

By the Committee on Banking and Insurance; and Senator Brandes

597-02308-16

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

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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; amending s.  
40 624.307, F.S.; conforming provisions to changes made  
41 by the act; specifying requirements for the Chief  
42 Financial Officer in providing notice of electronic  
43 transmission of process documents; amending s.  
44 624.423, F.S.; authorizing service of process by  
45 specified means; reenacting and amending s. 624.502,  
46 F.S.; specifying fees to be paid by the requestor to  
47 the department or Office of Insurance Regulation for  
48 certain service of process on authorized and  
49 unauthorized insurers; amending s. 626.907, F.S.;  
50 requiring a service of process fee for certain service  
51 of process made by the Chief Financial Officer;  
52 specifying the determination of a defendant's last  
53 known principal place of business; amending s.  
54 626.921, F.S.; revising membership requirements of the  
55 Florida Surplus Lines Service Office board of  
56 governors; amending s. 627.7074, F.S.; providing an  
57 additional ground for disqualifying a neutral  
58 evaluator for disputed sinkhole insurance claims;  
59 creating s. 633.107, F.S.; authorizing the department  
60 to grant exemptions from disqualification for  
61 licensure or certification by the Division of State

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62 Fire Marshal under certain circumstances; specifying  
63 the information an applicant must provide; providing  
64 the manner in which the department must render its  
65 decision to grant or deny an exemption; providing  
66 procedures for an applicant to contest the decision;  
67 providing an exception from certain requirements;  
68 authorizing the division to adopt rules; creating s.  
69 633.135, F.S.; establishing the Firefighter Assistance  
70 Program for certain purposes; requiring the division  
71 to administer the program and annually award grants to  
72 qualifying fire departments; defining the term  
73 "combination fire department"; providing eligibility  
74 requirements; requiring the State Fire Marshal to  
75 adopt rules and procedures; providing program  
76 requirements; amending s. 633.208, F.S.; revising  
77 applicability of the Life Safety Code to exclude one-  
78 family and two-family dwellings, rather than only such  
79 dwellings that are newly constructed; amending s.  
80 633.216, F.S.; conforming a cross-reference; amending  
81 s. 633.408, F.S.; revising firefighter and volunteer  
82 firefighter certification requirements; specifying the  
83 duration of certain firefighter certifications;  
84 amending s. 633.412, F.S.; deleting a requirement that  
85 the division suspend or revoke all issued certificates  
86 if an individual's certificate is suspended or  
87 revoked; amending s. 633.414, F.S.; conforming  
88 provisions to changes made by the act; revising  
89 alternative requirements for renewing specified  
90 certifications; providing grounds for denial of, or

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91 disciplinary action against, certifications for a  
92 firefighter or volunteer firefighter; amending s.  
93 633.426, F.S.; revising a definition; providing a date  
94 after which an individual is subject to revocation of  
95 certification under specified circumstances; providing  
96 an effective date.

97

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

99

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

102 48.151 Service on statutory agents for certain persons.—

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

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

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120 Statutes, is amended to read:

121 110.1315 Alternative retirement benefits; other-personal-  
122 services employees.—

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

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

141 112.215 Government employees; deferred compensation  
142 program.—

143 (4) (a) The Chief Financial Officer, with the approval of  
144 the State Board of Administration, shall establish such plan or  
145 plans of deferred compensation for state employees and may  
146 include persons employed by a state university as defined in s.  
147 1000.21, a special district as defined in s. 189.012, or a water  
148 management district as defined in s. 189.012, including all such

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149 investment vehicles or products incident thereto, as may be  
150 available through, or offered by, qualified companies or  
151 persons, and may approve one or more such plans for  
152 implementation by and on behalf of the state and its agencies  
153 and employees.

154 (12) The Chief Financial Officer may adopt any rule  
155 necessary to administer and implement this act with respect to  
156 deferred compensation plans for state employees and persons  
157 employed by a state university as defined in s. 1000.21, a  
158 special district as defined in s. 189.012, or a water management  
159 district as defined in s. 189.012.

