



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; providing that the
39 local fire official, or his or her designee, rather
40 than the State Fire Marshal, may exempt a device from
41 such standards; providing an alternative installation
42 method for such devices; amending s. 624.307, F.S.;
43 conforming provisions to changes made by the act;
44 specifying requirements for the Chief Financial
45 Officer in providing notice of electronic transmission
46 of process documents; amending s. 624.423, F.S.;
47 authorizing service of process by specified means;
48 reenacting and amending s. 624.502, F.S.; providing
49 that a party requesting service of process shall pay a
50 specified fee to the department or Office of Insurance
51 Regulation for such service; amending s. 626.854,
52 F.S.; revising applicability of the definition of the



53 | term "public adjuster"; amending s. 626.907, F.S.;

54 | requiring a service of process fee for certain service

55 | of process made by the Chief Financial Officer;

56 | revising methods by which copies of the service of

57 | process may be provided to a defendant; specifying the

58 | determination of a defendant's last known principal

59 | place of business; amending s. 626.921, F.S.; revising

60 | membership requirements of the Florida Surplus Lines

61 | Service Office board of governors; amending s.

62 | 626.9892, F.S.; revising criteria for the Anti-Fraud

63 | Reward Program; amending s. 627.7074, F.S.; providing

64 | an additional ground for disqualifying a neutral

65 | evaluator for disputed sinkhole insurance claims;

66 | amending s. 633.102, F.S.; redefining the term "fire

67 | service provider"; creating s. 633.107, F.S.;

68 | authorizing the department to grant exemptions from

69 | disqualification for licensure or certification by the

70 | Division of State Fire Marshal under certain

71 | circumstances; specifying the information an applicant

72 | must provide; providing the manner in which the

73 | department must render its decision to grant or deny

74 | an exemption; providing procedures for an applicant to

75 | contest the decision; providing an exception from

76 | certain requirements; authorizing the division to

77 | adopt rules; creating s. 633.135, F.S.; establishing

78 | the Firefighter Assistance Program for certain



79 | purposes; requiring the division to administer the
80 | program and annually award grants to qualifying fire
81 | departments; defining the term "combination fire
82 | department"; providing eligibility requirements;
83 | requiring the State Fire Marshal to adopt rules and
84 | procedures; providing program requirements; amending
85 | s. 633.208, F.S.; revising applicability of the Life
86 | Safety Code to exclude one-family and two-family
87 | dwellings, rather than only such dwellings that are
88 | newly constructed; amending s. 633.408, F.S.; revising
89 | firefighter and volunteer firefighter certification
90 | requirements; specifying the duration of certain
91 | firefighter certifications; amending s. 633.412, F.S.;
92 | deleting a requirement that the division suspend or
93 | revoke all issued certificates if an individual's
94 | certificate is suspended or revoked; amending s.
95 | 633.414, F.S.; conforming provisions to changes made
96 | by the act; revising alternative requirements for
97 | renewing specified certifications; providing grounds
98 | for denial of, or disciplinary action against,
99 | certifications for a firefighter or volunteer
100 | firefighter; amending s. 633.426, F.S.; revising a
101 | definition; providing a date after which an individual
102 | is subject to revocation of certification under
103 | specified circumstances; amending s. 717.138, F.S.;
104 | providing applicability of the department's rulemaking



105 authority relating to the disposition of unclaimed
 106 property; providing an appropriation and authorizing a
 107 position; providing an effective date.

108

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

110

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

113 48.151 Service on statutory agents for certain persons.—

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

130 Section 2. Subsection (1) of section 110.1315, Florida



131 Statutes, is amended to read:

132 110.1315 Alternative retirement benefits; other-personal-
133 services employees.—

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

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

152 112.215 Government employees; deferred compensation
153 program.—

154 (4) (a) The Chief Financial Officer, with the approval of
155 the State Board of Administration, shall establish such plan or
156 plans of deferred compensation for state employees and may



157 | include persons employed by a state university as defined in s.
158 | 1000.21, a special district as defined in s. 189.012, or a water
159 | management district as defined in s. 189.012, including all such
160 | investment vehicles or products incident thereto, as may be
161 | available through, or offered by, qualified companies or
162 | persons, and may approve one or more such plans for
163 | implementation by and on behalf of the state and its agencies
164 | and employees.

