



841824

576-03418-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Department of Financial Services; amending s. 48.151, F.S.; authorizing the Department of Financial Services to create an Internet-based transmission system to accept service of process; amending s. 110.1315, F.S.; removing a requirement that the Executive Office of the Governor review and approve a certain alternative retirement income security program provided by the department; amending s. 112.215, F.S.; authorizing the Chief Financial Officer, with the approval of the State Board of Administration, to include specified employees other than state employees in a deferred compensation plan; conforming a provision to a change made by the act; amending s. 137.09, F.S.; removing a requirement that the department approve certain bonds of county officers; amending s. 215.97, F.S.; revising and providing definitions; increasing the amount of a certain audit threshold; exempting specified higher education entities from certain audit requirements; revising the requirements for state-funded contracts or agreements between a state awarding agency and a higher education entity; providing an exception; providing applicability; conforming provisions to changes made by the act; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide certain driver license images to



841824

576-03418-16

28 the Department of Financial Services for the purpose
29 of investigating allegations of violations of the
30 insurance code; amending s. 374.983, F.S.; naming the
31 Board of Commissioners of the Florida Inland
32 Navigation District, rather than the Chief Financial
33 Officer, as the entity that receives and approves
34 certain surety bonds of commissioners; amending s.
35 509.211, F.S.; revising certain standards for carbon
36 monoxide detector devices in specified spaces or rooms
37 of public lodging establishments; deleting a provision
38 authorizing the State Fire Marshal of the department
39 to exempt a device from such standards; providing an
40 alternative method of installing such devices;
41 amending s. 624.307, F.S.; conforming provisions to
42 changes made by the act; specifying requirements for
43 the Chief Financial Officer in providing notice of
44 electronic transmission of process documents; amending
45 s. 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 the requestor to
48 the department or Office of Insurance Regulation for
49 certain service of process on authorized and
50 unauthorized insurers; amending s. 626.854, F.S.;
51 revising applicability of the definition of the term
52 "public adjuster"; amending s. 626.907, F.S.;
53 requiring a service of process fee for certain service
54 of process made by the Chief Financial Officer;
55 specifying the determination of a defendant's last
56 known principal place of business; amending s.



841824

576-03418-16

57 626.921, F.S.; revising membership requirements of the
58 Florida Surplus Lines Service Office board of
59 governors; amending s. 626.9892, F.S.; providing that
60 the department, rather than the Division of Insurance
61 Fraud, investigates certain crimes; adding violations
62 of specified statutes to the Anti-Fraud Reward
63 Program; amending s. 627.7074, F.S.; providing an
64 additional ground for disqualifying a neutral
65 evaluator for disputed sinkhole insurance claims;
66 creating s. 633.107, F.S.; authorizing the department
67 to grant exemptions from disqualification for
68 licensure or certification by the Division of State
69 Fire Marshal under certain circumstances; specifying
70 the information an applicant must provide; providing
71 the manner in which the department must render its
72 decision to grant or deny an exemption; providing
73 procedures for an applicant to contest the decision;
74 providing an exception from certain requirements;
75 authorizing the division to adopt rules; creating s.
76 633.135, F.S.; establishing the Firefighter Assistance
77 Program for certain purposes; requiring the division
78 to administer the program and annually award grants to
79 qualifying fire departments; defining the term
80 "combination fire department"; requiring the division
81 to prioritize the annual award of grants to specified
82 fire departments; 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



841824

576-03418-16

86 Safety Code to exclude one-family and two-family
87 dwellings, rather than only such dwellings that are
88 newly constructed; amending s. 633.216, F.S.;
89 conforming a cross-reference; amending s. 633.408,
90 F.S.; revising firefighter and volunteer firefighter
91 certification requirements; specifying the duration of
92 certain firefighter certifications; amending s.
93 633.412, F.S.; deleting a requirement that the
94 division suspend or revoke all issued certificates if
95 an individual's certificate is suspended or revoked;
96 amending s. 633.414, F.S.; conforming provisions to
97 changes made by the act; revising alternative
98 requirements for renewing specified certifications;
99 providing grounds for denial of, or disciplinary
100 action against, certifications for a firefighter or
101 volunteer firefighter; amending s. 633.426, F.S.;
102 revising a definition; providing a date after which an
103 individual is subject to revocation of certification
104 under specified circumstances; amending s. 717.138,
105 F.S.; providing applicability for the department's
106 rulemaking authority; providing an appropriation;
107 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



