

1                   A bill to be entitled  
2           An act relating to organization of the Department of  
3           Financial Services; amending ss. 17.04 and 17.0401,  
4           F.S.; authorizing the Chief Financial Officer, rather  
5           than the Division of Accounting and Auditing, to audit  
6           and adjust accounts of officers and those indebted to  
7           the state; making conforming changes; reordering and  
8           amending s. 20.121, F.S.; revising the divisions and  
9           the location of bureaus within the divisions; revising  
10          the functions of the department; providing duties for  
11          the Division of Investigative and Forensic Services;  
12          authorizing the Chief Financial Officer to establish  
13          divisions, bureaus, and offices of the department;  
14          amending s. 624.26, F.S.; conforming a provision to  
15          changes made by the act; amending s. 624.307, F.S.;  
16          providing powers and duties of the Division of  
17          Consumer Services; authorizing the division to impose  
18          certain penalties; authorizing the department to adopt  
19          rules relating to the division; providing for  
20          construction; amending ss. 16.59, 400.9935, 409.91212,  
21          440.105, 440.1051, 440.12, 624.521, 626.016, 626.989,  
22          626.9891, 626.9892, 626.9893, 626.9894, 626.99278,  
23          627.351, 627.711, 627.736, 627.7401, 631.156, and  
24          641.30, F.S., relating to the renaming of the Division  
25          of Insurance Fraud; conforming provisions to changes  
26          made by the act; making technical changes; amending

27 ss. 282.709, 552.113, 552.21, 633.112, 633.114,  
 28 633.122, 633.126, 633.422, 633.508, 633.512, 633.518,  
 29 and 791.013, F.S., relating to the transfer of certain  
 30 functions to the Division of Investigative and  
 31 Forensic Services; conforming provisions to changes  
 32 made by the act; amending ss. 538.32, 717.1241,  
 33 717.1323, 717.135, 717.1351, and 717.1400, F.S.,  
 34 relating to the renaming of the Bureau of Unclaimed  
 35 Property; conforming provisions to changes made by the  
 36 act; making technical changes; amending s. 717.138,  
 37 F.S.; specifying rulemaking authority of the  
 38 department; amending s. 932.7055, F.S.; conforming  
 39 provisions to changes made by the act; providing an  
 40 effective date.

41

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

43

44 Section 1. Section 17.04, Florida Statutes, is amended to  
 45 read:

46 17.04 To audit and adjust accounts of officers and those  
 47 indebted to the state.—The Chief Financial Officer, using  
 48 generally accepted auditing procedures for testing or sampling,  
 49 shall examine, audit, adjust, and settle the accounts of all the  
 50 officers of this state, and any other person in anywise  
 51 entrusted with, or who may have received any property, funds, or  
 52 moneys of this state, or who may be in anywise indebted or

53 | accountable to this state for any property, funds, or moneys,  
54 | and require such officer or persons to render full accounts  
55 | thereof, and to yield up such property or funds according to  
56 | law, or pay such moneys into the treasury of this state, or to  
57 | such officer or agent of the state as may be appointed to  
58 | receive the same, and on failure so to do, to cause to be  
59 | instituted and prosecuted proceedings, criminal or civil, at law  
60 | or in equity, against such persons, according to law. The Chief  
61 | Financial Officer ~~Division of Accounting and Auditing~~ may  
62 | conduct investigations within or outside of this state as it  
63 | deems necessary to aid in the enforcement of this section. If  
64 | during an investigation the Chief Financial Officer ~~division~~ has  
65 | reason to believe that any criminal statute of this state has or  
66 | may have been violated, the Chief Financial Officer ~~division~~  
67 | shall refer any records tending to show such violation to state  
68 | or federal law enforcement or prosecutorial agencies and shall  
69 | provide investigative assistance to those agencies as required.

70 |       Section 2. Section 17.0401, Florida Statutes, is amended  
71 | to read:

72 |       17.0401 Confidentiality of information relating to  
73 | financial investigations.—Except as otherwise provided by this  
74 | section, information relative to an investigation conducted by  
75 | the Chief Financial Officer ~~Division of Accounting and Auditing~~  
76 | pursuant to s. 17.04, including any consumer complaint, is  
77 | confidential and exempt from the provisions of s. 119.07(1) and  
78 | s. 24(a), Art. I of the State Constitution until the

79 investigation is completed or ceases to be active. Any  
80 information relating to an investigation conducted ~~by the~~  
81 ~~division~~ pursuant to s. 17.04 shall remain confidential and  
82 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
83 of the State Constitution after the ~~division's~~ investigation is  
84 completed or ceases to be active if the Chief Financial Officer  
85 ~~division~~ submits the information to any law enforcement or  
86 prosecutorial agency for further investigation. Such information  
87 shall remain confidential and exempt from the provisions of s.  
88 119.07(1) and s. 24(a), Art. I of the State Constitution until  
89 that agency's investigation is completed or ceases to be active.  
90 For purposes of this section, an investigation shall be  
91 considered "active" so long as the Chief Financial Officer  
92 ~~division~~ or any law enforcement or prosecutorial agency is  
93 proceeding with reasonable dispatch and has a reasonable good  
94 faith belief that the investigation may lead to the filing of an  
95 administrative, civil, or criminal proceeding. This section  
96 shall not be construed to prohibit disclosure of information  
97 that is required by law to be filed with the Department of  
98 Financial Services or the Office of Financial Regulation and  
99 that, but for the investigation, would otherwise be subject to  
100 public disclosure. Nothing in this section shall be construed to  
101 prohibit the Chief Financial Officer ~~division~~ from providing  
102 information to any law enforcement or prosecutorial agency. Any  
103 law enforcement or prosecutorial agency receiving confidential  
104 information from the Chief Financial Officer ~~division~~ in

105 connection with its official duties shall maintain the  
 106 confidentiality of the information as provided for in this  
 107 section.