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

171 | Section 4. Section 137.09, Florida Statutes, is amended to
172 | read:

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



183 Section 5. Paragraphs (h) through (y) of subsection (2) of
184 section 215.97, Florida Statutes, are redesignated as paragraphs
185 (i) through (z), respectively, a new paragraph (h) is added to
186 that subsection, present paragraphs (a), (m), and (v) of that
187 subsection and paragraph (o) of subsection (8) are amended,
188 subsections (9), (10), and (11) are renumbered as subsections
189 (10), (11), and (12), respectively, and a new subsection (9) is
190 added to that section, to read:

191 215.97 Florida Single Audit Act.—

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

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

207 (h) "Higher education entity" means a Florida College
208 System institution or a state university, as those terms are



209 defined in s. 1000.21.

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

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

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

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

223 ~~1. A fixed price contract that entitles the provider to~~
224 ~~receive full compensation for the fixed contract amount upon~~
225 ~~completion of all contract deliverables;~~

226 ~~2. A fixed rate per unit contract that entitles the~~
227 ~~provider to receive compensation for each contract deliverable~~
228 ~~provided;~~

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

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

234 (9) This subsection applies to any contract or agreement



235 between a state awarding agency and a higher education entity
236 that is funded by state financial assistance.

237 (a) The contract or agreement must comply with ss.
238 215.971(1) and 216.3475 and must be in the form of one or a
239 combination of the following:

240 1. A fixed-price contract that entitles the provider to
241 receive compensation for the fixed contract amount upon
242 completion of all contract deliverables.

243 2. A fixed-rate-per-unit contract that entitles the
244 provider to receive compensation for each contract deliverable
245 provided.

246 3. A cost-reimbursable contract that entitles the provider
247 to receive compensation for actual allowable costs incurred in
248 performing contract deliverables.

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

257 (c) Regardless of the amount of the state financial
258 assistance, this subsection does not exempt a higher education
259 entity from compliance with provisions of law that relate to
260 maintaining records concerning state financial assistance to the



261 higher education entity or that allow access and examination of
262 those records by the state awarding agency, the higher education
263 entity, the Department of Financial Services, or the Auditor
264 General.

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

270 Section 6. Paragraph (j) of subsection (4) of section
271 322.142, Florida Statutes, is amended to read:

272 322.142 Color photographic or digital imaged licenses.—

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

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

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



287 374.983 Governing body.—

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



313 ~~Financial Officer~~. Any and all premiums upon such surety bonds
314 shall be paid by the board of commissioners of such district as
315 a necessary expense of the district.

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

318 509.211 Safety regulations.—

319 (4) Every enclosed space or room that contains a boiler
320 regulated under chapter 554 which is fired by the direct
321 application of energy from the combustion of fuels and that is
322 located in any portion of a public lodging establishment that
323 also contains sleeping rooms shall be equipped with one or more
324 carbon monoxide detector ~~sensor~~ devices that are listed as
325 complying with the American National Standards
326 Institute/Underwriters Laboratories, Inc., "Standard for Gas and
327 Vapor Detectors and Sensors," ANSI/UL 2075, by a nationally
328 recognized testing laboratory accredited by the Occupational
329 Safety and Health Administration ~~bear the label of a nationally~~
330 ~~recognized testing laboratory and have been tested and listed as~~
331 ~~complying with the most recent Underwriters Laboratories, Inc.,~~
332 ~~Standard 2034, or its equivalent,~~ unless it is determined that
333 carbon monoxide hazards have otherwise been adequately mitigated
334 as determined by the local fire official or his or her designee
335 ~~Division of State Fire Marshal of the Department of Financial~~
336 ~~Services~~. Such devices shall be integrated with the public
337 lodging establishment's fire detection system. Any such
338 installation ~~or determination~~ shall be made in accordance with