841824

576-03418-16

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 the~~
135 ~~Governor,~~ The Department of Financial Services shall provide an
136 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



841824

576-03418-16

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:



841824

576-03418-16

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

192 215.97 Florida Single Audit Act.—

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

194 (a) "Audit threshold" means the threshold amount used to
195 determine when a state single audit or project-specific audit of
196 a nonstate entity shall be conducted in accordance with this
197 section. Each nonstate entity that expends a total amount of
198 state financial assistance equal to or in excess of \$750,000
199 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
200 required to have a state single audit, or a project-specific
201 audit, for such fiscal year in accordance with the requirements



841824

576-03418-16

202 of this section. Every 2 years the Auditor General, after
203 consulting with the Executive Office of the Governor, the
204 Department of Financial Services, and all state awarding
205 agencies, shall review the threshold amount for requiring audits
206 under this section and may adjust such threshold amount
207 consistent with the purposes of this section.

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

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

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

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

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

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

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

230 ~~3. A cost-reimbursable contract that entitles the provider~~



841824

576-03418-16

231 ~~to receive compensation for actual allowable costs incurred in~~
232 ~~performing contract deliverables; or~~

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

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

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

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

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

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

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

258 (c) Regardless of the amount of the state financial
259 assistance, this subsection does not exempt a higher education



841824

576-03418-16

260 entity from compliance with provisions of law that relate to
261 maintaining records concerning state financial assistance to the
262 higher education entity or that allow access and examination of
263 those records by the state awarding agency, the higher education
264 entity, the Department of Financial Services, or the Auditor
265 General.

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

271 Section 6. Subsection (4) of section 322.142, Florida
272 Statutes, is amended to read:

273 322.142 Color photographic or digital imaged licenses.—

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

280 (a) For departmental administrative purposes;

281 (b) For the issuance of duplicate licenses;

282 (c) In response to law enforcement agency requests;

283 (d) To the Department of Business and Professional
284 Regulation and the Department of Health pursuant to an
285 interagency agreement for the purpose of accessing digital
286 images for reproduction of licenses issued by the Department of
287 Business and Professional Regulation or the Department of
288 Health;



841824

576-03418-16

289 (e) To the Department of State pursuant to an interagency
290 agreement to facilitate determinations of eligibility of voter
291 registration applicants and registered voters in accordance with
292 ss. 98.045 and 98.075;

293 (f) To the Department of Revenue pursuant to an interagency
294 agreement for use in establishing paternity and establishing,
295 modifying, or enforcing support obligations in Title IV-D cases;

296 (g) To the Department of Children and Families pursuant to
297 an interagency agreement to conduct protective investigations
298 under part III of chapter 39 and chapter 415;

299 (h) To the Department of Children and Families pursuant to
300 an interagency agreement specifying the number of employees in
301 each of that department's regions to be granted access to the
302 records for use as verification of identity to expedite the
303 determination of eligibility for public assistance and for use
304 in public assistance fraud investigations;

305 (i) To the Agency for Health Care Administration pursuant
306 to an interagency agreement for the purpose of authorized
307 agencies verifying photographs in the Care Provider Background
308 Screening Clearinghouse authorized under s. 435.12;

309 (j) To the Department of Financial Services pursuant to an
310 interagency agreement to facilitate the location of owners of
311 unclaimed property, the validation of unclaimed property claims,
312 ~~and~~ the identification of fraudulent or false claims, and the
313 investigation of allegations of violations of the insurance code
314 by licensees and unlicensed persons;

315 (k) To district medical examiners pursuant to an
316 interagency agreement for the purpose of identifying a deceased
317 individual, determining cause of death, and notifying next of



841824

576-03418-16

318 kin of any investigations, including autopsies and other
319 laboratory examinations, authorized in s. 406.11; or

320 (1) To the following persons for the purpose of identifying
321 a person as part of the official work of a court:

322 1. A justice or judge of this state;

323 2. An employee of the state courts system who works in a
324 position that is designated in writing for access by the Chief
325 Justice of the Supreme Court or a chief judge of a district or
326 circuit court, or by his or her designee; or

327 3. A government employee who performs functions on behalf
328 of the state courts system in a position that is designated in
329 writing for access by the Chief Justice or a chief judge, or by
330 his or her designee.