160 Section 4. Section 137.09, Florida Statutes, is amended to  
161 read:

162 137.09 Justification and approval of bonds.—Each surety  
163 upon every bond of any county officer shall make affidavit that  
164 he or she is a resident of the county for which the officer is  
165 to be commissioned, and that he or she has sufficient visible  
166 property therein unencumbered and not exempt from sale under  
167 legal process to make good his or her bond. Every such bond  
168 shall be approved by the board of county commissioners ~~and by~~  
169 ~~the Department of Financial Services~~ when the board is ~~they and~~  
170 ~~it are~~ satisfied in its ~~their~~ judgment that the bond ~~same~~ is  
171 legal, sufficient, and proper to be approved.

172 Section 5. Present paragraphs (h) through (y) of subsection  
173 (2) of section 215.97, Florida Statutes, are redesignated as  
174 paragraphs (i) through (z), respectively, a new paragraph (h) is  
175 added to that subsection, paragraph (a) and present paragraphs  
176 (m) and (v) of that subsection and paragraph (o) of subsection  
177 (8) are amended, present subsections (9), (10), and (11) of that

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178 section are renumbered as subsections (10), (11), and (12),  
179 respectively, and a new subsection (9) is added to that section,  
180 to read:

181 215.97 Florida Single Audit Act.—

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

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

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

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

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

206 (8) Each recipient or subrecipient of state financial

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207 assistance shall comply with the following:

208 (o) A higher education entity is exempt from the  
209 requirements of paragraph (2) (a) and this subsection ~~A contract~~  
210 ~~involving the State University System or the Florida College~~  
211 ~~System funded by state financial assistance may be in the form~~  
212 ~~of:~~

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

216 ~~2. A fixed-rate-per-unit contract that entitles the~~  
217 ~~provider to receive compensation for each contract deliverable~~  
218 ~~provided;~~

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

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

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

227 (a) The contract or agreement must comply with ss.  
228 215.971(1) and 216.3475 and must be in the form of one or a  
229 combination of the following:

230 1. A fixed-price contract that entitles the provider to  
231 receive compensation for the fixed contract amount upon  
232 completion of all contract deliverables.

233 2. A fixed-rate-per-unit contract that entitles the  
234 provider to receive compensation for each contract deliverable  
235 provided.



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236 3. A cost-reimbursable contract that entitles the provider  
237 to receive compensation for actual allowable costs incurred in  
238 performing contract deliverables.

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

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

255 (d) This subsection does not prohibit the state awarding  
256 agency from including terms and conditions in the contract or  
257 agreement which require additional assurances that the state  
258 financial assistance meets the applicable requirements of laws,  
259 regulations, and other compliance rules.

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

262 322.142 Color photographic or digital imaged licenses.—

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

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

- 269 (a) For departmental administrative purposes;
- 270 (b) For the issuance of duplicate licenses;
- 271 (c) In response to law enforcement agency requests;
- 272 (d) To the Department of Business and Professional  
273 Regulation and the Department of Health pursuant to an  
274 interagency agreement for the purpose of accessing digital  
275 images for reproduction of licenses issued by the Department of  
276 Business and Professional Regulation or the Department of  
277 Health;
- 278 (e) To the Department of State pursuant to an interagency  
279 agreement to facilitate determinations of eligibility of voter  
280 registration applicants and registered voters in accordance with  
281 ss. 98.045 and 98.075;
- 282 (f) To the Department of Revenue pursuant to an interagency  
283 agreement for use in establishing paternity and establishing,  
284 modifying, or enforcing support obligations in Title IV-D cases;
- 285 (g) To the Department of Children and Families pursuant to  
286 an interagency agreement to conduct protective investigations  
287 under part III of chapter 39 and chapter 415;
- 288 (h) To the Department of Children and Families pursuant to  
289 an interagency agreement specifying the number of employees in  
290 each of that department's regions to be granted access to the  
291 records for use as verification of identity to expedite the  
292 determination of eligibility for public assistance and for use  
293 in public assistance fraud investigations;

