  
217 also contains sleeping rooms shall be equipped with one or more  
218 carbon monoxide detector ~~sensor~~ devices that bear the  
219 certification mark from a testing and certification organization  
220 accredited in accordance with ISO/IEC Guide 65, General  
221 Requirements for Bodies Operating Product Certification Systems,  
222 ~~label of a nationally recognized testing laboratory and that~~  
223 have been tested and listed as complying with the most recent  
224 Underwriters Laboratories, Inc., Standard 2075 ~~2034~~, or its  
225 equivalent, ~~unless it is determined that carbon monoxide hazards~~  
226 ~~have otherwise been adequately mitigated as determined by the~~  
227 ~~Division of State Fire Marshal of the Department of Financial~~  
228 ~~Services.~~ Such devices shall be integrated with the public  
229 lodging establishment's fire detection system. Any such  
230 installation or determination shall be made in accordance with  
231 rules adopted by the Division of State Fire Marshal.

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

234 624.307 General powers; duties.—

235 (9) Upon receiving service of legal process issued in any  
236 civil action or proceeding in this state against any regulated  
237 person or any unauthorized insurer under s. 626.906 or s.  
238 626.937 which is required to appoint the Chief Financial Officer  
239 as its attorney to receive service of all legal process, the  
240 Chief Financial Officer, as attorney, may, in lieu of sending  
241 the process by registered or certified mail, send the process or  
242 make it available by any other verifiable means, including, but



715350

243 not limited to, making the documents available by electronic  
244 transmission from a secure website established by the department  
245 to the person last designated by the regulated person or the  
246 unauthorized insurer to receive the process. When process  
247 documents are made available electronically, the Chief Financial  
248 Officer shall send a notice of receipt of service of process to  
249 the person last designated by the regulated person or  
250 unauthorized insurer to receive legal process. The notice must  
251 state the date and manner in which the copy of the process was  
252 made available to the regulated person or unauthorized insurer  
253 being served and contain the uniform resource locator (URL) for  
254 a hyperlink to access files and information on the department's  
255 website to obtain a copy of the process.

256 Section 10. Section 624.423, Florida Statutes, is amended  
257 to read:

258 624.423 Serving process.—

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



715350

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

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

283 Section 11. Notwithstanding the expiration date in section  
284 41 of chapter 2015-222, Laws of Florida, section 624.502,  
285 Florida Statutes, as amended by chapter 2013-41, Laws of  
286 Florida, is reenacted and amended to read:

287 624.502 Service of process fee.—In all instances as  
288 provided in any section of the insurance code and s. 48.151(3)  
289 in which service of process is authorized to be made upon the  
290 Chief Financial Officer or the director of the office, the party  
291 requesting service ~~plaintiff~~ shall pay to the department or  
292 office a fee of \$15 for such service of process on an authorized  
293 insurer or \$25 for such service of process on an unauthorized  
294 insurer, which fee shall be deposited into the Administrative  
295 Trust Fund.

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

298 626.907 Service of process; judgment by default.—

299 (1) Service of process upon an insurer or person  
300 representing or aiding such insurer pursuant to s. 626.906 shall



715350

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

324 Section 13. Paragraph (a) of subsection (4) of section  
325 626.921, Florida Statutes, is amended to read:

326 626.921 Florida Surplus Lines Service Office.—

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

329 (a) Five individuals nominated by the Florida Surplus Lines



715350

330 Association and appointed by the department from the regular  
331 membership of the Florida Surplus Lines Association.

332  
333 Each board member shall be appointed to serve beginning on the  
334 date designated by the plan of operation and shall serve at the  
335 pleasure of the department for a 3-year term, such term  
336 initially to be staggered by the plan of operation so that three  
337 appointments expire in 1 year, three appointments expire in 2  
338 years, and three appointments expire in 3 years. Members may be  
339 reappointed for subsequent terms. The board of governors shall  
340 elect such officers as may be provided in the plan of operation.