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

333 374.983 Governing body.—

334 (2) The present board of commissioners of the district
335 shall continue to hold office until their respective terms shall
336 expire. Thereafter the members of the board shall continue to be
337 appointed by the Governor for a term of 4 years and until their
338 successors shall be duly appointed. Specifically, commencing on
339 January 10, 1997, the Governor shall appoint the commissioners
340 from Broward, Indian River, Martin, St. Johns, and Volusia
341 Counties and on January 10, 1999, the Governor shall appoint the
342 commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm
343 Beach, and St. Lucie Counties. The Governor shall appoint the
344 commissioner from Nassau County for an initial term that
345 coincides with the period remaining in the current terms of the
346 commissioners from Broward, Indian River, Martin, St. Johns, and



841824

576-03418-16

347 Volusia Counties. Thereafter, the commissioner from Nassau
348 County shall be appointed to a 4-year term. Each new appointee
349 must be confirmed by the Senate. Whenever a vacancy occurs among
350 the commissioners, the person appointed to fill such vacancy
351 shall hold office for the unexpired portion of the term of the
352 commissioner whose place he or she is selected to fill. Each
353 commissioner under this act before he or she assumes office
354 shall be required to give a good and sufficient surety bond in
355 the sum of \$10,000 payable to the Governor and his or her
356 successors in office, conditioned upon the faithful performance
357 of the duties of his or her office, such bond to be approved by
358 and filed with the board of commissioners of the district ~~Chief~~
359 ~~Financial Officer~~. Any and all premiums upon such surety bonds
360 shall be paid by the board of commissioners of such district as
361 a necessary expense of the district.

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

364 509.211 Safety regulations.—

365 (4) Every enclosed space or room that contains a boiler
366 regulated under chapter 554 which is fired by the direct
367 application of energy from the combustion of fuels and that is
368 located in any portion of a public lodging establishment that
369 also contains sleeping rooms shall be equipped with one or more
370 carbon monoxide detector ~~sensor~~ devices that are listed as
371 complying with ANSI/UL 2075, Standard for Gas and Vapor
372 Detectors and Sensors, by a Nationally Recognized Testing
373 Laboratory accredited by the Occupational Safety and Health
374 Administration to list products to that standard ~~bear the label~~
375 ~~of a nationally recognized testing laboratory and have been~~



841824

576-03418-16

376 ~~tested and listed as complying with the most recent Underwriters~~
377 ~~Laboratories, Inc., Standard 2034, or its equivalent, unless it~~
378 ~~is determined that carbon monoxide hazards have otherwise been~~
379 ~~adequately mitigated as determined by the Division of State Fire~~
380 ~~Marshal of the Department of Financial Services. Such devices~~
381 must shall be integrated with the public lodging establishment's
382 fire detection system, or connected to the boiler safety circuit
383 and wired so that the boiler is prevented from operating when
384 carbon monoxide is detected until it is reset manually. Any such
385 installation ~~or determination~~ shall be made in accordance with
386 rules adopted by the Division of State Fire Marshal.

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

389 624.307 General powers; duties.—

390 (9) Upon receiving service of legal process issued in any
391 civil action or proceeding in this state against any regulated
392 person or any unauthorized insurer under s. 626.906 or s.
393 626.937 which is required to appoint the Chief Financial Officer
394 as its attorney to receive service of all legal process, the
395 Chief Financial Officer, as attorney, may, in lieu of sending
396 the process by registered or certified mail, send the process or
397 make it available by any other verifiable means, including, but
398 not limited to, making the documents available by electronic
399 transmission from a secure website established by the department
400 to the person last designated by the regulated person or the
401 unauthorized insurer to receive the process. When process
402 documents are made available electronically, the Chief Financial
403 Officer shall send a notice of receipt of service of process to
404 the person last designated by the regulated person or



841824

576-03418-16

405 unauthorized insurer to receive legal process. The notice must
406 state the date and manner in which the copy of the process was
407 made available to the regulated person or unauthorized insurer
408 being served and contain the uniform resource locator (URL) for
409 a hyperlink to access files and information on the department's
410 website to obtain a copy of the process.