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294 (i) To the Agency for Health Care Administration pursuant  
295 to an interagency agreement for the purpose of authorized  
296 agencies verifying photographs in the Care Provider Background  
297 Screening Clearinghouse authorized under s. 435.12;

298 (j) To the Department of Financial Services pursuant to an  
299 interagency agreement to facilitate the location of owners of  
300 unclaimed property, the validation of unclaimed property claims,  
301 ~~and~~ the identification of fraudulent or false claims, and the  
302 investigation of allegations of violations of the insurance code  
303 by licensees and unlicensed persons;

304 (k) To district medical examiners pursuant to an  
305 interagency agreement for the purpose of identifying a deceased  
306 individual, determining cause of death, and notifying next of  
307 kin of any investigations, including autopsies and other  
308 laboratory examinations, authorized in s. 406.11; or

309 (l) To the following persons for the purpose of identifying  
310 a person as part of the official work of a court:

311 1. A justice or judge of this state;

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

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

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

322 374.983 Governing body.—

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323 (2) The present board of commissioners of the district  
324 shall continue to hold office until their respective terms shall  
325 expire. Thereafter the members of the board shall continue to be  
326 appointed by the Governor for a term of 4 years and until their  
327 successors shall be duly appointed. Specifically, commencing on  
328 January 10, 1997, the Governor shall appoint the commissioners  
329 from Broward, Indian River, Martin, St. Johns, and Volusia  
330 Counties and on January 10, 1999, the Governor shall appoint the  
331 commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm  
332 Beach, and St. Lucie Counties. The Governor shall appoint the  
333 commissioner from Nassau County for an initial term that  
334 coincides with the period remaining in the current terms of the  
335 commissioners from Broward, Indian River, Martin, St. Johns, and  
336 Volusia Counties. Thereafter, the commissioner from Nassau  
337 County shall be appointed to a 4-year term. Each new appointee  
338 must be confirmed by the Senate. Whenever a vacancy occurs among  
339 the commissioners, the person appointed to fill such vacancy  
340 shall hold office for the unexpired portion of the term of the  
341 commissioner whose place he or she is selected to fill. Each  
342 commissioner under this act before he or she assumes office  
343 shall be required to give a good and sufficient surety bond in  
344 the sum of \$10,000 payable to the Governor and his or her  
345 successors in office, conditioned upon the faithful performance  
346 of the duties of his or her office, such bond to be approved by  
347 and filed with the board of commissioners of the district ~~Chief~~  
348 ~~Financial Officer~~. Any and all premiums upon such surety bonds  
349 shall be paid by the board of commissioners of such district as  
350 a necessary expense of the district.

351 Section 8. Subsection (4) of section 509.211, Florida

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352 Statutes, is amended to read:

353 509.211 Safety regulations.—

354 (4) Every enclosed space or room that contains a boiler  
355 regulated under chapter 554 which is fired by the direct  
356 application of energy from the combustion of fuels and that is  
357 located in any portion of a public lodging establishment that  
358 also contains sleeping rooms shall be equipped with one or more  
359 carbon monoxide detector ~~sensor~~ devices that bear the  
360 certification mark from a testing and certification organization  
361 accredited in accordance with ISO/IEC Guide 65, General  
362 Requirements for Bodies Operating Product Certification Systems,  
363 ~~label of a nationally recognized testing laboratory~~ and that  
364 have been tested and listed as complying with the most recent  
365 Underwriters Laboratories, Inc., Standard 2075 ~~2034~~, or its  
366 equivalent, ~~unless it is determined that carbon monoxide hazards~~  
367 ~~have otherwise been adequately mitigated as determined by the~~  
368 ~~Division of State Fire Marshal of the Department of Financial~~  
369 ~~Services~~. Such devices shall be integrated with the public  
370 lodging establishment's fire detection system. Any such  
371 installation or determination shall be made in accordance with  
372 rules adopted by the Division of State Fire Marshal.