108 Section 3. Subsection (2) of section 20.121, Florida  
 109 Statutes, is reordered and amended, and subsection (6) of that  
 110 section is amended, to read:

111 20.121 Department of Financial Services.—There is created  
 112 a Department of Financial Services.

113 (2) DIVISIONS.—The Department of Financial Services shall  
 114 consist of the following divisions and office:

115 (a) The Division of Accounting and Auditing, ~~which shall~~  
 116 ~~include the following bureau and office:~~

117 1. ~~The Bureau of Unclaimed Property.~~

118 2. ~~The Office of Fiscal Integrity which shall function as~~  
 119 ~~a criminal justice agency for purposes of ss. 943.045-943.08 and~~  
 120 ~~shall have a separate budget. The office may conduct~~  
 121 ~~investigations within or outside this state as the bureau deems~~  
 122 ~~necessary to aid in the enforcement of this section. If during~~  
 123 ~~an investigation the office has reason to believe that any~~  
 124 ~~criminal law of this state has or may have been violated, the~~  
 125 ~~office shall refer any records tending to show such violation to~~  
 126 ~~state or federal law enforcement or prosecutorial agencies and~~  
 127 ~~shall provide investigative assistance to those agencies as~~  
 128 ~~required.~~

129 (i) ~~(b)~~ The Division of State Fire Marshal.

130 (h) ~~(e)~~ The Division of Risk Management.

131        (j)~~(d)~~ The Division of Treasury, which shall include a  
 132 Bureau of Deferred Compensation responsible for administering  
 133 the Government Employees Deferred Compensation Plan established  
 134 under s. 112.215 for state employees.

135        (k) The Division of Unclaimed Property.

136        (e) The Division of Investigative and Forensic Services,  
 137 which shall include the Bureau of Forensic Services and the  
 138 Bureau of Fire and Arson Investigations, and which shall  
 139 function as a criminal justice agency for purposes of ss.  
 140 943.045-943.08. The division may conduct investigations within  
 141 or outside of this state as it deems necessary. If, during an  
 142 investigation, the division has reason to believe that any  
 143 criminal law of this state has or may have been violated, it  
 144 shall refer any records tending to show such violation to state  
 145 or federal law enforcement or prosecutorial agencies and shall  
 146 provide investigative assistance to those agencies as required  
 147 Insurance Fraud.

148        (g)~~(f)~~ The Division of Rehabilitation and Liquidation.

149        (d)~~(g)~~ The Division of Insurance Agent and Agency  
 150 Services.

151        (b)~~(h)~~ The Division of Consumer Services.

152        ~~1. The Division of Consumer Services shall perform the~~  
 153 ~~following functions concerning products or services regulated by~~  
 154 ~~the department or by the Office of Insurance Regulation:~~

155        ~~a. Receive inquiries and complaints from consumers.~~

156        ~~b. Prepare and disseminate such information as the~~

157 ~~department deems appropriate to inform or assist consumers.~~

158 ~~e. Provide direct assistance and advocacy for consumers~~  
159 ~~who request such assistance or advocacy.~~

160 ~~d. With respect to apparent or potential violations of law~~  
161 ~~or applicable rules by a person or entity licensed by the~~  
162 ~~department or office, report apparent or potential violations to~~  
163 ~~the office or the appropriate division of the department, which~~  
164 ~~may take such further action as it deems appropriate.~~

165 ~~e. Designate an employee of the division as primary~~  
166 ~~contact for consumers on issues relating to sinkholes.~~

167 ~~2. Any person licensed or issued a certificate of~~  
168 ~~authority by the department or by the Office of Insurance~~  
169 ~~Regulation shall respond, in writing, to the Division of~~  
170 ~~Consumer Services within 20 days after receipt of a written~~  
171 ~~request for information from the division concerning a consumer~~  
172 ~~complaint. The response must address the issues and allegations~~  
173 ~~raised in the complaint. The division may impose an~~  
174 ~~administrative penalty for failure to comply with this~~  
175 ~~subparagraph of up to \$2,500 per violation upon any entity~~  
176 ~~licensed by the department or the office and \$250 for the first~~  
177 ~~violation, \$500 for the second violation, and up to \$1,000 per~~  
178 ~~violation thereafter upon any individual licensed by the~~  
179 ~~department or the office.~~

180 ~~3. The department may adopt rules to administer this~~  
181 ~~paragraph.~~

182 ~~4. The powers, duties, and responsibilities expressed or~~

183 ~~granted in this paragraph do not limit the powers, duties, and~~  
 184 ~~responsibilities of the Department of Financial Services, the~~  
 185 ~~Financial Services Commission, the Office of Insurance~~  
 186 ~~Regulation, or the Office of Financial Regulation set forth~~  
 187 ~~elsewhere in the Florida Statutes.~~

188 (l)~~(i)~~ The Division of Workers' Compensation.

