

**By** the Committees on Appropriations; and Banking and Insurance;  
and Senator Brandes

576-03788-16

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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

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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; revising an  
38 exception to such standards; providing an alternative  
39 method of installing such devices; 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. 626.854, F.S.;  
50 revising applicability of the definition of the term  
51 "public adjuster"; amending s. 626.907, F.S.;  
52 requiring a service of process fee for certain service  
53 of process made by the Chief Financial Officer;  
54 specifying the determination of a defendant's last  
55 known principal place of business; amending s.  
56 626.921, F.S.; revising membership requirements of the  
57 Florida Surplus Lines Service Office board of  
58 governors; amending s. 626.931, F.S.; limiting a  
59 requirement for the quarterly filing of a certain  
60 affidavit with the Florida Surplus Lines Service

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61 Office to specified surplus lines agents; amending s.  
62 626.9892, F.S.; providing that the department, rather  
63 than the Division of Insurance Fraud, investigates  
64 certain crimes; adding violations of specified  
65 statutes to the Anti-Fraud Reward Program; amending s.  
66 627.7074, F.S.; providing an additional ground for  
67 disqualifying a neutral evaluator for disputed  
68 sinkhole insurance claims; creating s. 633.107, F.S.;  
69 authorizing the department to grant exemptions from  
70 disqualification for licensure or certification by the  
71 Division of State Fire Marshal under certain  
72 circumstances; specifying the information an applicant  
73 must provide; providing the manner in which the  
74 department must render its decision to grant or deny  
75 an exemption; providing procedures for an applicant to  
76 contest the decision; providing an exception from  
77 certain requirements; authorizing the division to  
78 adopt rules; creating s. 633.135, F.S.; establishing  
79 the Firefighter Assistance Program for certain  
80 purposes; requiring the division to administer the  
81 program and annually award grants to qualifying fire  
82 departments; defining the term "combination fire  
83 department"; requiring the division to prioritize the  
84 annual award of grants to specified fire departments;  
85 providing eligibility requirements; requiring the  
86 State Fire Marshal to adopt rules and procedures;  
87 providing program requirements; amending s. 633.208,  
88 F.S.; revising applicability of the Life Safety Code  
89 to exclude one-family and two-family dwellings, rather

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

111  
112 Be It Enacted by the Legislature of the State of Florida:

113  
114 Section 1. Subsection (3) of section 48.151, Florida  
115 Statutes, is amended to read:

116 48.151 Service on statutory agents for certain persons.—

117 (3) The Chief Financial Officer or his or her assistant or  
118 deputy or another person in charge of the office is the agent

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

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

135 110.1315 Alternative retirement benefits; other-personal-  
136 services employees.—

137 ~~(1) Upon review and approval by the Executive Office of the~~  
138 ~~Governor,~~ The Department of Financial Services shall provide an  
139 alternative retirement income security program for eligible  
140 temporary and seasonal employees of the state who are  
141 compensated from appropriations for other personal services. The  
142 Department of Financial Services may contract with a private  
143 vendor or vendors to administer the program under a defined-  
144 contribution plan under ss. 401(a) and 403(b) or s. 457 of the  
145 Internal Revenue Code, and the program must provide retirement  
146 benefits as required under s. 3121(b)(7)(F) of the Internal  
147 Revenue Code. The Department of Financial Services may develop a

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148 request for proposals and solicit qualified vendors to compete  
149 for the award of the contract. A vendor shall be selected on the  
150 basis of the plan that best serves the interest of the  
151 participating employees and the state. The proposal must comply  
152 with all necessary federal and state laws and rules.

153 Section 3. Paragraph (a) of subsection (4) and subsection  
154 (12) of section 112.215, Florida Statutes, are amended to read:  
155 112.215 Government employees; deferred compensation  
156 program.—

157 (4) (a) The Chief Financial Officer, with the approval of  
158 the State Board of Administration, shall establish such plan or  
159 plans of deferred compensation for state employees and may  
160 include persons employed by a state university as defined in s.  
161 1000.21, a special district as defined in s. 189.012, or a water  
162 management district as defined in s. 189.012, including all such  
163 investment vehicles or products incident thereto, as may be  
164 available through, or offered by, qualified companies or  
165 persons, and may approve one or more such plans for  
166 implementation by and on behalf of the state and its agencies  
167 and employees.