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

375 624.307 General powers; duties.—

376 (9) Upon receiving service of legal process issued in any  
377 civil action or proceeding in this state against any regulated  
378 person or any unauthorized insurer under s. 626.906 or s.  
379 626.937 which is required to appoint the Chief Financial Officer  
380 as its attorney to receive service of all legal process, the

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381 Chief Financial Officer, as attorney, may, in lieu of sending  
382 the process by registered or certified mail, send the process or  
383 make it available by any other verifiable means, including, but  
384 not limited to, making the documents available by electronic  
385 transmission from a secure website established by the department  
386 to the person last designated by the regulated person or the  
387 unauthorized insurer to receive the process. When process  
388 documents are made available electronically, the Chief Financial  
389 Officer shall send a notice of receipt of service of process to  
390 the person last designated by the regulated person or  
391 unauthorized insurer to receive legal process. The notice must  
392 state the date and manner in which the copy of the process was  
393 made available to the regulated person or unauthorized insurer  
394 being served and contain the uniform resource locator (URL) for  
395 a hyperlink to access files and information on the department's  
396 website to obtain a copy of the process.

397 Section 10. Section 624.423, Florida Statutes, is amended  
398 to read:

399 624.423 Serving process.—

400 (1) Service of process upon the Chief Financial Officer as  
401 process agent of the insurer ~~(under ss. ~~s.~~ 624.422 and 626.937)~~  
402 shall be made by serving a copy of the process upon the Chief  
403 Financial Officer or upon her or his assistant, deputy, or other  
404 person in charge of her or his office. Service may also be made  
405 by mail or electronically as provided in s. 48.151. Upon  
406 receiving such service, the Chief Financial Officer shall retain  
407 a record copy and promptly forward one copy of the process by  
408 registered or certified mail or by other verifiable means, as  
409 provided under s. 624.307(9), to the person last designated by

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410 the insurer to receive the same, as provided under s.  
411 624.422(2). For purposes of this section, records may be  
412 retained as paper or electronic copies.

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

419 (3) Process served upon the Chief Financial Officer and  
420 sent or made available in accordance with this section and s.  
421 624.307(9) ~~copy thereof forwarded as in this section provided~~  
422 shall for all purposes constitute valid and binding service  
423 thereof upon the insurer.

424 Section 11. Notwithstanding the expiration date in section  
425 41 of chapter 2015-222, Laws of Florida, section 624.502,  
426 Florida Statutes, as amended by chapter 2013-41, Laws of  
427 Florida, is reenacted and amended to read:

428 624.502 Service of process fee.—In all instances as  
429 provided in any section of the insurance code and s. 48.151(3)  
430 in which service of process is authorized to be made upon the  
431 Chief Financial Officer or the director of the office, the party  
432 requesting service ~~plaintiff~~ shall pay to the department or  
433 office a fee of \$15 for such service of process on an authorized  
434 insurer or \$25 for such service of process on an unauthorized  
435 insurer, which fee shall be deposited into the Administrative  
436 Trust Fund.

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

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439           626.907 Service of process; judgment by default.—  
440           (1) Service of process upon an insurer or person  
441 representing or aiding such insurer pursuant to s. 626.906 shall  
442 be made by delivering to and leaving with the Chief Financial  
443 Officer, his or her assistant or deputy, or another person in  
444 charge of the ~~or some person in apparent charge of his or her~~  
445 office two copies thereof and the service of process fee as  
446 required in s. 624.502. The Chief Financial Officer shall  
447 forthwith mail by registered mail, commercial carrier, or any  
448 verifiable means, one of the copies of such process to the  
449 defendant at the defendant's last known principal place of  
450 business as provided by the party submitting the documents and  
451 shall keep a record of all process so served upon him or her.  
452 The service of process is sufficient, provided notice of such  
453 service and a copy of the process are sent within 10 days  
454 thereafter by registered mail by plaintiff or plaintiff's  
455 attorney to the defendant at the defendant's last known  
456 principal place of business, and the defendant's receipt, or  
457 receipt issued by the post office with which the letter is  
458 registered, showing the name of the sender of the letter and the  
459 name and address of the person to whom the letter is addressed,  
460 and the affidavit of the plaintiff or plaintiff's attorney  
461 showing a compliance herewith are filed with the clerk of the  
462 court in which the action is pending on or before the date the  
463 defendant is required to appear, or within such further time as  
464 the court may allow.