341 Section 14. Paragraph (a) of subsection (7) of section  
342 627.7074, Florida Statutes, is amended to read:

343 627.7074 Alternative procedure for resolution of disputed  
344 sinkhole insurance claims.—

345 (7) Upon receipt of a request for neutral evaluation, the  
346 department shall provide the parties a list of certified neutral  
347 evaluators. The department shall allow the parties to submit  
348 requests to disqualify evaluators on the list for cause.

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

351 1. A familial relationship within the third degree exists  
352 between the neutral evaluator and either party or a  
353 representative of either party.

354 2. The proposed neutral evaluator has, in a professional  
355 capacity, previously represented either party or a  
356 representative of either party in the same or a substantially  
357 related matter.

358 3. The proposed neutral evaluator has, in a professional



715350

359 capacity, represented another person in the same or a  
360 substantially related matter and that person's interests are  
361 materially adverse to the interests of the parties. The term  
362 "substantially related matter" means participation by the  
363 neutral evaluator on the same claim, property, or adjacent  
364 property.

365 4. The proposed neutral evaluator has, within the preceding  
366 5 years, worked as an employer or employee of any party to the  
367 case.

368 5. The proposed neutral evaluator has, within the preceding  
369 5 years, worked for any entity that performed any sinkhole loss  
370 testing, review or analysis for the property.

371 Section 15. Section 633.107, Florida Statutes, is created  
372 to read:

373 633.107 Exemption from disqualification from licensure or  
374 certification.—

375 (1) The department may grant an exemption from  
376 disqualification to any person disqualified from licensure or  
377 certification by the Division of State Fire Marshal under this  
378 chapter because of a criminal record or dishonorable discharge  
379 from the United States Armed Forces if the applicant has paid in  
380 full any fee, fine, fund, lien, civil judgment, restitution,  
381 cost of prosecution, or trust contribution imposed by the court  
382 as part of the judgment and sentence for any disqualifying  
383 offense and:

384 (a) At least 5 years have elapsed since the applicant  
385 completed or has been lawfully released from confinement,  
386 supervision, or nonmonetary condition imposed by the court for a  
387 disqualifying offense; or



715350

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

390 (2) For the department to grant an exemption, the applicant  
391 must clearly and convincingly demonstrate that he or she would  
392 not pose a risk to persons or property if permitted to be  
393 licensed or certified under this chapter, evidence of which must  
394 include, but need not be limited to, facts and circumstances  
395 surrounding the disqualifying offense, the time that has elapsed  
396 since the offense, the nature of the offense and harm caused to  
397 the victim, the applicant's history before and after the  
398 offense, and any other evidence or circumstances indicating that  
399 the applicant will not present a danger if permitted to be  
400 licensed or certified.

401 (3) The department has discretion whether to grant or deny  
402 an exemption. The department shall provide its decision in  
403 writing which, if the exemption is denied, must state with  
404 particularity the reasons for denial. The department's decision  
405 is subject to proceedings under chapter 120, except that a  
406 formal proceeding under s. 120.57(1) is available only if there  
407 are disputed issues of material fact that the department relied  
408 upon in reaching its decision.

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

416 (5) The division may adopt rules to administer this



715350

417 section.

418 Section 16. Section 633.135, Florida Statutes, is created  
419 to read:

420 633.135 Firefighter Assistance Grant Program.—

421 (1) The Firefighter Assistance Grant Program is created  
422 within the division to improve the emergency response capability  
423 of volunteer fire departments and combination fire departments.  
424 The program shall provide financial assistance to improve  
425 firefighter safety and enable such fire departments to provide  
426 firefighting, emergency medical, and rescue services to their  
427 communities. For purposes of this section, the term "combination  
428 fire department" means a fire department composed of a  
429 combination of career and volunteer firefighters.

430 (2) The division shall administer the program and annually  
431 award grants to volunteer fire departments and combination fire  
432 departments using the annual Florida Fire Service Needs  
433 Assessment Survey. The purpose of the grants is to assist such  
434 fire departments in providing volunteer firefighter training and  
435 procuring necessary firefighter personal protective equipment,  
436 self-contained breathing apparatus equipment, and fire engine  
437 pumper apparatus equipment. However, the division shall  
438 prioritize the annual award of grants to such fire departments  
439 in a county having a population of 75,000 or less.