339 | rules adopted by the Division of State Fire Marshal. In lieu of
340 | connecting the carbon monoxide detector device to the fire
341 | detection system as described in this subsection, the device may
342 | be connected to a control unit that is listed as complying with
343 | the Underwriters Laboratories, Inc., "Standard for General-
344 | Purpose Signaling Devices and Systems," UL 2017, or a
345 | combination system that is listed as complying with the National
346 | Fire Protection Association "Standard for the Installation of
347 | Carbon Monoxide (CO) Detection and Warning Equipment," NFPA 720.
348 | The control unit or combination system must be connected to the
349 | boiler safety circuit in such a manner that the boiler is
350 | prevented from operating when carbon monoxide is detected until
351 | it is reset manually.

352 | Section 9. Subsection (9) of section 624.307, Florida
353 | Statutes, is amended to read:

354 | 624.307 General powers; duties.—

355 | (9) Upon receiving service of legal process issued in any
356 | civil action or proceeding in this state against any regulated
357 | person or any unauthorized insurer under s. 626.906 or s.
358 | 626.937 which is required to appoint the Chief Financial Officer
359 | as its attorney to receive service of all legal process, the
360 | Chief Financial Officer, as attorney, may, in lieu of sending
361 | the process by registered or certified mail, send the process or
362 | make it available by any other verifiable means, including, but
363 | not limited to, making the documents available by electronic
364 | transmission from a secure website established by the department



365 to the person last designated by the regulated person or the
366 unauthorized insurer to receive the process. When process
367 documents are made available electronically, the Chief Financial
368 Officer shall send a notice of receipt of service of process to
369 the person last designated by the regulated person or
370 unauthorized insurer to receive legal process. The notice must
371 state the date and manner in which the copy of the process was
372 made available to the regulated person or unauthorized insurer
373 being served and contain the uniform resource locator (URL) for
374 a hyperlink to access files and information on the department's
375 website to obtain a copy of the process.

376 Section 10. Section 624.423, Florida Statutes, is amended
377 to read:

378 624.423 Serving process.—

379 (1) Service of process upon the Chief Financial Officer as
380 process agent of the insurer ~~(under s. 624.422 and s. 626.937)~~
381 shall be made by serving a copy of the process upon the Chief
382 Financial Officer or upon her or his assistant, deputy, or other
383 person in charge of her or his office. Service may also be made
384 by mail or electronically as provided in s. 48.151. Upon
385 receiving such service, the Chief Financial Officer shall retain
386 a record copy and promptly forward one copy of the process by
387 registered or certified mail or by other verifiable means, as
388 provided under s. 624.307(9), to the person last designated by
389 the insurer to receive the same, as provided under s.
390 624.422(2). For purposes of this section, records may be



391 retained as paper or electronic copies.

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

398 (3) Process served upon the Chief Financial Officer and
399 sent or made available in accordance with this section and s.
400 624.307(9) ~~copy thereof forwarded as in this section provided~~
401 shall for all purposes constitute valid and binding service
402 thereof upon the insurer.

403 Section 11. Notwithstanding the expiration date in section
404 41 of chapter 2015-222, Laws of Florida, section 624.502,
405 Florida Statutes, as amended by chapter 2013-41, Laws of
406 Florida, is reenacted and amended to read:

407 624.502 Service of process fee.—In all instances as
408 provided in any section of the insurance code and s. 48.151(3)
409 in which service of process is authorized to be made upon the
410 Chief Financial Officer or the director of the office, the party
411 requesting service ~~plaintiff~~ shall pay to the department or
412 office a fee of \$15 for such service of process on an authorized
413 or unauthorized insurer, which fee shall be deposited into the
414 Administrative Trust Fund.