189 ~~(j) The Division of Administration.~~

190 ~~(k) The Division of Legal Services.~~

191 ~~(l) The Division of Information Systems.~~

192 (m) The Office of Insurance Consumer Advocate.

193 (c)~~(n)~~ The Division of Funeral, Cemetery, and Consumer  
 194 Services.

195 (f)~~(o)~~ The Division of Public Assistance Fraud.

196  
 197 The Chief Financial Officer may establish any other division,  
 198 bureau, or office of the department that he or she deems  
 199 necessary to promote the efficient and effective operation of  
 200 the department pursuant to s. 20.04.

201 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~  
 202 ~~Strategic Markets Research and Assessment Unit is established~~  
 203 ~~within the Department of Financial Services. The Chief Financial~~  
 204 ~~Officer or his or her designee shall report on September 1,~~  
 205 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~  
 206 ~~the Senate, and the Speaker of the House of Representatives on~~  
 207 ~~the status of the state's financial services markets. At a~~  
 208 ~~minimum, the report must include a summary of issues, trends,~~



209 ~~and threats that broadly impact the condition of the financial~~  
 210 ~~services industries, along with the effect of such conditions on~~  
 211 ~~financial institutions, the securities industries, other~~  
 212 ~~financial entities, and the credit market. The Chief Financial~~  
 213 ~~Officer shall also provide findings and recommendations~~  
 214 ~~regarding regulatory and policy changes to the Cabinet, the~~  
 215 ~~President of the Senate, and the Speaker of the House of~~  
 216 ~~Representatives.~~

217 Section 4. Subsection (4) of section 624.26, Florida  
 218 Statutes, is amended to read:

219 624.26 Collaborative arrangement with the Department of  
 220 Health and Human Services.—

221 (4) The department's Division of Consumer Services may  
 222 respond to complaints by consumers relating to a requirement of  
 223 PPACA ~~as authorized under s. 20.121(2)(h)~~, and report apparent  
 224 or potential violations to the office and to the federal  
 225 Department of Health and Human Services.

226 Section 5. Subsection (10) is added to section 624.307,  
 227 Florida Statutes, to read:

228 624.307 General powers; duties.—

229 (10) (a) The Division of Consumer Services shall perform  
 230 the following functions concerning products or services  
 231 regulated by the department or office:

- 232 1. Receive inquiries and complaints from consumers.
- 233 2. Prepare and disseminate information that the department  
 234 deems appropriate to inform or assist consumers.

235 3. Provide direct assistance to and advocacy for consumers  
236 who request such assistance or advocacy.

237 4. With respect to apparent or potential violations of law  
238 or applicable rules committed by a person or entity licensed by  
239 the department or office, report apparent or potential  
240 violations to the office or to the appropriate division of the  
241 department, which may take any additional action it deems  
242 appropriate.

243 5. Designate an employee of the division as the primary  
244 contact for consumers on issues relating to sinkholes.

245 (b) Any person licensed or issued a certificate of  
246 authority by the department or the office shall respond, in  
247 writing, to the division within 20 days after receipt of a  
248 written request for information from the division concerning a  
249 consumer complaint. The response must address the issues and  
250 allegations raised in the complaint. The division may impose an  
251 administrative penalty for failure to comply with this paragraph  
252 of up to \$2,500 per violation upon any entity licensed by the  
253 department or the office and \$250 for the first violation, \$500  
254 for the second violation, and up to \$1,000 for the third or  
255 subsequent violation upon any individual licensed by the  
256 department or the office.

257 (c) The department may adopt rules to administer this  
258 subsection.

259 (d) The powers, duties, and responsibilities expressed or  
260 granted in this subsection do not limit the powers, duties, and

261 responsibilities of the department, the Financial Services  
262 Commission, the Office of Insurance Regulation, or the Office of  
263 Financial Regulation as otherwise provided by law.

264 Section 6. Section 16.59, Florida Statutes, is amended to  
265 read:

266 16.59 Medicaid fraud control.—The Medicaid Fraud Control  
267 Unit is created in the Department of Legal Affairs to  
268 investigate all violations of s. 409.920 and any criminal  
269 violations discovered during the course of those investigations.  
270 The Medicaid Fraud Control Unit may refer any criminal violation  
271 so uncovered to the appropriate prosecuting authority. The  
272 offices of the Medicaid Fraud Control Unit, the Agency for  
273 Health Care Administration Medicaid program integrity program,  
274 and the Divisions of Investigative and Forensic Services  
275 ~~Insurance Fraud~~ and Public Assistance Fraud within the  
276 Department of Financial Services shall, to the extent possible,  
277 be collocated; however, positions dedicated to Medicaid managed  
278 care fraud within the Medicaid Fraud Control Unit shall be  
279 collocated with the Division of Investigative and Forensic  
280 Services ~~Insurance Fraud~~. The Agency for Health Care  
281 Administration, the Department of Legal Affairs, and the  
282 Divisions of Investigative and Forensic Services ~~Insurance Fraud~~  
283 and Public Assistance Fraud within the Department of Financial  
284 Services shall conduct joint training and other joint activities  
285 designed to increase communication and coordination in  
286 recovering overpayments.