411 Section 10. Section 624.423, Florida Statutes, is amended
412 to read:

413 624.423 Serving process.—

414 (1) Service of process upon the Chief Financial Officer as
415 process agent of the insurer ~~(under ss. s. 624.422 and 626.937)~~
416 shall be made by serving a copy of the process upon the Chief
417 Financial Officer or upon her or his assistant, deputy, or other
418 person in charge of her or his office. Service may also be made
419 by mail or electronically as provided in s. 48.151. Upon
420 receiving such service, the Chief Financial Officer shall retain
421 a record copy and promptly forward one copy of the process by
422 registered or certified mail or by other verifiable means, as
423 provided under s. 624.307(9), to the person last designated by
424 the insurer to receive the same, as provided under s.
425 624.422(2). For purposes of this section, records may be
426 retained as paper or electronic copies.

427 (2) If ~~Where~~ process is served upon the Chief Financial
428 Officer as an insurer's process agent, the insurer is ~~shall~~ not
429 ~~be~~ required to answer or plead except within 20 days after the
430 date upon which the Chief Financial Officer sends or makes
431 available by other verifiable means ~~mailed~~ a copy of the process
432 served upon her or him as required by subsection (1).

433 (3) Process served upon the Chief Financial Officer and



841824

576-03418-16

434 sent or made available in accordance with this section and s.
435 624.307(9) ~~copy thereof forwarded as in this section provided~~
436 shall for all purposes constitute valid and binding service
437 thereof upon the insurer.

438 Section 11. Notwithstanding the expiration date in section
439 41 of chapter 2015-222, Laws of Florida, section 624.502,
440 Florida Statutes, as amended by chapter 2013-41, Laws of
441 Florida, is reenacted and amended to read:

442 624.502 Service of process fee.—In all instances as
443 provided in any section of the insurance code and s. 48.151(3)
444 in which service of process is authorized to be made upon the
445 Chief Financial Officer or the director of the office, the party
446 requesting service ~~plaintiff~~ shall pay to the department or
447 office a fee of \$15 for such service of process on an authorized
448 insurer or on an unauthorized insurer, which fee shall be
449 deposited into the Administrative Trust Fund.

450 Section 12. Present paragraph (b) of subsection (2) of
451 section 626.854, Florida Statutes, is redesignated as paragraph
452 (c), and a new paragraph (b) is added to that subsection, to
453 read:

454 626.854 "Public adjuster" defined; prohibitions.—The
455 Legislature finds that it is necessary for the protection of the
456 public to regulate public insurance adjusters and to prevent the
457 unauthorized practice of law.

458 (2) This definition does not apply to:

459 (b) A licensed health insurance agent who assists an
460 insured with coverage questions, medical procedure coding
461 issues, balance billing issues, understanding the claims filing
462 process, or filing a claim, as such assistance relates to



841824

576-03418-16

463 coverage under a health insurance policy.

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

466 626.907 Service of process; judgment by default.-

467 (1) Service of process upon an insurer or person
468 representing or aiding such insurer pursuant to s. 626.906 shall
469 be made by delivering to and leaving with the Chief Financial
470 Officer, his or her assistant or deputy, or another person in
471 charge of the ~~or some person in apparent charge of his or her~~
472 office two copies thereof and the service of process fee as
473 required in s. 624.502. The Chief Financial Officer shall
474 forthwith mail by registered mail, commercial carrier, or any
475 verifiable means, one of the copies of such process to the
476 defendant at the defendant's last known principal place of
477 business as provided by the party submitting the documents and
478 shall keep a record of all process so served upon him or her.
479 The service of process is sufficient, provided notice of such
480 service and a copy of the process are sent within 10 days
481 thereafter by registered mail by plaintiff or plaintiff's
482 attorney to the defendant at the defendant's last known
483 principal place of business, and the defendant's receipt, or
484 receipt issued by the post office with which the letter is
485 registered, showing the name of the sender of the letter and the
486 name and address of the person to whom the letter is addressed,
487 and the affidavit of the plaintiff or plaintiff's attorney
488 showing a compliance herewith are filed with the clerk of the
489 court in which the action is pending on or before the date the
490 defendant is required to appear, or within such further time as
491 the court may allow.