465           Section 13. Paragraph (a) of subsection (4) of section  
466 626.921, Florida Statutes, is amended to read:  
467           626.921 Florida Surplus Lines Service Office.—



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

470 (a) Five individuals nominated by the Florida Surplus Lines  
471 Association and appointed by the department from the regular  
472 membership of the Florida Surplus Lines Association.

473

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

482 Section 14. Paragraph (a) of subsection (7) of section  
483 627.7074, Florida Statutes, is amended to read:

484 627.7074 Alternative procedure for resolution of disputed  
485 sinkhole insurance claims.—

486 (7) Upon receipt of a request for neutral evaluation, the  
487 department shall provide the parties a list of certified neutral  
488 evaluators. The department shall allow the parties to submit  
489 requests to disqualify evaluators on the list for cause.

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

492 1. A familial relationship within the third degree exists  
493 between the neutral evaluator and either party or a  
494 representative of either party.

495 2. The proposed neutral evaluator has, in a professional  
496 capacity, previously represented either party or a

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497 representative of either party in the same or a substantially  
498 related matter.

499 3. The proposed neutral evaluator has, in a professional  
500 capacity, represented another person in the same or a  
501 substantially related matter and that person's interests are  
502 materially adverse to the interests of the parties. The term  
503 "substantially related matter" means participation by the  
504 neutral evaluator on the same claim, property, or adjacent  
505 property.

506 4. The proposed neutral evaluator has, within the preceding  
507 5 years, worked as an employer or employee of any party to the  
508 case.

509 5. The proposed neutral evaluator has, within the preceding  
510 5 years, worked for any entity that performed any sinkhole loss  
511 testing, review, or analysis for the property.

512 Section 15. Section 633.107, Florida Statutes, is created  
513 to read:

514 633.107 Exemption from disqualification from licensure or  
515 certification.—

516 (1) The department may grant an exemption from  
517 disqualification to any person disqualified from licensure or  
518 certification by the Division of State Fire Marshal under this  
519 chapter because of a criminal record or dishonorable discharge  
520 from the United States Armed Forces if the applicant has paid in  
521 full any fee, fine, fund, lien, civil judgment, restitution,  
522 cost of prosecution, or trust contribution imposed by the court  
523 as part of the judgment and sentence for any disqualifying  
524 offense and:

525 (a) At least 5 years have elapsed since the applicant

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526 completed or has been lawfully released from confinement,  
527 supervision, or nonmonetary condition imposed by the court for a  
528 disqualifying offense; or

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

531 (2) For the department to grant an exemption, the applicant  
532 must clearly and convincingly demonstrate that he or she would  
533 not pose a risk to persons or property if permitted to be  
534 licensed or certified under this chapter, evidence of which must  
535 include, but need not be limited to, facts and circumstances  
536 surrounding the disqualifying offense, the time that has elapsed  
537 since the offense, the nature of the offense and harm caused to  
538 the victim, the applicant's history before and after the  
539 offense, and any other evidence or circumstances indicating that  
540 the applicant will not present a danger if permitted to be  
541 licensed or certified.

542 (3) The department has discretion whether to grant or deny  
543 an exemption. The department shall provide its decision in  
544 writing which, if the exemption is denied, must state with  
545 particularity the reasons for denial. The department's decision  
546 is subject to proceedings under chapter 120, except that a  
547 formal proceeding under s. 120.57(1) is available only if there  
548 are disputed issues of material fact that the department relied  
549 upon in reaching its decision.