287 Section 7. Subsection (9) of section 400.9935, Florida  
 288 Statutes, is amended to read:

289 400.9935 Clinic responsibilities.—

290 (9) In addition to the requirements of part II of chapter  
 291 408, the clinic shall display a sign in a conspicuous location  
 292 within the clinic readily visible to all patients indicating  
 293 that, pursuant to s. 626.9892, the Department of Financial  
 294 Services may pay rewards of up to \$25,000 to persons providing  
 295 information leading to the arrest and conviction of persons  
 296 committing crimes investigated by the Division of Investigative  
 297 and Forensic Services Insurance-Fraud arising from violations of  
 298 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.  
 299 An authorized employee of the Division of Investigative and  
 300 Forensic Services Insurance-Fraud may make unannounced  
 301 inspections of a clinic licensed under this part as necessary to  
 302 determine whether the clinic is in compliance with this  
 303 subsection. A licensed clinic shall allow full and complete  
 304 access to the premises to such authorized employee of the  
 305 division who makes an inspection to determine compliance with  
 306 this subsection.

307 Section 8. Subsection (6) of section 409.91212, Florida  
 308 Statutes, is amended to read:

309 409.91212 Medicaid managed care fraud.—

310 (6) Each managed care plan shall report all suspected or  
 311 confirmed instances of provider or recipient fraud or abuse  
 312 within 15 calendar days after detection to the Office of

313 Medicaid Program Integrity within the agency. At a minimum the  
 314 report must contain the name of the provider or recipient, the  
 315 Medicaid billing number or tax identification number, and a  
 316 description of the fraudulent or abusive act. The Office of  
 317 Medicaid Program Integrity in the agency shall forward the  
 318 report of suspected overpayment, abuse, or fraud to the  
 319 appropriate investigative unit, including, but not limited to,  
 320 the Bureau of Medicaid program integrity, the Medicaid fraud  
 321 control unit, the Division of Public Assistance Fraud, the  
 322 Division of Investigative and Forensic Services ~~Insurance Fraud~~,  
 323 or the Department of Law Enforcement.

324 (a) Failure to timely report shall result in an  
 325 administrative fine of \$1,000 per calendar day after the 15th  
 326 day of detection.

327 (b) Failure to timely report may result in additional  
 328 administrative, civil, or criminal penalties.

329 Section 9. Paragraph (a) of subsection (1) of section  
 330 440.105, Florida Statutes, is amended to read:

331 440.105 Prohibited activities; reports; penalties;  
 332 limitations.-

333 (1)(a) Any insurance carrier, any individual self-insured,  
 334 any commercial or group self-insurance fund, any professional  
 335 practitioner licensed or regulated by the Department of Health,  
 336 except as otherwise provided by law, any medical review  
 337 committee as defined in s. 766.101, any private medical review  
 338 committee, and any insurer, agent, or other person licensed

339 | under the insurance code, or any employee thereof, having  
340 | knowledge or who believes that a fraudulent act or any other act  
341 | or practice which, upon conviction, constitutes a felony or  
342 | misdemeanor under this chapter is being or has been committed  
343 | shall send to the Division of Investigative and Forensic  
344 | Services ~~Insurance Fraud~~, Bureau of Workers' Compensation Fraud,  
345 | a report or information pertinent to such knowledge or belief  
346 | and such additional information relative thereto as the bureau  
347 | may require. The bureau shall review such information or reports  
348 | and select such information or reports as, in its judgment, may  
349 | require further investigation. It shall then cause an  
350 | independent examination of the facts surrounding such  
351 | information or report to be made to determine the extent, if  
352 | any, to which a fraudulent act or any other act or practice  
353 | which, upon conviction, constitutes a felony or a misdemeanor  
354 | under this chapter is being committed. The bureau shall report  
355 | any alleged violations of law which its investigations disclose  
356 | to the appropriate licensing agency and state attorney or other  
357 | prosecuting agency having jurisdiction with respect to any such  
358 | violations of this chapter. If prosecution by the state attorney  
359 | or other prosecuting agency having jurisdiction with respect to  
360 | such violation is not begun within 60 days of the bureau's  
361 | report, the state attorney or other prosecuting agency having  
362 | jurisdiction with respect to such violation shall inform the  
363 | bureau of the reasons for the lack of prosecution.

364 | Section 10. Subsections (1) and (2) of section 440.1051,

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365 Florida Statutes, are amended to read:

366 440.1051 Fraud reports; civil immunity; criminal  
367 penalties.—

368 (1) The Bureau of Workers' Compensation Insurance Fraud of  
369 the Division of Investigative and Forensic Services ~~Insurance~~  
370 ~~Fraud~~ of the department shall establish a toll-free telephone  
371 number to receive reports of workers' compensation fraud  
372 committed by an employee, employer, insurance provider,  
373 physician, attorney, or other person.