841824

576-03418-16

492 Section 14. Paragraph (a) of subsection (4) of section
493 626.921, Florida Statutes, is amended to read:

494 626.921 Florida Surplus Lines Service Office.—

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

497 (a) Five individuals nominated by the Florida Surplus Lines
498 Association and appointed by the department from the regular
499 membership of the Florida Surplus Lines Association.

500
501 Each board member shall be appointed to serve beginning on the
502 date designated by the plan of operation and shall serve at the
503 pleasure of the department for a 3-year term, such term
504 initially to be staggered by the plan of operation so that three
505 appointments expire in 1 year, three appointments expire in 2
506 years, and three appointments expire in 3 years. Members may be
507 reappointed for subsequent terms. The board of governors shall
508 elect such officers as may be provided in the plan of operation.

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

511 626.9892 Anti-Fraud Reward Program; reporting of insurance
512 fraud.—

513 (2) The department may pay rewards of up to \$25,000 to
514 persons providing information leading to the arrest and
515 conviction of persons committing crimes investigated by the
516 department ~~Division of Insurance Fraud~~ arising from violations
517 of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, s. 790.164,
518 s. 790.165, s. 790.166, s. 806.031, s. 806.10, s. 806.111, s.
519 817.233, or s. 817.234.

520 Section 16. Paragraph (a) of subsection (7) of section



841824

576-03418-16

521 627.7074, Florida Statutes, is amended to read:

522 627.7074 Alternative procedure for resolution of disputed
523 sinkhole insurance claims.—

524 (7) Upon receipt of a request for neutral evaluation, the
525 department shall provide the parties a list of certified neutral
526 evaluators. The department shall allow the parties to submit
527 requests to disqualify evaluators on the list for cause.

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

530 1. A familial relationship within the third degree exists
531 between the neutral evaluator and either party or a
532 representative of either party.

533 2. The proposed neutral evaluator has, in a professional
534 capacity, previously represented either party or a
535 representative of either party in the same or a substantially
536 related matter.

537 3. The proposed neutral evaluator has, in a professional
538 capacity, represented another person in the same or a
539 substantially related matter and that person's interests are
540 materially adverse to the interests of the parties. The term
541 "substantially related matter" means participation by the
542 neutral evaluator on the same claim, property, or adjacent
543 property.

544 4. The proposed neutral evaluator has, within the preceding
545 5 years, worked as an employer or employee of any party to the
546 case.

547 5. The proposed neutral evaluator has, within the preceding
548 5 years, worked for any entity that performed any sinkhole loss
549 testing, review, or analysis for the property.



841824

576-03418-16

550 Section 17. Section 633.107, Florida Statutes, is created
551 to read:

552 633.107 Exemption from disqualification from licensure or
553 certification.—

554 (1) The department may grant an exemption from
555 disqualification to any person disqualified from licensure or
556 certification by the Division of State Fire Marshal under this
557 chapter because of a criminal record or dishonorable discharge
558 from the United States Armed Forces if the applicant has paid in
559 full any fee, fine, fund, lien, civil judgment, restitution,
560 cost of prosecution, or trust contribution imposed by the court
561 as part of the judgment and sentence for any disqualifying
562 offense and:

563 (a) At least 5 years have elapsed since the applicant
564 completed or has been lawfully released from confinement,
565 supervision, or nonmonetary condition imposed by the court for a
566 disqualifying offense; or

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

569 (2) For the department to grant an exemption, the applicant
570 must clearly and convincingly demonstrate that he or she would
571 not pose a risk to persons or property if permitted to be
572 licensed or certified under this chapter, evidence of which must
573 include, but need not be limited to, facts and circumstances
574 surrounding the disqualifying offense, the time that has elapsed
575 since the offense, the nature of the offense and harm caused to
576 the victim, the applicant's history before and after the
577 offense, and any other evidence or circumstances indicating that
578 the applicant will not present a danger if permitted to be



841824

576-03418-16

579 licensed or certified.