550 (4) An applicant may request an exemption, notwithstanding  
551 the time limitations of paragraphs (1)(a) and (b), if by  
552 executive clemency his or her civil rights are restored, or he  
553 or she receives a pardon, from the disqualifying offense. The  
554 fact that the applicant receives executive clemency does not

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555 alleviate his or her obligation to comply with subsection (2) or  
556 in itself require the department to award the exemption.

557 (5) The division may adopt rules to administer this  
558 section.

559 Section 16. Section 633.135, Florida Statutes, is created  
560 to read:

561 633.135 Firefighter Assistance Grant Program.—

562 (1) The Firefighter Assistance Grant Program is created  
563 within the division to improve the emergency response capability  
564 of volunteer fire departments and combination fire departments.  
565 The program shall provide financial assistance to improve  
566 firefighter safety and enable such fire departments to provide  
567 firefighting, emergency medical, and rescue services to their  
568 communities. For purposes of this section, the term "combination  
569 fire department" means a fire department composed of a  
570 combination of career and volunteer firefighters.

571 (2) The division shall administer the program and annually  
572 award grants to volunteer fire departments and combination fire  
573 departments using the annual Florida Fire Service Needs  
574 Assessment Survey. The purpose of the grants is to assist such  
575 fire departments in providing volunteer firefighter training and  
576 procuring necessary firefighter personal protective equipment,  
577 self-contained breathing apparatus equipment, and fire engine  
578 pumper apparatus equipment. However, the division shall  
579 prioritize the annual award of grants to such fire departments  
580 in a county having a population of 75,000 or less.

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

583 (a) Report their activity to the division for submission in

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584 the Fire and Emergency Incident Information Reporting System  
585 created pursuant to s. 633.136;

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

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

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

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

595 (4) Funds shall be used to:

596 (a) Provide firefighter training to individuals to obtain a  
597 Volunteer Firefighter Certificate of Completion pursuant to s.  
598 633.408. Training must be provided at no cost to the fire  
599 department or student by a division-approved instructor and must  
600 be documented in the division's electronic database.

601 (b) Purchase firefighter personal protective equipment,  
602 including structural firefighting protective ensembles and  
603 individual ensemble elements such as garments, helmets, gloves,  
604 and footwear, that complies with NFPA No. 1851, "Standard on  
605 Selection, Care, and Maintenance of Protective Ensembles for  
606 Structural Fire Fighting and Proximity Fire Fighting," by the  
607 National Fire Protection Association.

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

612 (d) Purchase fire engine pumper apparatus equipment. Funds

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613 provided under this paragraph may be used to purchase the  
614 equipment or subsidize a federal grant from the Federal  
615 Emergency Management Agency to purchase the equipment.

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

618 633.208 Minimum firesafety standards.—

619 (8) The provisions of the Life Safety Code, as contained in  
620 the Florida Fire Prevention Code, do not apply to newly  
621 ~~constructed~~ one-family and two-family dwellings. However, fire  
622 sprinkler protection may be permitted by local government in  
623 lieu of other fire protection-related development requirements  
624 for such structures. While local governments may adopt fire  
625 sprinkler requirements for one- and two-family dwellings under  
626 this subsection, it is the intent of the Legislature that the  
627 economic consequences of the fire sprinkler mandate on home  
628 owners be studied before the enactment of such a requirement.  
629 After the effective date of this act, any local government that  
630 desires to adopt a fire sprinkler requirement on one- or two-  
631 family dwellings must prepare an economic cost and benefit  
632 report that analyzes the application of fire sprinklers to one-  
633 or two-family dwellings or any proposed residential subdivision.  
634 The report must consider the tradeoffs and specific cost savings  
635 and benefits of fire sprinklers for future owners of property.  
636 The report must include an assessment of the cost savings from  
637 any reduced or eliminated impact fees if applicable, the  
638 reduction in special fire district tax, insurance fees, and  
639 other taxes or fees imposed, and the waiver of certain  
640 infrastructure requirements including the reduction of roadway  
641 widths, the reduction of water line sizes, increased fire