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

174 Section 4. Section 137.09, Florida Statutes, is amended to  
175 read:

176 137.09 Justification and approval of bonds.—Each surety

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

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

195 215.97 Florida Single Audit Act.—

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

197 (a) "Audit threshold" means the threshold amount used to  
198 determine when a state single audit or project-specific audit of  
199 a nonstate entity shall be conducted in accordance with this  
200 section. Each nonstate entity that expends a total amount of  
201 state financial assistance equal to or in excess of \$750,000  
202 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
203 required to have a state single audit, or a project-specific  
204 audit, for such fiscal year in accordance with the requirements  
205 of this section. Every 2 years the Auditor General, after

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206 consulting with the Executive Office of the Governor, the  
207 Department of Financial Services, and all state awarding  
208 agencies, shall review the threshold amount for requiring audits  
209 under this section and may adjust such threshold amount  
210 consistent with the purposes of this section.

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

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

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

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

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

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

230 ~~2. A fixed-rate-per-unit contract that entitles the~~  
231 ~~provider to receive compensation for each contract deliverable~~  
232 ~~provided;~~

233 ~~3. A cost-reimbursable contract that entitles the provider~~  
234 ~~to receive compensation for actual allowable costs incurred in~~



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235 ~~performing contract deliverables; or~~

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

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

241 (a) The contract or agreement must comply with ss.  
242 215.971(1) and 216.3475 and must be in the form of one or a  
243 combination of the following:

244 1. A fixed-price contract that entitles the provider to  
245 receive compensation for the fixed contract amount upon  
246 completion of all contract deliverables.

247 2. A fixed-rate-per-unit contract that entitles the  
248 provider to receive compensation for each contract deliverable  
249 provided.

250 3. A cost-reimbursable contract that entitles the provider  
251 to receive compensation for actual allowable costs incurred in  
252 performing contract deliverables.

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

261 (c) Regardless of the amount of the state financial  
262 assistance, this subsection does not exempt a higher education  
263 entity from compliance with provisions of law that relate to

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264 maintaining records concerning state financial assistance to the  
265 higher education entity or that allow access and examination of  
266 those records by the state awarding agency, the higher education  
267 entity, the Department of Financial Services, or the Auditor  
268 General.

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

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

276 322.142 Color photographic or digital imaged licenses.—

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

283 (a) For departmental administrative purposes;

284 (b) For the issuance of duplicate licenses;

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

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

292 (e) To the Department of State pursuant to an interagency

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293 agreement to facilitate determinations of eligibility of voter  
294 registration applicants and registered voters in accordance with  
295 ss. 98.045 and 98.075;

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

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

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

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

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

318 (k) To district medical examiners pursuant to an  
319 interagency agreement for the purpose of identifying a deceased  
320 individual, determining cause of death, and notifying next of  
321 kin of any investigations, including autopsies and other

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322 laboratory examinations, authorized in s. 406.11; or

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

325 1. A justice or judge of this state;

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

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

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

336 374.983 Governing body.—

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

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

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

367 509.211 Safety regulations.—

368 (4) Every enclosed space or room that contains a boiler  
369 regulated under chapter 554 which is fired by the direct  
370 application of energy from the combustion of fuels and that is  
371 located in any portion of a public lodging establishment that  
372 also contains sleeping rooms shall be equipped with one or more  
373 carbon monoxide detector ~~sensor~~ devices that are listed as  
374 complying with ANSI/UL 2075, Standard for Gas and Vapor  
375 Detectors and Sensors, by a Nationally Recognized Testing  
376 Laboratory accredited by the Occupational Safety and Health  
377 Administration ~~bear the label of a nationally recognized testing~~  
378 ~~laboratory and have been tested and listed as complying with the~~  
379 ~~most recent Underwriters Laboratories, Inc., Standard 2034, or~~

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380 ~~its equivalent~~, unless it is determined that carbon monoxide  
381 hazards have otherwise been adequately mitigated as determined  
382 by the local fire official or his designee ~~the Division of State~~  
383 ~~Fire Marshal of the Department of Financial Services~~. Such  
384 devices shall be integrated with the public lodging  
385 establishment's fire detection system. Any such installation ~~or~~  
386 ~~determination~~ shall be made in accordance with rules adopted by  
387 the Division of State Fire Marshal. In lieu of connecting the  
388 carbon monoxide detector to the fire detection system, the  
389 detector may be connected to a control unit until listed as  
390 complying with UL 2017 or a combination system in accordance  
391 with NFPA 720. Either the control unit or the combination system  
392 shall be connected to the boiler safety circuit and wired so  
393 that the boiler is prevented from operating when carbon monoxide  
394 is detected until it is reset manually.