374 (2) Any person who reports workers' compensation fraud to  
375 the Division of Investigative and Forensic Services ~~Insurance~~  
376 ~~Fraud~~ under subsection (1) is immune from civil liability for  
377 doing so, and the person or entity alleged to have committed the  
378 fraud may not retaliate against him or her for providing such  
379 report, unless the person making the report knows it to be  
380 false.

381 Section 11. Paragraph (c) of subsection (1) of section  
382 440.12, Florida Statutes, is amended to read:

383 440.12 Time for commencement and limits on weekly rate of  
384 compensation.—

385 (1) Compensation is not allowed for the first 7 days of  
386 the disability, except for benefits provided under s. 440.13.  
387 However, if the injury results in more than 21 days of  
388 disability, compensation is allowed from the commencement of the  
389 disability.

390 (c) Each carrier shall keep a record of all payments made

391 under this subsection, including the time and manner of such  
 392 payments, and shall furnish these records or a report based on  
 393 these records to the Division of Investigative and Forensic  
 394 Services Insurance-Fraud and the Division of Workers'  
 395 Compensation, upon request.

396 Section 12. Subsection (1) of section 624.521, Florida  
 397 Statutes, is amended to read:

398 624.521 Deposit of certain tax receipts; refund of  
 399 improper payments.-

400 (1) The department ~~of Financial Services~~ shall promptly  
 401 deposit in the State Treasury to the credit of the Insurance  
 402 Regulatory Trust Fund all "state tax" portions of agents'  
 403 licenses collected under s. 624.501 necessary to fund the  
 404 Division of Investigative and Forensic Services Insurance-Fraud.  
 405 The balance of the tax shall be credited to the General Fund.  
 406 All moneys received by the department ~~of Financial Services~~ or  
 407 the office not in accordance with ~~the provisions of~~ this code or  
 408 not in the exact amount as specified by the applicable  
 409 provisions of this code shall be returned to the remitter. The  
 410 records of the department or office shall show the date and  
 411 reason for such return.

412 Section 13. Subsection (4) of section 626.016, Florida  
 413 Statutes, is amended to read:

414 626.016 Powers and duties of department, commission, and  
 415 office.-

416 (4) ~~Nothing in~~ This section is not intended to limit the



417 authority of the department and the Division of Investigative  
 418 and Forensic Services ~~Insurance Fraud~~, as specified in s.  
 419 626.989.

420 Section 14. Section 626.989, Florida Statutes, is amended  
 421 to read:

422 626.989 Investigation by department or Division of  
 423 Investigative and Forensic Services ~~Insurance Fraud~~; compliance;  
 424 immunity; confidential information; reports to division;  
 425 division investigator's power of arrest.—

426 (1) For the purposes of this section:

427 (a) A person commits a "fraudulent insurance act" if the  
 428 person:

429 1. Knowingly and with intent to defraud presents, causes  
 430 to be presented, or prepares with knowledge or belief that it  
 431 will be presented, to or by an insurer, self-insurer, self-  
 432 insurance fund, servicing corporation, purported insurer,  
 433 broker, or any agent thereof, any written statement as part of,  
 434 or in support of, an application for the issuance of, or the  
 435 rating of, any insurance policy, or a claim for payment or other  
 436 benefit pursuant to any insurance policy, which the person knows  
 437 to contain materially false information concerning any fact  
 438 material thereto or if the person conceals, for the purpose of  
 439 misleading another, information concerning any fact material  
 440 thereto.

441 2. Knowingly submits:

442 a. A false, misleading, or fraudulent application or other

443 document when applying for licensure as a health care clinic,  
 444 seeking an exemption from licensure as a health care clinic, or  
 445 demonstrating compliance with part X of chapter 400 with an  
 446 intent to use the license, exemption from licensure, or  
 447 demonstration of compliance to provide services or seek  
 448 reimbursement under the Florida Motor Vehicle No-Fault Law.

449 b. A claim for payment or other benefit pursuant to a  
 450 personal injury protection insurance policy under the Florida  
 451 Motor Vehicle No-Fault Law if the person knows that the payee  
 452 knowingly submitted a false, misleading, or fraudulent  
 453 application or other document when applying for licensure as a  
 454 health care clinic, seeking an exemption from licensure as a  
 455 health care clinic, or demonstrating compliance with part X of  
 456 chapter 400.

457 (b) The term "insurer" also includes a health maintenance  
 458 organization, and the term "insurance policy" also includes a  
 459 health maintenance organization subscriber contract.

460 (2) If, by its own inquiries or as a result of complaints,  
 461 the department or its Division of Investigative and Forensic  
 462 Services ~~Insurance Fraud~~ has reason to believe that a person has  
 463 engaged in, or is engaging in, a fraudulent insurance act, an  
 464 act or practice that violates s. 626.9541 or s. 817.234, or an  
 465 act or practice punishable under s. 624.15, it may administer  
 466 oaths and affirmations, request the attendance of witnesses or  
 467 proffering of matter, and collect evidence. The department or  
 468 its Division of Investigative and Forensic Services shall not

469 compel the attendance of any person or matter in any such  
470 investigation except pursuant to subsection (4).