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

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

445 (b) Annually complete and submit the Florida Fire Service





715350

446 Needs Assessment Survey to the division;  
447 (c) Comply with the Florida Firefighters Occupational  
448 Safety and Health Act, ss. 633.502-633.536;  
449 (d) Comply with any other rule determined by the State Fire  
450 Marshal to effectively and efficiently implement, administer,  
451 and manage the program; and  
452 (e) Meet the definition of the term "fire service provider"  
453 in s. 633.102.  
454 (4) Funds shall be used to:  
455 (a) Provide firefighter training to individuals to obtain a  
456 Volunteer Firefighter Certificate of Completion pursuant to s.  
457 633.408. Training must be provided at no cost to the fire  
458 department or student by a division-approved instructor and must  
459 be documented in the division's electronic database.  
460 (b) Purchase firefighter personal protective equipment,  
461 including structural firefighting protective ensembles and  
462 individual ensemble elements such as garments, helmets, gloves,  
463 and footwear, that complies with NFPA No. 1851, "Standard on  
464 Selection, Care, and Maintenance of Protective Ensembles for  
465 Structural Fire Fighting and Proximity Fire Fighting," by the  
466 National Fire Protection Association.  
467 (c) Purchase self-contained breathing apparatus equipment  
468 that complies with NFPA No. 1852, "Standard on Selection, Care,  
469 and Maintenance of Open-Circuit Self-Contained Breathing  
470 Apparatus."  
471 (d) Purchase fire engine pumper apparatus equipment. Funds  
472 provided under this paragraph may be used to purchase the  
473 equipment or subsidize a federal grant from the Federal  
474 Emergency Management Agency to purchase the equipment.



715350

475 Section 17. Subsection (8) of section 633.208, Florida  
476 Statutes, is amended to read:

477 633.208 Minimum firesafety standards.—

478 (8) The provisions of the Life Safety Code, as contained in  
479 the Florida Fire Prevention Code, do not apply to ~~newly~~  
480 ~~constructed~~ one-family and two-family dwellings. However, fire  
481 sprinkler protection may be permitted by local government in  
482 lieu of other fire protection-related development requirements  
483 for such structures. While local governments may adopt fire  
484 sprinkler requirements for one- and two-family dwellings under  
485 this subsection, it is the intent of the Legislature that the  
486 economic consequences of the fire sprinkler mandate on home  
487 owners be studied before the enactment of such a requirement.  
488 After the effective date of this act, any local government that  
489 desires to adopt a fire sprinkler requirement on one- or two-  
490 family dwellings must prepare an economic cost and benefit  
491 report that analyzes the application of fire sprinklers to one-  
492 or two-family dwellings or any proposed residential subdivision.  
493 The report must consider the tradeoffs and specific cost savings  
494 and benefits of fire sprinklers for future owners of property.  
495 The report must include an assessment of the cost savings from  
496 any reduced or eliminated impact fees if applicable, the  
497 reduction in special fire district tax, insurance fees, and  
498 other taxes or fees imposed, and the waiver of certain  
499 infrastructure requirements including the reduction of roadway  
500 widths, the reduction of water line sizes, increased fire  
501 hydrant spacing, increased dead-end roadway length, and a  
502 reduction in cul-de-sac sizes relative to the costs from fire  
503 sprinkling. A failure to prepare an economic report shall result



715350

504 in the invalidation of the fire sprinkler requirement to any  
505 one- or two-family dwelling or any proposed subdivision. In  
506 addition, a local jurisdiction or utility may not charge any  
507 additional fee, above what is charged to a non-fire sprinklered  
508 dwelling, on the basis that a one- or two-family dwelling unit  
509 is protected by a fire sprinkler system.

510 Section 18. Paragraph (b) of subsection (4) and subsection  
511 (8) of section 633.408, Florida Statutes, are amended, and  
512 subsection (9) is added to that section, to read:

513 633.408 Firefighter and volunteer firefighter training and  
514 certification.—

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

517 (b) Passes the Minimum Standards Course examination within  
518 12 months after completing the required courses.