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

397 624.307 General powers; duties.—

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

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409 unauthorized insurer to receive the process. When process  
410 documents are made available electronically, the Chief Financial  
411 Officer shall send a notice of receipt of service of process to  
412 the person last designated by the regulated person or  
413 unauthorized insurer to receive legal process. The notice must  
414 state the date and manner in which the copy of the process was  
415 made available to the regulated person or unauthorized insurer  
416 being served and contain the uniform resource locator (URL) for  
417 a hyperlink to access files and information on the department's  
418 website to obtain a copy of the process.

419 Section 10. Section 624.423, Florida Statutes, is amended  
420 to read:

421 624.423 Serving process.—

422 (1) Service of process upon the Chief Financial Officer as  
423 process agent of the insurer ~~(under ss. ~~s.~~ 624.422 and 626.937)~~  
424 shall be made by serving a copy of the process upon the Chief  
425 Financial Officer or upon her or his assistant, deputy, or other  
426 person in charge of her or his office. Service may also be made  
427 by mail or electronically as provided in s. 48.151. Upon  
428 receiving such service, the Chief Financial Officer shall retain  
429 a record copy and promptly forward one copy of the process by  
430 registered or certified mail or by other verifiable means, as  
431 provided under s. 624.307(9), to the person last designated by  
432 the insurer to receive the same, as provided under s.  
433 624.422(2). For purposes of this section, records may be  
434 retained as paper or electronic copies.

435 (2) If ~~Where~~ process is served upon the Chief Financial  
436 Officer as an insurer's process agent, the insurer is ~~shall~~ not  
437 ~~be~~ required to answer or plead except within 20 days after the

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438 date upon which the Chief Financial Officer sends or makes  
439 available by other verifiable means ~~mailed~~ a copy of the process  
440 served upon her or him as required by subsection (1).

441 (3) Process served upon the Chief Financial Officer and  
442 sent or made available in accordance with this section and s.  
443 624.307(9) ~~copy thereof forwarded as in this section provided~~  
444 shall for all purposes constitute valid and binding service  
445 thereof upon the insurer.

446 Section 11. Notwithstanding the expiration date in section  
447 41 of chapter 2015-222, Laws of Florida, section 624.502,  
448 Florida Statutes, as amended by chapter 2013-41, Laws of  
449 Florida, is reenacted and amended to read:

450 624.502 Service of process fee.—In all instances as  
451 provided in any section of the insurance code and s. 48.151(3)  
452 in which service of process is authorized to be made upon the  
453 Chief Financial Officer or the director of the office, the party  
454 requesting service ~~plaintiff~~ shall pay to the department or  
455 office a fee of \$15 for such service of process on an authorized  
456 insurer or on an unauthorized insurer, which fee shall be  
457 deposited into the Administrative Trust Fund.

458 Section 12. Present paragraph (b) of subsection (2) of  
459 section 626.854, Florida Statutes, is redesignated as paragraph  
460 (c), and a new paragraph (b) is added to that subsection, to  
461 read:

462 626.854 "Public adjuster" defined; prohibitions.—The  
463 Legislature finds that it is necessary for the protection of the  
464 public to regulate public insurance adjusters and to prevent the  
465 unauthorized practice of law.

466 (2) This definition does not apply to:



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467       (b) A licensed health insurance agent who assists an  
468 insured with coverage questions, medical procedure coding  
469 issues, balance billing issues, understanding the claims filing  
470 process, or filing a claim, as such assistance relates to  
471 coverage under a health insurance policy.

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

474       626.907 Service of process; judgment by default.-

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

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496 showing a compliance herewith are filed with the clerk of the  
497 court in which the action is pending on or before the date the  
498 defendant is required to appear, or within such further time as  
499 the court may allow.

500 Section 14. Paragraph (a) of subsection (4) of section  
501 626.921, Florida Statutes, is amended to read:

502 626.921 Florida Surplus Lines Service Office.—

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

505 (a) Five individuals nominated by the Florida Surplus Lines  
506 Association and appointed by the department from the regular  
507 membership of the Florida Surplus Lines Association.