471 (3) If matter that the department or its division seeks to  
472 obtain by request is located outside the state, the person so  
473 requested may make it available to the division or its  
474 representative to examine the matter at the place where it is  
475 located. The division may designate representatives, including  
476 officials of the state in which the matter is located, to  
477 inspect the matter on its behalf, and it may respond to similar  
478 requests from officials of other states.

479 (4) (a) The department or its division may request that an  
480 individual who refuses to comply with any such request be  
481 ordered by the circuit court to provide the testimony or matter.  
482 The court shall not order such compliance unless the department  
483 or its division has demonstrated to the satisfaction of the  
484 court that the testimony of the witness or the matter under  
485 request has a direct bearing on the commission of a fraudulent  
486 insurance act, on a violation of s. 626.9541 or s. 817.234, or  
487 on an act or practice punishable under s. 624.15 or is pertinent  
488 and necessary to further such investigation.

489 (b) Except in a prosecution for perjury, an individual who  
490 complies with a court order to provide testimony or matter after  
491 asserting a privilege against self-incrimination to which the  
492 individual is entitled by law may not be subjected to a criminal  
493 proceeding or to a civil penalty with respect to the act  
494 concerning which the individual is required to testify or

495 produce relevant matter.

496 (c) In the absence of fraud or bad faith, a person is not  
497 subject to civil liability for libel, slander, or any other  
498 relevant tort by virtue of filing reports, without malice, or  
499 furnishing other information, without malice, required by this  
500 section or required by the department or division under the  
501 authority granted in this section, and no civil cause of action  
502 of any nature shall arise against such person:

503 1. For any information relating to suspected fraudulent  
504 insurance acts or persons suspected of engaging in such acts  
505 furnished to or received from law enforcement officials, their  
506 agents, or employees;

507 2. For any information relating to suspected fraudulent  
508 insurance acts or persons suspected of engaging in such acts  
509 furnished to or received from other persons subject to the  
510 provisions of this chapter;

511 3. For any such information furnished in reports to the  
512 department, the division, the National Insurance Crime Bureau,  
513 the National Association of Insurance Commissioners, or any  
514 local, state, or federal enforcement officials or their agents  
515 or employees; or

516 4. For other actions taken in cooperation with any of the  
517 agencies or individuals specified in this paragraph in the  
518 lawful investigation of suspected fraudulent insurance acts.

519 (d) In addition to the immunity granted in paragraph (c),  
520 persons identified as designated employees whose

521 | responsibilities include the investigation and disposition of  
522 | claims relating to suspected fraudulent insurance acts may share  
523 | information relating to persons suspected of committing  
524 | fraudulent insurance acts with other designated employees  
525 | employed by the same or other insurers whose responsibilities  
526 | include the investigation and disposition of claims relating to  
527 | fraudulent insurance acts, provided the department has been  
528 | given written notice of the names and job titles of such  
529 | designated employees prior to such designated employees sharing  
530 | information. Unless the designated employees of the insurer act  
531 | in bad faith or in reckless disregard for the rights of any  
532 | insured, neither the insurer nor its designated employees are  
533 | civilly liable for libel, slander, or any other relevant tort,  
534 | and a civil action does not arise against the insurer or its  
535 | designated employees:

536 |       1. For any information related to suspected fraudulent  
537 | insurance acts provided to an insurer; or

538 |       2. For any information relating to suspected fraudulent  
539 | insurance acts provided to the National Insurance Crime Bureau  
540 | or the National Association of Insurance Commissioners.

541 |  
542 | Provided, however, that the qualified immunity against civil  
543 | liability conferred on any insurer or its designated employees  
544 | shall be forfeited with respect to the exchange or publication  
545 | of any defamatory information with third persons not expressly  
546 | authorized by this paragraph to share in such information.

547 (e) The Chief Financial Officer and any employee or agent  
548 of the department, commission, office, or division, when acting  
549 without malice and in the absence of fraud or bad faith, is not  
550 subject to civil liability for libel, slander, or any other  
551 relevant tort, and no civil cause of action of any nature exists  
552 against such person by virtue of the execution of official  
553 activities or duties of the department, commission, or office  
554 under this section or by virtue of the publication of any report  
555 or bulletin related to the official activities or duties of the  
556 department, division, commission, or office under this section.

557 (f) This section does not abrogate or modify in any way  
558 any common-law or statutory privilege or immunity heretofore  
559 enjoyed by any person.

560 (5) The office's and the department's papers, documents,  
561 reports, or evidence relative to the subject of an investigation  
562 under this section are confidential and exempt from the  
563 provisions of s. 119.07(1) until such investigation is completed  
564 or ceases to be active. For purposes of this subsection, an  
565 investigation is considered "active" while the investigation is  
566 being conducted by the office or department with a reasonable,  
567 good faith belief that it could lead to the filing of  
568 administrative, civil, or criminal proceedings. An investigation  
569 does not cease to be active if the office or department is  
570 proceeding with reasonable dispatch and has a good faith belief  
571 that action could be initiated by the office or department or  
572 other administrative or law enforcement agency. After an

573 investigation is completed or ceases to be active, portions of  
 574 records relating to the investigation shall remain exempt from  
 575 the provisions of s. 119.07(1) if disclosure would:

- 576 (a) Jeopardize the integrity of another active
- 577 investigation;
- 578 (b) Impair the safety and soundness of an insurer;
- 579 (c) Reveal personal financial information;
- 580 (d) Reveal the identity of a confidential source;
- 581 (e) Defame or cause unwarranted damage to the good name or
- 582 reputation of an individual or jeopardize the safety of an
- 583 individual; or
- 584 (f) Reveal investigative techniques or procedures.