580 (3) The department has discretion whether to grant or deny
581 an exemption. The department shall provide its decision in
582 writing which, if the exemption is denied, must state with
583 particularity the reasons for denial. The department's decision
584 is subject to proceedings under chapter 120, except that a
585 formal proceeding under s. 120.57(1) is available only if there
586 are disputed issues of material fact that the department relied
587 upon in reaching its decision.

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

595 (5) The division may adopt rules to administer this
596 section.

597 Section 18. Section 633.135, Florida Statutes, is created
598 to read:

599 633.135 Firefighter Assistance Grant Program.—

600 (1) The Firefighter Assistance Grant Program is created
601 within the division to improve the emergency response capability
602 of volunteer fire departments and combination fire departments.
603 The program shall provide financial assistance to improve
604 firefighter safety and enable such fire departments to provide
605 firefighting, emergency medical, and rescue services to their
606 communities. For purposes of this section, the term "combination
607 fire department" means a fire department composed of a



841824

576-03418-16

608 combination of career and volunteer firefighters.

609 (2) The division shall administer the program and annually
610 award grants to volunteer fire departments and combination fire
611 departments using the annual Florida Fire Service Needs
612 Assessment Survey. The purpose of the grants is to assist such
613 fire departments in providing volunteer firefighter training and
614 procuring necessary firefighter personal protective equipment,
615 self-contained breathing apparatus equipment, and fire engine
616 pumper apparatus equipment. However, the division shall
617 prioritize the annual award of grants to such combination fire
618 departments and volunteer fire departments demonstrating need as
619 a result of participating in the annual Florida Fire Service
620 Needs Assessment Survey.

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

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

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

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

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

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

635 (4) Funds shall be used to:

636 (a) Provide firefighter training to individuals to obtain a



841824

576-03418-16

637 Volunteer Firefighter Certificate of Completion pursuant to s.
638 633.408. Training must be provided at no cost to the fire
639 department or student by a division-approved instructor and must
640 be documented in the division's electronic database.

641 (b) Purchase firefighter personal protective equipment,
642 including structural firefighting protective ensembles and
643 individual ensemble elements such as garments, helmets, gloves,
644 and footwear, that complies with NFPA No. 1851, "Standard on
645 Selection, Care, and Maintenance of Protective Ensembles for
646 Structural Fire Fighting and Proximity Fire Fighting," by the
647 National Fire Protection Association.

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

652 (d) Purchase fire engine pumper apparatus equipment. Funds
653 provided under this paragraph may be used to purchase the
654 equipment or subsidize a federal grant from the Federal
655 Emergency Management Agency to purchase the equipment.

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

658 633.208 Minimum firesafety standards.—

659 (8) The provisions of the Life Safety Code, as contained in
660 the Florida Fire Prevention Code, do not apply to ~~newly~~
661 ~~constructed~~ one-family and two-family dwellings. However, fire
662 sprinkler protection may be permitted by local government in
663 lieu of other fire protection-related development requirements
664 for such structures. While local governments may adopt fire
665 sprinkler requirements for one- and two-family dwellings under



841824

576-03418-16

666 this subsection, it is the intent of the Legislature that the
667 economic consequences of the fire sprinkler mandate on home
668 owners be studied before the enactment of such a requirement.
669 After the effective date of this act, any local government that
670 desires to adopt a fire sprinkler requirement on one- or two-
671 family dwellings must prepare an economic cost and benefit
672 report that analyzes the application of fire sprinklers to one-
673 or two-family dwellings or any proposed residential subdivision.
674 The report must consider the tradeoffs and specific cost savings
675 and benefits of fire sprinklers for future owners of property.
676 The report must include an assessment of the cost savings from
677 any reduced or eliminated impact fees if applicable, the
678 reduction in special fire district tax, insurance fees, and
679 other taxes or fees imposed, and the waiver of certain
680 infrastructure requirements including the reduction of roadway
681 widths, the reduction of water line sizes, increased fire
682 hydrant spacing, increased dead-end roadway length, and a
683 reduction in cul-de-sac sizes relative to the costs from fire
684 sprinkling. A failure to prepare an economic report shall result
685 in the invalidation of the fire sprinkler requirement to any
686 one- or two-family dwelling or any proposed subdivision. In
687 addition, a local jurisdiction or utility may not charge any
688 additional fee, above what is charged to a non-fire sprinklered
689 dwelling, on the basis that a one- or two-family dwelling unit
690 is protected by a fire sprinkler system.

