

1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 48.151, F.S.; authorizing the
4 department to create an Internet-based transmission
5 system to accept service of process; amending s.
6 110.1315, F.S.; removing a requirement that the
7 Executive Office of the Governor review and approve a
8 certain alternative retirement income security program
9 provided by the department; amending s. 112.215, F.S.;
10 authorizing the Chief Financial Officer, with the
11 approval of the State Board of Administration, to
12 include specified employees other than state employees
13 in a deferred compensation plan; conforming a
14 provision to a change made by the act; amending s.
15 137.09, F.S.; removing a requirement that the
16 department approve certain bonds of county officers;
17 amending s. 215.97, F.S.; revising and providing
18 definitions; increasing the amount of a certain audit
19 threshold; revising applicability to remove for-profit
20 organizations; exempting specified higher education
21 entities from certain audit requirements; revising the
22 requirements for state-funded contracts or agreements
23 between a state awarding agency and a higher education
24 entity; providing an exception; providing
25 applicability; conforming provisions to changes made
26 by the act; amending s. 322.142, F.S.; authorizing the

27 Department of Highway Safety and Motor Vehicles to
28 provide certain driver license images to the
29 department for the purpose of investigating
30 allegations of violations of the insurance code;
31 amending s. 374.983, F.S.; naming the Board of
32 Commissioners of the Florida Inland Navigation
33 District, rather than the Chief Financial Officer, as
34 the entity that receives and approves certain surety
35 bonds of commissioners; amending s. 509.211, F.S.;

36 revising certain standards for carbon monoxide
37 detector devices in specified spaces or rooms of
38 public lodging establishments; providing that the
39 local fire official, or his or her designee, rather
40 than the State Fire Marshal, may exempt a device from
41 such standards; providing an alternative installation
42 method for such devices; amending s. 624.307, F.S.;

43 conforming provisions to changes made by the act;
44 specifying requirements for the Chief Financial
45 Officer in providing notice of electronic transmission
46 of process documents; amending s. 624.423, F.S.;

47 authorizing service of process by specified means;
48 reenacting and amending s. 624.502, F.S.; providing
49 that a party requesting service of process shall pay a
50 specified fee to the department or Office of Insurance
51 Regulation for such service; amending s. 626.854,
52 F.S.; revising applicability of the definition of the

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

54 requiring a service of process fee for certain service

55 of process made by the Chief Financial Officer;

56 revising methods by which copies of the service of

57 process may be provided to a defendant; specifying the

58 determination of a defendant's last known principal

59 place of business; amending s. 626.916, F.S.; revising

60 applicability of certain provisions relating to

61 insurance coverage eligibility for export under the

62 Surplus Lines Law; amending s. 626.921, F.S.; revising

63 membership requirements of the Florida Surplus Lines

64 Service Office board of governors; amending s.

65 626.9892, F.S.; revising criteria for the Anti-Fraud

66 Reward Program; amending s. 627.7074, F.S.; providing

67 an additional ground for disqualifying a neutral

68 evaluator for disputed sinkhole insurance claims;

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

70 service provider"; creating s. 633.107, F.S.;

71 authorizing the department to grant exemptions from

72 disqualification for licensure or certification by the

73 Division of State Fire Marshal under certain

74 circumstances; specifying the information an applicant

75 must provide; providing the manner in which the

76 department must render its decision to grant or deny

77 an exemption; providing procedures for an applicant to

78 contest the decision; providing an exception from

79 certain requirements; authorizing the division to
80 adopt rules; creating s. 633.135, F.S.; establishing
81 the Firefighter Assistance Program for certain
82 purposes; requiring the division to administer the
83 program and annually award grants to qualifying fire
84 departments; defining the term "combination fire
85 department"; providing eligibility requirements;
86 requiring the State Fire Marshal to adopt rules and
87 procedures; providing program requirements; amending
88 s. 633.208, F.S.; revising applicability of the Life
89 Safety Code to exclude one-family and two-family
90 dwellings, rather than only such dwellings that are
91 newly constructed; amending s. 633.408, F.S.; revising
92 firefighter and volunteer firefighter certification
93 requirements; specifying the duration of certain
94 firefighter certifications; amending s. 633.412, F.S.;
95 deleting a requirement that the division suspend or
96 revoke all issued certificates if an individual's
97 certificate is suspended or revoked; amending s.
98 633.414, F.S.; conforming provisions to changes made
99 by the act; revising alternative requirements for
100 renewing specified certifications; providing grounds
101 for denial of, or disciplinary action against,
102 certifications for a firefighter or volunteer
103 firefighter; amending s. 633.426, F.S.; revising a
104 definition; providing a date after which an individual