508  
509 Each board member shall be appointed to serve beginning on the  
510 date designated by the plan of operation and shall serve at the  
511 pleasure of the department for a 3-year term, such term  
512 initially to be staggered by the plan of operation so that three  
513 appointments expire in 1 year, three appointments expire in 2  
514 years, and three appointments expire in 3 years. Members may be  
515 reappointed for subsequent terms. The board of governors shall  
516 elect such officers as may be provided in the plan of operation.

517 Section 15. Subsection (1) of section 626.931, Florida  
518 Statutes, is amended to read:

519 626.931 Agent affidavit and insurer reporting  
520 requirements.—

521 (1) Each surplus lines agent that has transacted business  
522 during a calendar quarter shall on or before the 45th day after  
523 the end of the ~~following each~~ calendar quarter file with the  
524 Florida Surplus Lines Service Office an affidavit, on forms as

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525 prescribed and furnished by the Florida Surplus Lines Service  
526 Office, stating that all surplus lines insurance transacted by  
527 him or her during such calendar quarter has been submitted to  
528 the Florida Surplus Lines Service Office as required.

529 Section 16. Subsection (2) of section 626.9892, Florida  
530 Statutes, is amended to read:

531 626.9892 Anti-Fraud Reward Program; reporting of insurance  
532 fraud.—

533 (2) The department may pay rewards of up to \$25,000 to  
534 persons providing information leading to the arrest and  
535 conviction of persons committing crimes investigated by the  
536 department ~~Division of Insurance Fraud~~ arising from violations  
537 of s. 440.105, s. 624.15, s. 626.9541, s. 626.989, s. 790.164,  
538 s. 790.165, s. 790.166, s. 806.031, s. 806.10, s. 806.111, s.  
539 817.233, or s. 817.234.

540 Section 17. Paragraph (a) of subsection (7) of section  
541 627.7074, Florida Statutes, is amended to read:

542 627.7074 Alternative procedure for resolution of disputed  
543 sinkhole insurance claims.—

544 (7) Upon receipt of a request for neutral evaluation, the  
545 department shall provide the parties a list of certified neutral  
546 evaluators. The department shall allow the parties to submit  
547 requests to disqualify evaluators on the list for cause.

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

550 1. A familial relationship within the third degree exists  
551 between the neutral evaluator and either party or a  
552 representative of either party.

553 2. The proposed neutral evaluator has, in a professional

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554 capacity, previously represented either party or a  
555 representative of either party in the same or a substantially  
556 related matter.

557 3. The proposed neutral evaluator has, in a professional  
558 capacity, represented another person in the same or a  
559 substantially related matter and that person's interests are  
560 materially adverse to the interests of the parties. The term  
561 "substantially related matter" means participation by the  
562 neutral evaluator on the same claim, property, or adjacent  
563 property.

564 4. The proposed neutral evaluator has, within the preceding  
565 5 years, worked as an employer or employee of any party to the  
566 case.

567 5. The proposed neutral evaluator has, within the preceding  
568 5 years, worked for any entity that performed any sinkhole loss  
569 testing, review, or analysis for the property.

570 Section 18. Section 633.107, Florida Statutes, is created  
571 to read:

572 633.107 Exemption from disqualification from licensure or  
573 certification.-

574 (1) The department may grant an exemption from  
575 disqualification to any person disqualified from licensure or  
576 certification by the Division of State Fire Marshal under this  
577 chapter because of a criminal record or dishonorable discharge  
578 from the United States Armed Forces if the applicant has paid in  
579 full any fee, fine, fund, lien, civil judgment, restitution,  
580 cost of prosecution, or trust contribution imposed by the court  
581 as part of the judgment and sentence for any disqualifying  
582 offense and:

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583 (a) At least 5 years have elapsed since the applicant  
584 completed or has been lawfully released from confinement,  
585 supervision, or nonmonetary condition imposed by the court for a  
586 disqualifying offense; or

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

589 (2) For the department to grant an exemption, the applicant  
590 must clearly and convincingly demonstrate that he or she would  
591 not pose a risk to persons or property if permitted to be  
592 licensed or certified under this chapter, evidence of which must  
593 include, but need not be limited to, facts and circumstances  
594 surrounding the disqualifying offense, the time that has elapsed  
595 since the offense, the nature of the offense and harm caused to  
596 the victim, the applicant's history before and after the  
597 offense, and any other evidence or circumstances indicating that  
598 the applicant will not present a danger if permitted to be  
599 licensed or certified.