691 Section 20. Subsection (2) of section 633.216, Florida
692 Statutes, is amended to read:

693 633.216 Inspection of buildings and equipment; orders;
694 firesafety inspection training requirements; certification;



841824

576-03418-16

695 disciplinary action.—The State Fire Marshal and her or his
696 agents or persons authorized to enforce laws and rules of the
697 State Fire Marshal shall, at any reasonable hour, when the State
698 Fire Marshal has reasonable cause to believe that a violation of
699 this chapter or s. 509.215, or a rule adopted thereunder, or a
700 minimum firesafety code adopted by the State Fire Marshal or a
701 local authority, may exist, inspect any and all buildings and
702 structures which are subject to the requirements of this chapter
703 or s. 509.215 and rules adopted thereunder. The authority to
704 inspect shall extend to all equipment, vehicles, and chemicals
705 which are located on or within the premises of any such building
706 or structure.

707 (2) Except as provided in s. 633.312(2), every firesafety
708 inspection conducted pursuant to state or local firesafety
709 requirements shall be by a person certified as having met the
710 inspection training requirements set by the State Fire Marshal.
711 Such person shall meet the requirements of s. 633.412(1)-(4) ~~s.~~
712 ~~633.412(1)(a)-(d)~~, and:

713 (a) Have satisfactorily completed the firesafety inspector
714 certification examination as prescribed by division rule; and

715 (b)1. Have satisfactorily completed, as determined by
716 division rule, a firesafety inspector training program of at
717 least 200 hours established by the department and administered
718 by education or training providers approved by the department
719 for the purpose of providing basic certification training for
720 firesafety inspectors; or

721 2. Have received training in another state which is
722 determined by the division to be at least equivalent to that
723 required by the department for approved firesafety inspector



841824

576-03418-16

724 education and training programs in this state.

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

728 633.408 Firefighter and volunteer firefighter training and
729 certification.—

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

732 (b) Passes the Minimum Standards Course examination within
733 12 months after completing the required courses.

734 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
735 establish a structural fire training program of not less than
736 206 hours. The division shall issue to a person satisfactorily
737 complying with this training program and who has successfully
738 passed an examination as prescribed by the division and who has
739 met the requirements of s. 590.02(1)(e), a Forestry Certificate
740 of Compliance.

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

744 (9) A Firefighter Certificate of Compliance or a Volunteer
745 Firefighter Certificate of Completion issued under this section
746 expires 4 years after the date of issuance unless renewed as
747 provided in s. 633.414.

748 Section 22. Section 633.412, Florida Statutes, is amended
749 to read:

750 633.412 Firefighters; qualifications for certification.—

751 ~~(1)~~ A person applying for certification as a firefighter
752 must:



841824

576-03418-16

753 (1)~~(a)~~ Be a high school graduate or the equivalent, as the
754 term may be determined by the division, and at least 18 years of
755 age.

756 (2)~~(b)~~ Not have been convicted of a misdemeanor relating to
757 the certification or to perjury or false statements, or a felony
758 or a crime punishable by imprisonment of 1 year or more under
759 the law of the United States or of any state thereof or under
760 the law of any other country, or dishonorably discharged from
761 any of the Armed Forces of the United States. "Convicted" means
762 a finding of guilt or the acceptance of a plea of guilty or nolo
763 contendere, in any federal or state court or a court in any
764 other country, without regard to whether a judgment of
765 conviction has been entered by the court having jurisdiction of
766 the case.

767 (3)~~(c)~~ Submit a set of fingerprints to the division with a
768 current processing fee. The fingerprints will be forwarded to
769 the Department of Law Enforcement for state processing and
770 forwarded by the Department of Law Enforcement to the Federal
771 Bureau of Investigation for national processing.

772 (4)~~(d)~~ Have a good moral character as determined by
773 investigation under procedure established by the division.