105 is subject to revocation of certification under
 106 specified circumstances; amending s. 717.138, F.S.;
 107 providing applicability of the department's rulemaking
 108 authority relating to the disposition of unclaimed
 109 property; providing an appropriation and authorizing a
 110 position; 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
 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~~
138 ~~the Governor,~~ The Department of Financial Services shall provide
139 an 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
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
 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. Paragraphs (h) through (y) of subsection (2) of
 187 section 215.97, Florida Statutes, are redesignated as paragraphs
 188 (i) through (z), respectively, a new paragraph (h) is added to
 189 that subsection, present paragraphs (a), (m), and (v) of that
 190 subsection and paragraph (o) of subsection (8) are amended,
 191 subsections (9), (10), and (11) are renumbered as subsections
 192 (10), (11), and (12), respectively, and a new subsection (9) is
 193 added to that section, to read:

194 215.97 Florida Single Audit Act.—

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

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

209 consistent with the purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

260 (c) Regardless of the amount of the state financial

261 assistance, this subsection does not exempt a higher education
 262 entity from compliance with provisions of law that relate to
 263 maintaining records concerning state financial assistance to the
 264 higher education entity or that allow access and examination of
 265 those records by the state awarding agency, the higher education
 266 entity, the Department of Financial Services, or the Auditor
 267 General.

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

273 Section 6. Paragraph (j) of subsection (4) of section
 274 322.142, Florida Statutes, is amended to read:

275 322.142 Color photographic or digital imaged licenses.—

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

282 (j) To the Department of Financial Services pursuant to an
 283 interagency agreement to facilitate the location of owners of
 284 unclaimed property, the validation of unclaimed property claims,
 285 ~~and~~ the identification of fraudulent or false claims, and the
 286 investigation of allegations of violations of the insurance code

287 by licensees and unlicensed persons;

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

290 374.983 Governing body.—

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

313 successors in office, conditioned upon the faithful performance
314 of the duties of his or her office, such bond to be approved by
315 and filed with the board of commissioners of the district ~~Chief~~
316 ~~Financial Officer~~. Any and all premiums upon such surety bonds
317 shall be paid by the board of commissioners of such district as
318 a necessary expense of the district.

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

321 509.211 Safety regulations.—

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

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

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

357 624.307 General powers; duties.—

358 (9) Upon receiving service of legal process issued in any
359 civil action or proceeding in this state against any regulated
360 person or any unauthorized insurer under s. 626.906 or s.
361 626.937 which is required to appoint the Chief Financial Officer
362 as its attorney to receive service of all legal process, the
363 Chief Financial Officer, as attorney, may, in lieu of sending
364 the process by registered or certified mail, send the process or

365 make it available by any other verifiable means, including, but
366 not limited to, making the documents available by electronic
367 transmission from a secure website established by the department
368 to the person last designated by the regulated person or the
369 unauthorized insurer to receive the process. When process
370 documents are made available electronically, the Chief Financial
371 Officer shall send a notice of receipt of service of process to
372 the person last designated by the regulated person or
373 unauthorized insurer to receive legal process. The notice must
374 state the date and manner in which the copy of the process was
375 made available to the regulated person or unauthorized insurer
376 being served and contain the uniform resource locator (URL) for
377 a hyperlink to access files and information on the department's
378 website to obtain a copy of the process.

379 Section 10. Section 624.423, Florida Statutes, is amended
380 to read:

381 624.423 Serving process.—

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

391 provided under s. 624.307(9), to the person last designated by
392 the insurer to receive the same, as provided under s.
393 624.422(2). For purposes of this section, records may be
394 retained as paper or electronic copies.

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

401 (3) Process served upon the Chief Financial Officer and
402 sent or made available in accordance with this section and s.
403 624.307(9) ~~copy thereof forwarded as in this section provided~~
404 shall for all purposes constitute valid and binding service
405 thereof upon the insurer.