519 (8) (a) Pursuant to s. 590.02(1)(e), the division shall  
520 establish a structural fire training program of not less than  
521 206 hours. The division shall issue to a person satisfactorily  
522 complying with this training program and who has successfully  
523 passed an examination as prescribed by the division and who has  
524 met the requirements of s. 590.02(1)(e), a Forestry Certificate  
525 of Compliance.

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

529 (9) A Firefighter Certificate of Compliance or a Volunteer  
530 Firefighter Certificate of Completion issued under this section  
531 expires 4 years after the date of issuance unless renewed as  
532 provided in s. 633.414.



715350

533 Section 19. Subsection (2) of section 633.412, Florida  
534 Statutes, is amended to read:

535 633.412 Firefighters; qualifications for certification.—

536 ~~(2) If the division suspends or revokes an individual's~~  
537 ~~certificate, the division must suspend or revoke all other~~  
538 ~~certificates issued to the individual by the division pursuant~~  
539 ~~to this part.~~

540 Section 20. Section 633.414, Florida Statutes, is amended  
541 to read:

542 633.414 Retention of firefighter, volunteer firefighter,  
543 and fire investigator certifications ~~certification.~~—

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

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

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

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

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

561 (2) In order for a volunteer firefighter to retain her or



715350

562 his Volunteer Firefighter Certificate of Completion, every 4  
563 years he or she must:

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

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

567 (3) Subsection (1) does not apply to state-certified  
568 firefighters who are certified and employed full-time, as  
569 determined by the fire service provider, as firesafety  
570 inspectors or fire investigators, regardless of their ~~her or his~~  
571 employment status as firefighters or volunteer firefighters a  
572 ~~firefighter~~.

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

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

579 ~~(a) If the individual is certified on or after July 1,~~  
580 ~~2013, on the date the certificate is issued or upon termination~~  
581 ~~of employment or service with a fire department.~~

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

585 (6) A certificate for a firefighter or volunteer  
586 firefighter expires if he or she fails to meet the requirements  
587 of this section.

588 (7) The State Fire Marshal may deny, refuse to renew,  
589 suspend, or revoke the certificate of a firefighter or volunteer  
590 firefighter if the State Fire Marshal finds that any of the



715350

591 following grounds exists:

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

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

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

599 Section 21. Subsections (1) and (2) of section 633.426,  
600 Florida Statutes, are amended to read:

601 633.426 Disciplinary action; standards for revocation of  
602 certification.—

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

604 (a) "Certificate" means any of the certificates issued  
605 under s. 633.406.

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

610 (c) "Convicted" means a finding of guilt, or the acceptance  
611 of a plea of guilty or nolo contendere, in any federal or state  
612 court or a court in any other country, without regard to whether  
613 a judgment of conviction has been entered by the court having  
614 jurisdiction of the case.

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

619 (a) Conviction ~~Convicted~~ of a misdemeanor relating to the



715350

620 certification or to perjury or false statements.

621 (b) Conviction ~~Convicted~~ of a felony or a crime punishable  
622 by imprisonment of 1 year or more under the law of the United  
623 States or of any state thereof, or under the law of any other  
624 country.

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

627 Section 22. This act shall take effect July 1, 2016.

628  
629 ===== T I T L E A M E N D M E N T =====

630 And the title is amended as follows:

631 Delete everything before the enacting clause  
632 and insert:

633 A bill to be entitled  
634 An act relating to the Department of Financial  
635 Services; amending s. 48.151, F.S.; authorizing the  
636 Department of Financial Services to create an  
637 Internet-based transmission system to accept service  
638 of process; amending s. 110.1315, F.S.; removing a  
639 requirement that the Executive Office of the Governor  
640 review and approve a certain alternative retirement  
641 income security program provided by the department;  
642 amending s. 112.215, F.S.; authorizing the Chief  
643 Financial Officer, with the approval of the State  
644 Board of Administration, to include specified  
645 employees other than state employees in a deferred  
646 compensation plan; conforming a provision to a change  
647 made by the act; amending s. 137.09, F.S.; removing a  
648 requirement that the department approve certain bonds