600 (3) The department has discretion whether to grant or deny  
601 an exemption. The department shall provide its decision in  
602 writing which, if the exemption is denied, must state with  
603 particularity the reasons for denial. The department's decision  
604 is subject to proceedings under chapter 120, except that a  
605 formal proceeding under s. 120.57(1) is available only if there  
606 are disputed issues of material fact that the department relied  
607 upon in reaching its decision.

608 (4) An applicant may request an exemption, notwithstanding  
609 the time limitations of paragraphs (1) (a) and (b), if by  
610 executive clemency his or her civil rights are restored, or he  
611 or she receives a pardon, from the disqualifying offense. The

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612 fact that the applicant receives executive clemency does not  
613 alleviate his or her obligation to comply with subsection (2) or  
614 in itself require the department to award the exemption.

615 (5) The division may adopt rules to administer this  
616 section.

617 Section 19. Section 633.135, Florida Statutes, is created  
618 to read:

619 633.135 Firefighter Assistance Grant Program.—

620 (1) The Firefighter Assistance Grant Program is created  
621 within the division to improve the emergency response capability  
622 of volunteer fire departments and combination fire departments.  
623 The program shall provide financial assistance to improve  
624 firefighter safety and enable such fire departments to provide  
625 firefighting, emergency medical, and rescue services to their  
626 communities. For purposes of this section, the term "combination  
627 fire department" means a fire department composed of a  
628 combination of career and volunteer firefighters.

629 (2) The division shall administer the program and annually  
630 award grants to volunteer fire departments and combination fire  
631 departments using the annual Florida Fire Service Needs  
632 Assessment Survey. The purpose of the grants is to assist such  
633 fire departments in providing volunteer firefighter training and  
634 procuring necessary firefighter personal protective equipment,  
635 self-contained breathing apparatus equipment, and fire engine  
636 pumper apparatus equipment. However, the division shall  
637 prioritize the annual award of grants to such combination fire  
638 departments and volunteer fire departments demonstrating need as  
639 a result of participating in the annual Florida Fire Service  
640 Needs Assessment Survey.

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

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

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

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

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

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

655 (4) Funds shall be used to:

656 (a) Provide firefighter training to individuals to obtain a  
657 Volunteer Firefighter Certificate of Completion pursuant to s.  
658 633.408. Training must be provided at no cost to the fire  
659 department or student by a division-approved instructor and must  
660 be documented in the division's electronic database.

661 (b) Purchase firefighter personal protective equipment,  
662 including structural firefighting protective ensembles and  
663 individual ensemble elements such as garments, helmets, gloves,  
664 and footwear, that complies with NFPA No. 1851, "Standard on  
665 Selection, Care, and Maintenance of Protective Ensembles for  
666 Structural Fire Fighting and Proximity Fire Fighting," by the  
667 National Fire Protection Association.

668 (c) Purchase self-contained breathing apparatus equipment  
669 that complies with NFPA No. 1852, "Standard on Selection, Care,

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670 and Maintenance of Open-Circuit Self-Contained Breathing  
671 Apparatus."

672 (d) Purchase fire engine pumper apparatus equipment. Funds  
673 provided under this paragraph may be used to purchase the  
674 equipment or subsidize a federal grant from the Federal  
675 Emergency Management Agency to purchase the equipment.

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

678 633.208 Minimum firesafety standards.-

679 (8) The provisions of the Life Safety Code, as contained in  
680 the Florida Fire Prevention Code, do not apply to ~~newly~~  
681 ~~constructed~~ one-family and two-family dwellings. However, fire  
682 sprinkler protection may be permitted by local government in  
683 lieu of other fire protection-related development requirements  
684 for such structures. While local governments may adopt fire  
685 sprinkler requirements for one- and two-family dwellings under  
686 this subsection, it is the intent of the Legislature that the  
687 economic consequences of the fire sprinkler mandate on home  
688 owners be studied before the enactment of such a requirement.  
689 After the effective date of this act, any local government that  
690 desires to adopt a fire sprinkler requirement on one- or two-  
691 family dwellings must prepare an economic cost and benefit  
692 report that analyzes the application of fire sprinklers to one-  
693 or two-family dwellings or any proposed residential subdivision.  
694 The report must consider the tradeoffs and specific cost savings  
695 and benefits of fire sprinklers for future owners of property.  
696 The report must include an assessment of the cost savings from  
697 any reduced or eliminated impact fees if applicable, the  
698 reduction in special fire district tax, insurance fees, and