415 Section 12. Subsection (2) of section 626.854, Florida
416 Statutes, is amended to read:



417 626.854 "Public adjuster" defined; prohibitions.—The
 418 Legislature finds that it is necessary for the protection of the
 419 public to regulate public insurance adjusters and to prevent the
 420 unauthorized practice of law.

421 (2) This definition does not apply to:

422 (a) A licensed health care provider or employee thereof
 423 who prepares or files a health insurance claim form on behalf of
 424 a patient.

425 (b) A licensed health insurance agent who assists an
 426 insured with coverage questions, medical procedure coding
 427 issues, balance billing issues, understanding the claims filing
 428 process, or filing a claim, as such assistance relates to
 429 coverage under a health insurance policy.

430 (c) ~~(b)~~ A person who files a health claim on behalf of
 431 another and does so without compensation.

432 Section 13. Subsection (1) of section 626.907, Florida
 433 Statutes, is amended to read:

434 626.907 Service of process; judgment by default.—

435 (1) Service of process upon an insurer or person
 436 representing or aiding such insurer pursuant to s. 626.906 shall
 437 be made by delivering to and leaving with the Chief Financial
 438 Officer, his or her assistant or deputy, or another person in
 439 charge of the ~~or some person in apparent charge of his or her~~
 440 office two copies thereof and the service of process fee as
 441 required in s. 624.502. The Chief Financial Officer shall
 442 forthwith mail by registered mail, commercial carrier, or any



443 verifiable means one of the copies of such process to the
444 defendant at the defendant's last known principal place of
445 business as provided by the party submitting the documents and
446 shall keep a record of all process so served upon him or her.
447 The service of process is sufficient, provided notice of such
448 service and a copy of the process are sent within 10 days
449 thereafter by registered mail by plaintiff or plaintiff's
450 attorney to the defendant at the defendant's last known
451 principal place of business, and the defendant's receipt, or
452 receipt issued by the post office with which the letter is
453 registered, showing the name of the sender of the letter and the
454 name and address of the person to whom the letter is addressed,
455 and the affidavit of the plaintiff or plaintiff's attorney
456 showing a compliance herewith are filed with the clerk of the
457 court in which the action is pending on or before the date the
458 defendant is required to appear, or within such further time as
459 the court may allow.

460 Section 14. Paragraph (a) of subsection (4) of section
461 626.921, Florida Statutes, is amended to read:

462 626.921 Florida Surplus Lines Service Office.—

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

465 (a) Five individuals nominated by the Florida Surplus
466 Lines Association and appointed by the department from the
467 regular membership of the Florida Surplus Lines Association.
468



469 Each board member shall be appointed to serve beginning on the
470 date designated by the plan of operation and shall serve at the
471 pleasure of the department for a 3-year term, such term
472 initially to be staggered by the plan of operation so that three
473 appointments expire in 1 year, three appointments expire in 2
474 years, and three appointments expire in 3 years. Members may be
475 reappointed for subsequent terms. The board of governors shall
476 elect such officers as may be provided in the plan of operation.

477 Section 15. Subsection (2) of section 626.9892, Florida
478 Statutes, is amended to read:

479 626.9892 Anti-Fraud Reward Program; reporting of insurance
480 fraud.—

481 (2) The department may pay rewards of up to \$25,000 to
482 persons providing information leading to the arrest and
483 conviction of persons committing crimes investigated by the
484 department ~~Division of Insurance Fraud~~ arising from violations
485 of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, s. 790.164,
486 s. 790.165, s. 790.166, s. 806.031, s. 806.10, s. 806.111, s.
487 817.233, or s. 817.234.

488 Section 16. Paragraph (a) of subsection (7) of section
489 627.7074, Florida Statutes, is amended to read:

490 627.7074 Alternative procedure for resolution of disputed
491 sinkhole insurance claims.—

492 (7) Upon receipt of a request for neutral evaluation, the
493 department shall provide the parties a list of certified neutral
494 evaluators. The department shall allow the parties to submit



495 requests to disqualify evaluators on the list for cause.