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642 hydrant spacing, increased dead-end roadway length, and a  
643 reduction in cul-de-sac sizes relative to the costs from fire  
644 sprinkling. A failure to prepare an economic report shall result  
645 in the invalidation of the fire sprinkler requirement to any  
646 one- or two-family dwelling or any proposed subdivision. In  
647 addition, a local jurisdiction or utility may not charge any  
648 additional fee, above what is charged to a non-fire sprinklered  
649 dwelling, on the basis that a one- or two-family dwelling unit  
650 is protected by a fire sprinkler system.

651 Section 18. Subsection (2) of section 633.216, Florida  
652 Statutes, is amended to read:

653 633.216 Inspection of buildings and equipment; orders;  
654 firesafety inspection training requirements; certification;  
655 disciplinary action.—The State Fire Marshal and her or his  
656 agents or persons authorized to enforce laws and rules of the  
657 State Fire Marshal shall, at any reasonable hour, when the State  
658 Fire Marshal has reasonable cause to believe that a violation of  
659 this chapter or s. 509.215, or a rule adopted thereunder, or a  
660 minimum firesafety code adopted by the State Fire Marshal or a  
661 local authority, may exist, inspect any and all buildings and  
662 structures which are subject to the requirements of this chapter  
663 or s. 509.215 and rules adopted thereunder. The authority to  
664 inspect shall extend to all equipment, vehicles, and chemicals  
665 which are located on or within the premises of any such building  
666 or structure.

667 (2) Except as provided in s. 633.312(2), every firesafety  
668 inspection conducted pursuant to state or local firesafety  
669 requirements shall be by a person certified as having met the  
670 inspection training requirements set by the State Fire Marshal.

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671 Such person shall meet the requirements of s. 633.412(1)-(4) ~~s.~~  
672 ~~633.412(1)(a)-(d)~~, and:

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

675 (b)1. Have satisfactorily completed, as determined by  
676 division rule, a firesafety inspector training program of at  
677 least 200 hours established by the department and administered  
678 by education or training providers approved by the department  
679 for the purpose of providing basic certification training for  
680 firesafety inspectors; or

681 2. Have received training in another state which is  
682 determined by the division to be at least equivalent to that  
683 required by the department for approved firesafety inspector  
684 education and training programs in this state.

685 Section 19. Paragraph (b) of subsection (4) and subsection  
686 (8) of section 633.408, Florida Statutes, are amended, and  
687 subsection (9) is added to that section, to read:

688 633.408 Firefighter and volunteer firefighter training and  
689 certification.—

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

692 (b) Passes the Minimum Standards Course examination within  
693 12 months after completing the required courses.

694 (8) (a) Pursuant to s. 590.02(1)(e), the division shall  
695 establish a structural fire training program of not less than  
696 206 hours. The division shall issue to a person satisfactorily  
697 complying with this training program and who has successfully  
698 passed an examination as prescribed by the division and who has  
699 met the requirements of s. 590.02(1)(e), a Forestry Certificate



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700 of Compliance.

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

704 (9) A Firefighter Certificate of Compliance or a Volunteer  
705 Firefighter Certificate of Completion issued under this section  
706 expires 4 years after the date of issuance unless renewed as  
707 provided in s. 633.414.

708 Section 20. Section 633.412, Florida Statutes, is amended  
709 to read:

710 633.412 Firefighters; qualifications for certification.—

711 ~~(1)~~ A person applying for certification as a firefighter  
712 must:

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

716 (2)~~(b)~~ Not have been convicted of a misdemeanor relating to  
717 the certification or to perjury or false statements, or a felony  
718 or a crime punishable by imprisonment of 1 year or more under  
719 the law of the United States or of any state thereof or under  
720 the law of any other country, or dishonorably discharged from  
721 any of the Armed Forces of the United States. "Convicted" means  
722 a finding of guilt or the acceptance of a plea of guilty or nolo  
723 contendere, in any federal or state court or a court in any  
724 other country, without regard to whether a judgment of  
725 conviction has been entered by the court having jurisdiction of  
726 the case.