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699 other taxes or fees imposed, and the waiver of certain  
700 infrastructure requirements including the reduction of roadway  
701 widths, the reduction of water line sizes, increased fire  
702 hydrant spacing, increased dead-end roadway length, and a  
703 reduction in cul-de-sac sizes relative to the costs from fire  
704 sprinkling. A failure to prepare an economic report shall result  
705 in the invalidation of the fire sprinkler requirement to any  
706 one- or two-family dwelling or any proposed subdivision. In  
707 addition, a local jurisdiction or utility may not charge any  
708 additional fee, above what is charged to a non-fire sprinklered  
709 dwelling, on the basis that a one- or two-family dwelling unit  
710 is protected by a fire sprinkler system.

711 Section 21. Subsection (2) of section 633.216, Florida  
712 Statutes, is amended to read:

713 633.216 Inspection of buildings and equipment; orders;  
714 firesafety inspection training requirements; certification;  
715 disciplinary action.—The State Fire Marshal and her or his  
716 agents or persons authorized to enforce laws and rules of the  
717 State Fire Marshal shall, at any reasonable hour, when the State  
718 Fire Marshal has reasonable cause to believe that a violation of  
719 this chapter or s. 509.215, or a rule adopted thereunder, or a  
720 minimum firesafety code adopted by the State Fire Marshal or a  
721 local authority, may exist, inspect any and all buildings and  
722 structures which are subject to the requirements of this chapter  
723 or s. 509.215 and rules adopted thereunder. The authority to  
724 inspect shall extend to all equipment, vehicles, and chemicals  
725 which are located on or within the premises of any such building  
726 or structure.

727 (2) Except as provided in s. 633.312(2), every firesafety

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728 inspection conducted pursuant to state or local firesafety  
729 requirements shall be by a person certified as having met the  
730 inspection training requirements set by the State Fire Marshal.  
731 Such person shall meet the requirements of s. 633.412(1)-(4) ~~s.~~  
732 ~~633.412(1)(a)-(d)~~, and:

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

735 (b)1. Have satisfactorily completed, as determined by  
736 division rule, a firesafety inspector training program of at  
737 least 200 hours established by the department and administered  
738 by education or training providers approved by the department  
739 for the purpose of providing basic certification training for  
740 firesafety inspectors; or

741 2. Have received training in another state which is  
742 determined by the division to be at least equivalent to that  
743 required by the department for approved firesafety inspector  
744 education and training programs in this state.

745 Section 22. Paragraph (b) of subsection (4) and subsection  
746 (8) of section 633.408, Florida Statutes, are amended, and  
747 subsection (9) is added to that section, to read:

748 633.408 Firefighter and volunteer firefighter training and  
749 certification.—

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

752 (b) Passes the Minimum Standards Course examination within  
753 12 months after completing the required courses.

754 (8) (a) Pursuant to s. 590.02(1)(e), the division shall  
755 establish a structural fire training program of not less than  
756 206 hours. The division shall issue to a person satisfactorily

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757 complying with this training program and who has successfully  
758 passed an examination as prescribed by the division and who has  
759 met the requirements of s. 590.02(1)(e), a Forestry Certificate  
760 of Compliance.

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

764 (9) A Firefighter Certificate of Compliance or a Volunteer  
765 Firefighter Certificate of Completion issued under this section  
766 expires 4 years after the date of issuance unless renewed as  
767 provided in s. 633.414.

768 Section 23. Section 633.412, Florida Statutes, is amended  
769 to read:

770 633.412 Firefighters; qualifications for certification.—

771 ~~(1)~~ A person applying for certification as a firefighter  
772 must:

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

776 (2) ~~(b)~~ Not have been convicted of a misdemeanor relating to  
777 the certification or to perjury or false statements, or a felony  
778 or a crime punishable by imprisonment of 1 year or more under  
779 the law of the United States or of any state thereof or under  
780 the law of any other country, or dishonorably discharged from  
781 any of the Armed Forces of the United States. "Convicted" means  
782 a finding of guilt or the acceptance of a plea of guilty or nolo  
783 contendere, in any federal or state court or a court in any  
784 other country, without regard to whether a judgment of  
785 conviction has been entered by the court having jurisdiction of

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786 the case.