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

498 1. A familial relationship within the third degree exists
499 between the neutral evaluator and either party or a
500 representative of either party.

501 2. The proposed neutral evaluator has, in a professional
502 capacity, previously represented either party or a
503 representative of either party in the same or a substantially
504 related matter.

505 3. The proposed neutral evaluator has, in a professional
506 capacity, represented another person in the same or a
507 substantially related matter and that person's interests are
508 materially adverse to the interests of the parties. The term
509 "substantially related matter" means participation by the
510 neutral evaluator on the same claim, property, or adjacent
511 property.

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

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

518 Section 17. Subsection (13) of section 633.102, Florida
519 Statutes, is amended to read:

520 633.102 Definitions.—As used in this chapter, the term:



521 (13) "Fire service provider" means a municipality or
522 county, the state, the division, or any political subdivision of
523 the state, including authorities and special districts, that
524 employs ~~employing~~ firefighters or uses ~~utilizing~~ volunteer
525 firefighters to provide fire extinguishment or fire prevention
526 services for the protection of life and property. The term
527 includes any organization under contract or other agreement with
528 such entity to provide such services.

529 Section 18. Section 633.107, Florida Statutes, is created
530 to read:

531 633.107 Exemption from disqualification from licensure or
532 certification.—

533 (1) The department may grant an exemption from
534 disqualification to any person disqualified from licensure or
535 certification by the Division of State Fire Marshal under this
536 chapter because of a criminal record or dishonorable discharge
537 from the United States Armed Forces if the applicant has paid in
538 full any fee, fine, fund, lien, civil judgment, restitution,
539 cost of prosecution, or trust contribution imposed by the court
540 as part of the judgment and sentence for any disqualifying
541 offense and:

542 (a) At least 5 years have elapsed since the applicant
543 completed or has been lawfully released from confinement,
544 supervision, or nonmonetary condition imposed by the court for a
545 disqualifying offense; or

546 (b) At least 5 years have elapsed since the applicant was



547 dishonorably discharged from the United States Armed Forces.

548 (2) For the department to grant an exemption, the
549 applicant must clearly and convincingly demonstrate that he or
550 she would not pose a risk to persons or property if permitted to
551 be licensed or certified under this chapter, evidence of which
552 must include, but need not be limited to, facts and
553 circumstances surrounding the disqualifying offense, the time
554 that has elapsed since the offense, the nature of the offense
555 and harm caused to the victim, the applicant's history before
556 and after the offense, and any other evidence or circumstances
557 indicating that the applicant will not present a danger if
558 permitted to be licensed or certified.

559 (3) The department has discretion whether to grant or deny
560 an exemption. The department shall provide its decision in
561 writing which, if the exemption is denied, must state with
562 particularity the reasons for denial. The department's decision
563 is subject to proceedings under chapter 120, except that a
564 formal proceeding under s. 120.57(1) is available only if there
565 are disputed issues of material fact that the department relied
566 upon in reaching its decision.

567 (4) An applicant may request an exemption, notwithstanding
568 the time limitations of paragraphs (1)(a) and (b), if by
569 executive clemency his or her civil rights are restored, or he
570 or she receives a pardon, from the disqualifying offense. The
571 fact that the applicant receives executive clemency does not
572 alleviate his or her obligation to comply with subsection (2) or



573 in itself require the department to award the exemption.

574 (5) The division may adopt rules to administer this
575 section.

576 Section 19. Section 633.135, Florida Statutes, is created
577 to read:

578 633.135 Firefighter Assistance Grant Program.—

579 (1) The Firefighter Assistance Grant Program is created
580 within the division to improve the emergency response capability
581 of volunteer fire departments and combination fire departments.
582 The program shall provide financial assistance to improve
583 firefighter safety and enable such fire departments to provide
584 firefighting, emergency medical, and rescue services to their
585 communities. For purposes of this section, the term "combination
586 fire department" means a fire department composed of a
587 combination of career and volunteer firefighters.