406 Section 11. Notwithstanding the expiration date in section
407 41 of chapter 2015-222, Laws of Florida, section 624.502,
408 Florida Statutes, as amended by chapter 2013-41, Laws of
409 Florida, is reenacted and amended to read:

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

417 Administrative Trust Fund.

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

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

424 (2) This definition does not apply to:

425 (a) A licensed health care provider or employee thereof
 426 who prepares or files a health insurance claim form on behalf of
 427 a patient.

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

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

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

437 626.907 Service of process; judgment by default.—

438 (1) Service of process upon an insurer or person
 439 representing or aiding such insurer pursuant to s. 626.906 shall
 440 be made by delivering to and leaving with the Chief Financial
 441 Officer, his or her assistant or deputy, or another person in
 442 charge of the ~~or some person in apparent charge of his or her~~

443 office two copies thereof and the service of process fee as
444 required in s. 624.502. The Chief Financial Officer shall
445 forthwith mail by registered mail, commercial carrier, or any
446 verifiable means one of the copies of such process to the
447 defendant at the defendant's last known principal place of
448 business as provided by the party submitting the documents and
449 shall keep a record of all process so served upon him or her.
450 The service of process is sufficient, provided notice of such
451 service and a copy of the process are sent within 10 days
452 thereafter by registered mail by plaintiff or plaintiff's
453 attorney to the defendant at the defendant's last known
454 principal place of business, and the defendant's receipt, or
455 receipt issued by the post office with which the letter is
456 registered, showing the name of the sender of the letter and the
457 name and address of the person to whom the letter is addressed,
458 and the affidavit of the plaintiff or plaintiff's attorney
459 showing a compliance herewith are filed with the clerk of the
460 court in which the action is pending on or before the date the
461 defendant is required to appear, or within such further time as
462 the court may allow.

463 Section 14. Paragraph (b) of subsection (3) of section
464 626.916, Florida Statutes, is amended to read:

465 626.916 Eligibility for export.—

466 (3)

467 (b) Paragraphs (1)(a)-(d) do not apply to commercial
468 residential property insurance or to classes of insurance which

469 are subject to s. 627.062(3)(d)1. These classes may be
 470 exportable under the following conditions:

- 471 1. The insurance must be placed only by or through a
 472 surplus lines agent licensed in this state;
- 473 2. The insurer must be made eligible under s. 626.918; and
- 474 3. The insured must sign a disclosure that substantially
 475 provides the following: "You are agreeing to place coverage in
 476 the surplus lines market. Superior coverage may be available in
 477 the admitted market and at a lesser cost. Persons insured by
 478 surplus lines carriers are not protected under the Florida
 479 Insurance Guaranty Act with respect to any right of recovery for
 480 the obligation of an insolvent unlicensed insurer." If the
 481 notice is signed by the insured, the insured is presumed to have
 482 been informed and to know that other coverage may be available,
 483 and, with respect to the diligent-effort requirement under
 484 subsection (1), there is no liability on the part of, and no
 485 cause of action arises against, the retail agent presenting the
 486 form.

487 Section 15. Paragraph (a) of subsection (4) of section
 488 626.921, Florida Statutes, is amended to read:

489 626.921 Florida Surplus Lines Service Office.—

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

- 492 (a) Five individuals nominated by the Florida Surplus
 493 Lines Association and appointed by the department from the
 494 regular membership of the Florida Surplus Lines Association.

495
 496 Each board member shall be appointed to serve beginning on the
 497 date designated by the plan of operation and shall serve at the
 498 pleasure of the department for a 3-year term, such term
 499 initially to be staggered by the plan of operation so that three
 500 appointments expire in 1 year, three appointments expire in 2
 501 years, and three appointments expire in 3 years. Members may be
 502 reappointed for subsequent terms. The board of governors shall
 503 elect such officers as may be provided in the plan of operation.

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

506 626.9892 Anti-Fraud Reward Program; reporting of insurance
 507 fraud.—

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

515 Section 17. Paragraph (a) of subsection (7) of section
 516 627.7074, Florida Statutes, is amended to read:

517 627.7074 Alternative procedure for resolution of disputed
 518 sinkhole insurance claims.—

519 (7) Upon receipt of a request for neutral evaluation, the
 520 department shall provide the parties a list of certified neutral

521 evaluators. The department shall allow the parties to submit
522 requests to disqualify evaluators on the list for cause.

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

525 1. A familial relationship within the third degree exists
526 between the neutral evaluator and either party or a
527 representative of either party.

528 2. The proposed neutral evaluator has, in a professional
529 capacity, previously represented either party or a
530 representative of either party in the same or a substantially
531 related matter.