774 (5)~~(e)~~ Be in good physical condition as determined by a
775 medical examination given by a physician, surgeon, or physician
776 assistant licensed to practice in the state pursuant to chapter
777 458; an osteopathic physician, surgeon, or physician assistant
778 licensed to practice in the state pursuant to chapter 459; or an
779 advanced registered nurse practitioner licensed to practice in
780 the state pursuant to chapter 464. Such examination may include,
781 but need not be limited to, the National Fire Protection



841824

576-03418-16

782 Association Standard 1582. A medical examination evidencing good
783 physical condition shall be submitted to the division, on a form
784 as provided by rule, before an individual is eligible for
785 admission into a course under s. 633.408.

786 ~~(6)(f)~~ Be a nonuser of tobacco or tobacco products for at
787 least 1 year immediately preceding application, as evidenced by
788 the sworn affidavit of the applicant.

789 ~~(2) If the division suspends or revokes an individual's~~
790 ~~certificate, the division must suspend or revoke all other~~
791 ~~certificates issued to the individual by the division pursuant~~
792 ~~to this part.~~

793 Section 23. Section 633.414, Florida Statutes, is amended
794 to read:

795 633.414 Retention of firefighter, volunteer firefighter,
796 and fire investigator certifications certification.-

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

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

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

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



841824

576-03418-16

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

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

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

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

820 (3) Subsection (1) does not apply to state-certified
821 firefighters who are certified and employed full-time, as
822 determined by the fire service provider, as firesafety
823 inspectors or fire investigators, regardless of their her or his
824 employment status as firefighters or volunteer firefighters a
825 firefighter.

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

830 (5) The 4-year period begins upon issuance of the
831 certificate or separation from employment.

832 ~~(a) If the individual is certified on or after July 1,~~
833 ~~2013, on the date the certificate is issued or upon termination~~
834 ~~of employment or service with a fire department.~~

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

838 (6) A certificate for a firefighter or volunteer
839 firefighter expires if he or she fails to meet the requirements



841824

576-03418-16

840 of this section.

841 (7) The State Fire Marshal may deny, refuse to renew,
842 suspend, or revoke the certificate of a firefighter or volunteer
843 firefighter if the State Fire Marshal finds that any of the
844 following grounds exists:

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

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

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

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

854 633.426 Disciplinary action; standards for revocation of
855 certification.—

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

857 (a) "Certificate" means any of the certificates issued
858 under s. 633.406.

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

863 (c) "Convicted" means a finding of guilt, or the acceptance
864 of a plea of guilty or nolo contendere, in any federal or state
865 court or a court in any other country, without regard to whether
866 a judgment of conviction has been entered by the court having
867 jurisdiction of the case.

868 (2) Effective July 1, 2013, an individual who holds a



841824

576-03418-16

869 certificate is subject to revocation for any of the following An
870 individual is ineligible to apply for certification if the
871 individual has, at any time, been:

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

874 (b) Conviction ~~Convicted~~ of a felony or a crime punishable
875 by imprisonment of 1 year or more under the law of the United
876 States or of any state thereof, or under the law of any other
877 country.

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

880 Section 25. Section 717.138, Florida Statutes, is amended
881 to read:

882 717.138 Rulemaking authority.—The department shall
883 administer and provide for the enforcement of this chapter. The
884 department has authority to adopt rules pursuant to ss.
885 120.536(1) and 120.54 to implement the provisions of this
886 chapter. The department may adopt rules to allow for electronic
887 filing of fees, forms, and reports required by this chapter. The
888 authority to adopt rules pursuant to this chapter applies to all
889 unclaimed property reported and remitted to the Chief Financial
890 Officer, including, but not limited to, property reported and
891 remitted pursuant to ss. 43.19, 45.032, 732.107, 733.816, and
892 744.534.

893 Section 26. For the 2016-2017 fiscal year, the sum of
894 \$500,000 in recurring funds from the Insurance Regulatory Trust
895 Fund is appropriated to the Department of Financial Services,
896 and one full-time equivalent position with associated salary
897 rate of 50,000 is authorized, for the purpose of implementing



841824

576-03418-16

898 this act.

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