588 (2) The division shall administer the program and annually
589 award grants to volunteer fire departments and combination fire
590 departments using the annual Florida Fire Service Needs
591 Assessment Survey. The purpose of the grants is to assist such
592 fire departments in providing volunteer firefighter training and
593 procuring necessary firefighter personal protective equipment,
594 self-contained breathing apparatus equipment, and fire engine
595 pumper apparatus equipment. However, the division shall
596 prioritize the annual award of grants to combination fire
597 departments and volunteer fire departments demonstrating need as
598 a result of participating in the annual Florida Fire Service



599 Needs Assessment Survey.

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

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

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

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

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

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

614 (4) Funds shall be used to:

615 (a) Provide firefighter training to individuals to obtain
616 a Volunteer Firefighter Certificate of Completion pursuant to s.
617 633.408. Training must be provided at no cost to the fire
618 department or student by a division-approved instructor and must
619 be documented in the division's electronic database.

620 (b) Purchase firefighter personal protective equipment,
621 including structural firefighting protective ensembles and
622 individual ensemble elements such as garments, helmets, gloves,
623 and footwear, that complies with NFPA No. 1851, "Standard on
624 Selection, Care, and Maintenance of Protective Ensembles for



625 Structural Fire Fighting and Proximity Fire Fighting," by the
626 National Fire Protection Association.

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

631 (d) Purchase fire engine pumper apparatus equipment. Funds
632 provided under this paragraph may be used to purchase the
633 equipment or subsidize a federal grant from the Federal
634 Emergency Management Agency to purchase the equipment.

635 Section 20. Subsection (8) of section 633.208, Florida
636 Statutes, is amended to read:

637 633.208 Minimum firesafety standards.—

638 (8) The provisions of the Life Safety Code, as contained
639 in the Florida Fire Prevention Code, do not apply to ~~newly~~
640 ~~constructed~~ one-family and two-family dwellings. However, fire
641 sprinkler protection may be permitted by local government in
642 lieu of other fire protection-related development requirements
643 for such structures. While local governments may adopt fire
644 sprinkler requirements for one- and two-family dwellings under
645 this subsection, it is the intent of the Legislature that the
646 economic consequences of the fire sprinkler mandate on home
647 owners be studied before the enactment of such a requirement.
648 After the effective date of this act, any local government that
649 desires to adopt a fire sprinkler requirement on one- or two-
650 family dwellings must prepare an economic cost and benefit



651 report that analyzes the application of fire sprinklers to one-
652 or two-family dwellings or any proposed residential subdivision.
653 The report must consider the tradeoffs and specific cost savings
654 and benefits of fire sprinklers for future owners of property.
655 The report must include an assessment of the cost savings from
656 any reduced or eliminated impact fees if applicable, the
657 reduction in special fire district tax, insurance fees, and
658 other taxes or fees imposed, and the waiver of certain
659 infrastructure requirements including the reduction of roadway
660 widths, the reduction of water line sizes, increased fire
661 hydrant spacing, increased dead-end roadway length, and a
662 reduction in cul-de-sac sizes relative to the costs from fire
663 sprinkling. A failure to prepare an economic report shall result
664 in the invalidation of the fire sprinkler requirement to any
665 one- or two-family dwelling or any proposed subdivision. In
666 addition, a local jurisdiction or utility may not charge any
667 additional fee, above what is charged to a non-fire sprinklered
668 dwelling, on the basis that a one- or two-family dwelling unit
669 is protected by a fire sprinkler system.