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

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

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

545 Section 18. Subsection (13) of section 633.102, Florida
546 Statutes, is amended to read:

547 633.102 Definitions.—As used in this chapter, the term:

548 (13) "Fire service provider" means a municipality or
 549 county, the state, the division, or any political subdivision of
 550 the state, including authorities and special districts, that
 551 employs ~~employing~~ firefighters or uses ~~utilizing~~ volunteer
 552 firefighters to provide fire extinguishment or fire prevention
 553 services for the protection of life and property. The term
 554 includes any organization under contract or other agreement with
 555 such entity to provide such services.

556 Section 19. Section 633.107, Florida Statutes, is created
 557 to read:

558 633.107 Exemption from disqualification from licensure or
 559 certification.—

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

569 (a) At least 5 years have elapsed since the applicant
 570 completed or has been lawfully released from confinement,
 571 supervision, or nonmonetary condition imposed by the court for a
 572 disqualifying offense; or

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

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

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

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

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

601 (5) The division may adopt rules to administer this
602 section.

603 Section 20. Section 633.135, Florida Statutes, is created
604 to read:

605 633.135 Firefighter Assistance Grant Program.—

606 (1) The Firefighter Assistance Grant Program is created
607 within the division to improve the emergency response capability
608 of volunteer fire departments and combination fire departments.
609 The program shall provide financial assistance to improve
610 firefighter safety and enable such fire departments to provide
611 firefighting, emergency medical, and rescue services to their
612 communities. For purposes of this section, the term "combination
613 fire department" means a fire department composed of a
614 combination of career and volunteer firefighters.

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

625 a result of participating in the annual Florida Fire Service
626 Needs Assessment Survey.

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

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

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

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

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

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

641 (4) Funds shall be used to:

642 (a) Provide firefighter training to individuals to obtain
643 a Volunteer Firefighter Certificate of Completion pursuant to s.
644 633.408. Training must be provided at no cost to the fire
645 department or student by a division-approved instructor and must
646 be documented in the division's electronic database.

647 (b) Purchase firefighter personal protective equipment,
648 including structural firefighting protective ensembles and
649 individual ensemble elements such as garments, helmets, gloves,
650 and footwear, that complies with NFPA No. 1851, "Standard on

651 Selection, Care, and Maintenance of Protective Ensembles for
652 Structural Fire Fighting and Proximity Fire Fighting," by the
653 National Fire Protection Association.

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

658 (d) Purchase fire engine pumper apparatus equipment. Funds
659 provided under this paragraph may be used to purchase the
660 equipment or subsidize a federal grant from the Federal
661 Emergency Management Agency to purchase the equipment.

662 Section 21. Subsection (8) of section 633.208, Florida
663 Statutes, is amended to read:

664 633.208 Minimum firesafety standards.—

665 (8) The provisions of the Life Safety Code, as contained
666 in the Florida Fire Prevention Code, do not apply to ~~newly~~
667 ~~constructed~~ one-family and two-family dwellings. However, fire
668 sprinkler protection may be permitted by local government in
669 lieu of other fire protection-related development requirements
670 for such structures. While local governments may adopt fire
671 sprinkler requirements for one- and two-family dwellings under
672 this subsection, it is the intent of the Legislature that the
673 economic consequences of the fire sprinkler mandate on home
674 owners be studied before the enactment of such a requirement.
675 After the effective date of this act, any local government that
676 desires to adopt a fire sprinkler requirement on one- or two-

677 family dwellings must prepare an economic cost and benefit
678 report that analyzes the application of fire sprinklers to one-
679 or two-family dwellings or any proposed residential subdivision.
680 The report must consider the tradeoffs and specific cost savings
681 and benefits of fire sprinklers for future owners of property.
682 The report must include an assessment of the cost savings from
683 any reduced or eliminated impact fees if applicable, the
684 reduction in special fire district tax, insurance fees, and
685 other taxes or fees imposed, and the waiver of certain
686 infrastructure requirements including the reduction of roadway
687 widths, the reduction of water line sizes, increased fire
688 hydrant spacing, increased dead-end roadway length, and a
689 reduction in cul-de-sac sizes relative to the costs from fire
690 sprinkling. A failure to prepare an economic report shall result
691 in the invalidation of the fire sprinkler requirement to any
692 one- or two-family dwelling or any proposed subdivision. In
693 addition, a local jurisdiction or utility may not charge any
694 additional fee, above what is charged to a non-fire sprinklered
695 dwelling, on the basis that a one- or two-family dwelling unit
696 is protected by a fire sprinkler system.