715350

649 of county officers; amending s. 215.97, F.S.; revising  
650 and providing definitions; increasing the amount of a  
651 certain audit threshold; revising applicability to  
652 remove for-profit organizations; exempting specified  
653 higher education entities from certain audit  
654 requirements; revising the requirements for state-  
655 funded contracts or agreements between a state  
656 awarding agency and a higher education entity;  
657 providing an exception; providing applicability;  
658 conforming provisions to changes made by the act;  
659 amending s. 322.142, F.S.; authorizing the Department  
660 of Highway Safety and Motor Vehicles to provide  
661 certain driver license images to the department for  
662 the purpose of investigating allegations of violations  
663 of the insurance code; amending s. 374.983, F.S.;  
664 naming the Board of Commissioners of the Florida  
665 Inland Navigation District, rather than the Chief  
666 Financial Officer, as the entity that receives and  
667 approves certain surety bonds of commissioners;  
668 amending s. 509.211, F.S.; revising certain standards  
669 for carbon monoxide detector devices in specified  
670 spaces or rooms of public lodging establishments;  
671 deleting a provision authorizing the State Fire  
672 Marshal of the department to exempt a device from such  
673 standards; amending s. 624.307, F.S.; conforming  
674 provisions to changes made by the act; specifying  
675 requirements for the Chief Financial Officer in  
676 providing notice of electronic transmission of process  
677 documents; amending s. 624.423, F.S.; authorizing





715350

678 service of process by specified means; reenacting and  
679 amending s. 624.502, F.S.; specifying fees to be paid  
680 by the requestor to the department or Office of  
681 Insurance Regulation for certain service of process on  
682 authorized and unauthorized insurers; amending s.  
683 626.907, F.S.; requiring a service of process fee for  
684 certain service of process made by the Chief Financial  
685 Officer; specifying the determination of a defendant's  
686 last known principal place of business; amending s.  
687 626.921, F.S.; revising membership requirements of the  
688 Florida Surplus Lines Service Office board of  
689 governors; amending s. 627.7074, F.S.; providing an  
690 additional ground for disqualifying a neutral  
691 evaluator for disputed sinkhole insurance claims;  
692 creating s. 633.107, F.S.; authorizing the department  
693 to grant exemptions from disqualification for  
694 licensure or certification by the Division of State  
695 Fire Marshal under certain circumstances; specifying  
696 the information an applicant must provide; providing  
697 the manner in which the department must render its  
698 decision to grant or deny an exemption; providing  
699 procedures for an applicant to contest the decision;  
700 providing an exception from certain requirements;  
701 authorizing the division to adopt rules; creating s.  
702 633.135, F.S.; establishing the Firefighter Assistance  
703 Program for certain purposes; requiring the division  
704 to administer the program and annually award grants to  
705 qualifying fire departments; defining the term  
706 "combination fire department"; providing eligibility



715350

707 requirements; requiring the State Fire Marshal to  
708 adopt rules and procedures; providing program  
709 requirements; amending s. 633.208, F.S.; revising  
710 applicability of the Life Safety Code to exclude one-  
711 family and two-family dwellings, rather than only such  
712 dwellings that are newly constructed; amending s.  
713 633.408, F.S.; revising firefighter and volunteer  
714 firefighter certification requirements; specifying the  
715 duration of certain firefighter certifications;  
716 amending s. 633.412, F.S.; deleting a requirement that  
717 the division suspend or revoke all issued certificates  
718 if an individual's certificate is suspended or  
719 revoked; amending s. 633.414, F.S.; conforming  
720 provisions to changes made by the act; revising  
721 alternative requirements for renewing specified  
722 certifications; providing grounds for denial of, or  
723 disciplinary action against, certifications for a  
724 firefighter or volunteer firefighter; amending s.  
725 633.426, F.S.; revising a definition; providing a date  
726 after which an individual is subject to revocation of  
727 certification under specified circumstances; providing  
728 an effective date.