670 Section 21. Paragraph (b) of subsection (4) and subsection
671 (8) of section 633.408, Florida Statutes, are amended, and
672 subsection (9) is added to that section, to read:

673 633.408 Firefighter and volunteer firefighter training and
674 certification.—

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



677 (b) Passes the Minimum Standards Course examination within
678 12 months after completing the required courses.

679 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
680 establish a structural fire training program of not less than
681 206 hours. The division shall issue to a person satisfactorily
682 complying with this training program and who has successfully
683 passed an examination as prescribed by the division and who has
684 met the requirements of s. 590.02(1)(e), a Forestry Certificate
685 of Compliance.

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

689 (9) A Firefighter Certificate of Compliance or a Volunteer
690 Firefighter Certificate of Completion issued under this section
691 expires 4 years after the date of issuance unless renewed as
692 provided in s. 633.414.

693 Section 22. Subsection (2) of section 633.412, Florida
694 Statutes, is amended to read:

695 633.412 Firefighters; qualifications for certification.—

696 ~~(2) If the division suspends or revokes an individual's~~
697 ~~certificate, the division must suspend or revoke all other~~
698 ~~certificates issued to the individual by the division pursuant~~
699 ~~to this part.~~

700 Section 23. Section 633.414, Florida Statutes, is amended
701 to read:

702 633.414 Retention of firefighter and volunteer firefighter



703 certifications ~~certification~~.—

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

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

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

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

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

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

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

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

727 (3) Subsection (1) does not apply to state-certified
728 firefighters who are certified and employed full-time, as



729 determined by the fire service provider, as firesafety
730 inspectors or fire investigators, regardless of their ~~her or his~~
731 employment status as firefighters or volunteer firefighters a
732 firefighter.

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

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

739 ~~(a) If the individual is certified on or after July 1,~~
740 ~~2013, on the date the certificate is issued or upon termination~~
741 ~~of employment or service with a fire department.~~

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

745 (6) A certificate for a firefighter or volunteer
746 firefighter expires if he or she fails to meet the requirements
747 of this section.

748 (7) The State Fire Marshal may deny, refuse to renew,
749 suspend, or revoke the certificate of a firefighter or volunteer
750 firefighter if the State Fire Marshal finds that any of the
751 following grounds exists:

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



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

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

759 Section 24. Subsections (1) and (2) of section 633.426,
760 Florida Statutes, are amended to read:

761 633.426 Disciplinary action; standards for revocation of
762 certification.—

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

764 (a) "Certificate" means any of the certificates issued
765 under s. 633.406.

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

770 (c) "Convicted" means a finding of guilt, or the
771 acceptance of a plea of guilty or nolo contendere, in any
772 federal or state court or a court in any other country, without
773 regard to whether a judgment of conviction has been entered by
774 the court having jurisdiction of the case.

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

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



781 (b) Conviction ~~Convicted~~ of a felony or a crime punishable
782 by imprisonment of 1 year or more under the law of the United
783 States or of any state thereof, or under the law of any other
784 country.

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

787 Section 25. Section 717.138, Florida Statutes, is amended
788 to read:

789 717.138 Rulemaking authority.—The department shall
790 administer and provide for the enforcement of this chapter. The
791 department has authority to adopt rules pursuant to ss.
792 120.536(1) and 120.54 to implement the provisions of this
793 chapter. The department may adopt rules to allow for electronic
794 filing of fees, forms, and reports required by this chapter. The
795 authority to adopt rules pursuant to this chapter applies to all
796 unclaimed property reported and remitted to the Chief Financial
797 Officer, including, but not limited to, property reported and
798 remitted pursuant to ss. 43.19, 45.032, 732.107, 733.816, and
799 744.534.

800 Section 26. For the 2016-2017 fiscal year, the sum of
801 \$229,165 in recurring funds from the Insurance Regulatory Trust
802 Fund is appropriated to the Department of Financial Services,
803 and one full-time equivalent position with associated salary
804 rate of 50,000 is authorized, for the purpose of implementing
805 this act.

806 Section 27. This act shall take effect July 1, 2016.