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

700 633.408 Firefighter and volunteer firefighter training and
701 certification.—

702 (4) The division shall issue a firefighter certificate of

703 compliance to an individual who does all of the following:

704 (b) Passes the Minimum Standards Course examination within
705 12 months after completing the required courses.

706 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
707 establish a structural fire training program of not less than
708 206 hours. The division shall issue to a person satisfactorily
709 complying with this training program and who has successfully
710 passed an examination as prescribed by the division and who has
711 met the requirements of s. 590.02(1)(e), a Forestry Certificate
712 of Compliance.

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

716 (9) A Firefighter Certificate of Compliance or a Volunteer
717 Firefighter Certificate of Completion issued under this section
718 expires 4 years after the date of issuance unless renewed as
719 provided in s. 633.414.

720 Section 23. Subsection (2) of section 633.412, Florida
721 Statutes, is amended to read:

722 633.412 Firefighters; qualifications for certification.—

723 ~~(2) If the division suspends or revokes an individual's~~
724 ~~certificate, the division must suspend or revoke all other~~
725 ~~certificates issued to the individual by the division pursuant~~
726 ~~to this part.~~

727 Section 24. Section 633.414, Florida Statutes, is amended
728 to read:

729 633.414 Retention of firefighter, volunteer firefighter,
730 and fire investigator certifications ~~certification~~.—

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

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

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

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

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

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

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

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

754 (3) Subsection (1) does not apply to state-certified

755 firefighters who are certified and employed full-time, as
756 determined by the fire service provider, as firesafety
757 inspectors or fire investigators, regardless of their ~~her or his~~
758 employment status as firefighters or volunteer firefighters ~~a~~
759 ~~firefighter~~.

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

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

766 ~~(a) If the individual is certified on or after July 1,~~
767 ~~2013, on the date the certificate is issued or upon termination~~
768 ~~of employment or service with a fire department.~~

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

772 (6) A certificate for a firefighter or volunteer
773 firefighter expires if he or she fails to meet the requirements
774 of this section.

775 (7) The State Fire Marshal may deny, refuse to renew,
776 suspend, or revoke the certificate of a firefighter or volunteer
777 firefighter if the State Fire Marshal finds that any of the
778 following grounds exists:

779 (a) Any cause for which issuance of a certificate could
780 have been denied if it had then existed and had been known to

781 the division.

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

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

786 Section 25. Subsections (1) and (2) of section 633.426,
 787 Florida Statutes, are amended to read:

788 633.426 Disciplinary action; standards for revocation of
 789 certification.—

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

791 (a) "Certificate" means any of the certificates issued
 792 under s. 633.406.

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

797 (c) "Convicted" means a finding of guilt, or the
 798 acceptance of a plea of guilty or nolo contendere, in any
 799 federal or state court or a court in any other country, without
 800 regard to whether a judgment of conviction has been entered by
 801 the court having jurisdiction of the case.

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

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

807 certification or to perjury or false statements.

808 (b) Conviction ~~Convicted~~ of a felony or a crime punishable
809 by imprisonment of 1 year or more under the law of the United
810 States or of any state thereof, or under the law of any other
811 country.

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

814 Section 26. Section 717.138, Florida Statutes, is amended
815 to read:

816 717.138 Rulemaking authority.—The department shall
817 administer and provide for the enforcement of this chapter. The
818 department has authority to adopt rules pursuant to ss.
819 120.536(1) and 120.54 to implement the provisions of this
820 chapter. The department may adopt rules to allow for electronic
821 filing of fees, forms, and reports required by this chapter. The
822 authority to adopt rules pursuant to this chapter applies to all
823 unclaimed property reported and remitted to the Chief Financial
824 Officer, including, but not limited to, property reported and
825 remitted pursuant to ss. 43.19, 45.032, 732.107, 733.816, and
826 744.534.

827 Section 27. For the 2016-2017 fiscal year, the sum of
828 \$229,165 in recurring funds from the Insurance Regulatory Trust
829 Fund is appropriated to the Department of Financial Services,
830 and one full-time equivalent position with associated salary
831 rate of 50,000 is authorized, for the purpose of implementing
832 this act.

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2016

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