727 (3)~~(c)~~ Submit a set of fingerprints to the division with a  
728 current processing fee. The fingerprints will be forwarded to

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729 the Department of Law Enforcement for state processing and  
730 forwarded by the Department of Law Enforcement to the Federal  
731 Bureau of Investigation for national processing.

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

734 (5)~~(e)~~ Be in good physical condition as determined by a  
735 medical examination given by a physician, surgeon, or physician  
736 assistant licensed to practice in the state pursuant to chapter  
737 458; an osteopathic physician, surgeon, or physician assistant  
738 licensed to practice in the state pursuant to chapter 459; or an  
739 advanced registered nurse practitioner licensed to practice in  
740 the state pursuant to chapter 464. Such examination may include,  
741 but need not be limited to, the National Fire Protection  
742 Association Standard 1582. A medical examination evidencing good  
743 physical condition shall be submitted to the division, on a form  
744 as provided by rule, before an individual is eligible for  
745 admission into a course under s. 633.408.

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

749 ~~(2) If the division suspends or revokes an individual's~~  
750 ~~certificate, the division must suspend or revoke all other~~  
751 ~~certificates issued to the individual by the division pursuant~~  
752 ~~to this part.~~

753 Section 21. Section 633.414, Florida Statutes, is amended  
754 to read:

755 633.414 Retention of firefighter, volunteer firefighter,  
756 and fire investigator certifications ~~certification.~~-

757 (1) In order for a firefighter to retain her or his

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758 Firefighter Certificate of Compliance, every 4 years he or she  
759 must meet the requirements for renewal provided in this chapter  
760 and by rule, which must include at least one of the following:

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

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

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

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

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

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

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

780 (3) Subsection (1) does not apply to state-certified  
781 firefighters who are certified and employed full-time, as  
782 determined by the fire service provider, as firesafety  
783 inspectors or fire investigators, regardless of their ~~her or his~~  
784 employment status as firefighters or volunteer firefighters a  
785 ~~firefighter.~~

786 (4) For the purposes of this section, the term "active"

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787 means being employed as a firefighter or providing service as a  
788 volunteer firefighter for a cumulative period of 6 months within  
789 a 4-year period.

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

792 ~~(a) If the individual is certified on or after July 1,~~  
793 ~~2013, on the date the certificate is issued or upon termination~~  
794 ~~of employment or service with a fire department.~~

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

798 (6) A certificate for a firefighter or volunteer  
799 firefighter expires if he or she fails to meet the requirements  
800 of this section.

801 (7) The State Fire Marshal may deny, refuse to renew,  
802 suspend, or revoke the certificate of a firefighter or volunteer  
803 firefighter if the State Fire Marshal finds that any of the  
804 following grounds exists:

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

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

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

812 Section 22. Subsections (1) and (2) of section 633.426,  
813 Florida Statutes, are amended to read:

814 633.426 Disciplinary action; standards for revocation of  
815 certification.-

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

817 (a) "Certificate" means any of the certificates issued  
818 under s. 633.406.

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

823 (c) "Convicted" means a finding of guilt, or the acceptance  
824 of a plea of guilty or nolo contendere, in any federal or state  
825 court or a court in any other country, without regard to whether  
826 a judgment of conviction has been entered by the court having  
827 jurisdiction of the case.

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

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

834 (b) Conviction ~~Convicted~~ of a felony or a crime punishable  
835 by imprisonment of 1 year or more under the law of the United  
836 States or of any state thereof, or under the law of any other  
837 country.

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

840 Section 23. This act shall take effect July 1, 2016.