787 (3)~~(e)~~ Submit a set of fingerprints to the division with a  
788 current processing fee. The fingerprints will be forwarded to  
789 the Department of Law Enforcement for state processing and  
790 forwarded by the Department of Law Enforcement to the Federal  
791 Bureau of Investigation for national processing.

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

794 (5)~~(e)~~ Be in good physical condition as determined by a  
795 medical examination given by a physician, surgeon, or physician  
796 assistant licensed to practice in the state pursuant to chapter  
797 458; an osteopathic physician, surgeon, or physician assistant  
798 licensed to practice in the state pursuant to chapter 459; or an  
799 advanced registered nurse practitioner licensed to practice in  
800 the state pursuant to chapter 464. Such examination may include,  
801 but need not be limited to, the National Fire Protection  
802 Association Standard 1582. A medical examination evidencing good  
803 physical condition shall be submitted to the division, on a form  
804 as provided by rule, before an individual is eligible for  
805 admission into a course under s. 633.408.

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

809 ~~(2) If the division suspends or revokes an individual's~~  
810 ~~certificate, the division must suspend or revoke all other~~  
811 ~~certificates issued to the individual by the division pursuant~~  
812 ~~to this part.~~

813 Section 24. Section 633.414, Florida Statutes, is amended  
814 to read:

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815           633.414 Retention of firefighter, volunteer firefighter,  
816 and fire investigator certifications ~~certification.~~-

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

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

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

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

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

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

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

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

840           (3) Subsection (1) does not apply to state-certified  
841 firefighters who are certified and employed full-time, as  
842 determined by the fire service provider, as firesafety  
843 inspectors or fire investigators, regardless of their ~~her or his~~

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844 employment status as firefighters or volunteer firefighters a  
845 firefighter.

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

850 (5) The 4-year period begins upon issuance of the  
851 certificate or separation from employment:-

852 ~~(a) If the individual is certified on or after July 1,~~  
853 ~~2013, on the date the certificate is issued or upon termination~~  
854 ~~of employment or service with a fire department.~~

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

858 (6) A certificate for a firefighter or volunteer  
859 firefighter expires if he or she fails to meet the requirements  
860 of this section.

861 (7) The State Fire Marshal may deny, refuse to renew,  
862 suspend, or revoke the certificate of a firefighter or volunteer  
863 firefighter if the State Fire Marshal finds that any of the  
864 following grounds exists:

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

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

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

872 Section 25. Subsections (1) and (2) of section 633.426,

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873 Florida Statutes, are amended to read:

874       633.426 Disciplinary action; standards for revocation of  
875 certification.—

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

877       (a) "Certificate" means any of the certificates issued  
878 under s. 633.406.

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

883       (c) "Convicted" means a finding of guilt, or the acceptance  
884 of a plea of guilty or nolo contendere, in any federal or state  
885 court or a court in any other country, without regard to whether  
886 a judgment of conviction has been entered by the court having  
887 jurisdiction of the case.

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

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

894       (b) Conviction ~~Convicted~~ of a felony or a crime punishable  
895 by imprisonment of 1 year or more under the law of the United  
896 States or of any state thereof, or under the law of any other  
897 country.

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

900       Section 26. Section 717.138, Florida Statutes, is amended  
901 to read:

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902           717.138 Rulemaking authority.—The department shall  
903 administer and provide for the enforcement of this chapter. The  
904 department has authority to adopt rules pursuant to ss.  
905 120.536(1) and 120.54 to implement the provisions of this  
906 chapter. The department may adopt rules to allow for electronic  
907 filing of fees, forms, and reports required by this chapter. The  
908 authority to adopt rules pursuant to this chapter applies to all  
909 unclaimed property reported and remitted to the Chief Financial  
910 Officer, including, but not limited to, property reported and  
911 remitted pursuant to ss. 43.19, 45.032, 732.107, 733.816, and  
912 744.534.

913           Section 27. For the 2016-2017 fiscal year, the sum of  
914 \$500,000 in recurring funds from the Insurance Regulatory Trust  
915 Fund is appropriated to the Department of Financial Services,  
916 and one full-time equivalent position with associated salary  
917 rate of 50,000 is authorized, for the purpose of implementing  
918 this act.

919           Section 28. This act shall take effect July 1, 2016.