585 Further, such papers, documents, reports, or evidence relative  
 586 to the subject of an investigation under this section shall not  
 587 be subject to discovery until the investigation is completed or  
 588 ceases to be active. Office, department, or division  
 589 investigators shall not be subject to subpoena in civil actions  
 590 by any court of this state to testify concerning any matter of  
 591 which they have knowledge pursuant to a pending insurance fraud  
 592 investigation by the division.

593 (6) Any person, other than an insurer, agent, or other  
 594 person licensed under the code, or an employee thereof, having  
 595 knowledge or who believes that a fraudulent insurance act or any  
 596 other act or practice which, upon conviction, constitutes a  
 597 felony or a misdemeanor under the code, or under s. 817.234, is  
 598 being or has been committed may send to the Division of

599 Investigative and Forensic Services ~~Insurance-Fraud~~ a report or  
 600 information pertinent to such knowledge or belief and such  
 601 additional information relative thereto as the department may  
 602 request. Any professional practitioner licensed or regulated by  
 603 the Department of Business and Professional Regulation, except  
 604 as otherwise provided by law, any medical review committee as  
 605 defined in s. 766.101, any private medical review committee, and  
 606 any insurer, agent, or other person licensed under the code, or  
 607 an employee thereof, having knowledge or who believes that a  
 608 fraudulent insurance act or any other act or practice which,  
 609 upon conviction, constitutes a felony or a misdemeanor under the  
 610 code, or under s. 817.234, is being or has been committed shall  
 611 send to the Division of Investigative and Forensic Services  
 612 ~~Insurance-Fraud~~ a report or information pertinent to such  
 613 knowledge or belief and such additional information relative  
 614 thereto as the department may require. The Division of  
 615 Investigative and Forensic Services ~~Insurance-Fraud~~ shall review  
 616 such information or reports and select such information or  
 617 reports as, in its judgment, may require further investigation.  
 618 It shall then cause an independent examination of the facts  
 619 surrounding such information or report to be made to determine  
 620 the extent, if any, to which a fraudulent insurance act or any  
 621 other act or practice which, upon conviction, constitutes a  
 622 felony or a misdemeanor under the code, or under s. 817.234, is  
 623 being committed. The Division of Investigative and Forensic  
 624 Services ~~Insurance-Fraud~~ shall report any alleged violations of



625 law which its investigations disclose to the appropriate  
626 licensing agency and state attorney or other prosecuting agency  
627 having jurisdiction with respect to any such violation, as  
628 provided in s. 624.310. If prosecution by the state attorney or  
629 other prosecuting agency having jurisdiction with respect to  
630 such violation is not begun within 60 days of the division's  
631 report, the state attorney or other prosecuting agency having  
632 jurisdiction with respect to such violation shall inform the  
633 division of the reasons for the lack of prosecution.

634 (7) Division investigators shall have the power to make  
635 arrests for criminal violations established as a result of  
636 investigations. Such investigators shall also be considered  
637 state law enforcement officers for all purposes and shall have  
638 the power to execute arrest warrants and search warrants; to  
639 serve subpoenas issued for the examination, investigation, and  
640 trial of all offenses; and to arrest upon probable cause without  
641 warrant any person found in the act of violating any of the  
642 provisions of applicable laws. Investigators empowered to make  
643 arrests under this section shall be empowered to bear arms in  
644 the performance of their duties. In such a situation, the  
645 investigator must be certified in compliance with the provisions  
646 of s. 943.1395 or must meet the temporary employment or  
647 appointment exemption requirements of s. 943.131 until  
648 certified.

649 (8) It is unlawful for any person to resist an arrest  
650 authorized by this section or in any manner to interfere, either

651 by abetting or assisting such resistance or otherwise  
652 interfering, with division investigators in the duties imposed  
653 upon them by law or department rule.

654 (9) In recognition of the complementary roles of  
655 investigating instances of workers' compensation fraud and  
656 enforcing compliance with the workers' compensation coverage  
657 requirements under chapter 440, the Department of Financial  
658 Services shall prepare and submit a joint performance report to  
659 the President of the Senate and the Speaker of the House of  
660 Representatives by January 1 of each year. The annual report  
661 must include, but need not be limited to:

662 (a) The total number of initial referrals received, cases  
663 opened, cases presented for prosecution, cases closed, and  
664 convictions resulting from cases presented for prosecution by  
665 the Bureau of Workers' Compensation Insurance Fraud by type of  
666 workers' compensation fraud and circuit.

667 (b) The number of referrals received from insurers and the  
668 Division of Workers' Compensation and the outcome of those  
669 referrals.

670 (c) The number of investigations undertaken by the Bureau  
671 of Workers' Compensation Insurance Fraud which were not the  
672 result of a referral from an insurer or the Division of Workers'  
673 Compensation.

674 (d) The number of investigations that resulted in a  
675 referral to a regulatory agency and the disposition of those  
676 referrals.

677 (e) The number and reasons provided by local prosecutors  
678 or the statewide prosecutor for declining prosecution of a case  
679 presented by the Bureau of Workers' Compensation Insurance Fraud  
680 by circuit.

681 (f) The total number of employees assigned to the Bureau  
682 of Workers' Compensation Insurance Fraud and the Division of  
683 Workers' Compensation Bureau of Compliance delineated by  
684 location of staff assigned; and the number and location of  
685 employees assigned to the Bureau of Workers' Compensation  
686 Insurance Fraud who were assigned to work other types of fraud  
687 cases.

688 (g) The average caseload and turnaround time by type of  
689 case for each investigator and division compliance employee.

690 (h) The training provided during the year to workers'  
691 compensation fraud investigators and the division's compliance  
692 employees.

693 Section 15. Subsections (1), (2), and (3) of section  
694 626.9891, Florida Statutes, are amended to read:

695 626.9891 Insurer anti-fraud investigative units; reporting  
696 requirements; penalties for noncompliance.-

697 (1) Every insurer admitted to do business in this state  
698 who in the previous calendar year, at any time during that year,  
699 had \$10 million or more in direct premiums written shall:

700 (a) Establish and maintain a unit or division within the  
701 company to investigate possible fraudulent claims by insureds or  
702 by persons making claims for services or repairs against

703 policies held by insureds; or

704 (b) Contract with others to investigate possible  
 705 fraudulent claims for services or repairs against policies held  
 706 by insureds.

707  
 708 An insurer subject to this subsection shall file with the  
 709 Division of Investigative and Forensic Services ~~Insurance-Fraud~~  
 710 of the department on or before July 1, 1996, a detailed  
 711 description of the unit or division established pursuant to  
 712 paragraph (a) or a copy of the contract and related documents  
 713 required by paragraph (b).

714 (2) Every insurer admitted to do business in this state,  
 715 which in the previous calendar year had less than \$10 million in  
 716 direct premiums written, must adopt an anti-fraud plan and file  
 717 it with the Division of Investigative and Forensic Services  
 718 ~~Insurance-Fraud~~ of the department on or before July 1, 1996. An  
 719 insurer may, in lieu of adopting and filing an anti-fraud plan,  
 720 comply with the provisions of subsection (1).

721 (3) Each insurers anti-fraud plans shall include:

722 (a) A description of the insurer's procedures for  
 723 detecting and investigating possible fraudulent insurance acts;

724 (b) A description of the insurer's procedures for the  
 725 mandatory reporting of possible fraudulent insurance acts to the  
 726 Division of Investigative and Forensic Services ~~Insurance-Fraud~~  
 727 of the department;

728 (c) A description of the insurer's plan for anti-fraud

729 education and training of its claims adjusters or other  
730 personnel; and

731 (d) A written description or chart outlining the  
732 organizational arrangement of the insurer's anti-fraud personnel  
733 who are responsible for the investigation and reporting of  
734 possible fraudulent insurance acts.

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

737 626.9892 Anti-Fraud Reward Program; reporting of insurance  
738 fraud.—

739 (2) The department may pay rewards of up to \$25,000 to  
740 persons providing information leading to the arrest and  
741 conviction of persons committing crimes investigated by the  
742 Division of Investigative and Forensic Services ~~Insurance-Fraud~~  
743 arising from violations of s. 440.105, s. 624.15, s. 626.9541,  
744 s. 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.031, s.  
745 806.10, s. 806.111, s. 817.233, or s. 817.234.

746 Section 17. Subsection (1) of section 626.9893, Florida  
747 Statutes, is amended to read:

748 626.9893 Disposition of revenues; criminal or forfeiture  
749 proceedings.—

750 (1) The Division of Investigative and Forensic Services  
751 ~~Insurance-Fraud~~ of the Department of Financial Services may  
752 deposit revenues received as a result of criminal proceedings or  
753 forfeiture proceedings, other than revenues deposited into the  
754 Department of Financial Services' Federal Law Enforcement Trust

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755 Fund under s. 17.43, into the Insurance Regulatory Trust Fund.  
756 Moneys deposited pursuant to this section shall be separately  
757 accounted for and shall be used solely for the division to carry  
758 out its duties and responsibilities.

759 Section 18. Subsection (2) of section 626.9894, Florida  
760 Statutes, is amended to read:

761 626.9894 Gifts and grants.—

762 (2) All rights to, interest in, and title to such donated  
763 or granted property shall immediately vest in the Division of  
764 Investigative and Forensic Services ~~Insurance Fraud~~ upon  
765 donation. The division may hold such property in coownership,  
766 sell its interest in the property, liquidate its interest in the  
767 property, or dispose of its interest in the property in any  
768 other reasonable manner.

769 Section 19. Section 626.99278, Florida Statutes, is  
770 amended to read:

771 626.99278 Viatical provider anti-fraud plan.—Every  
772 licensed viatical settlement provider and registered life  
773 expectancy provider must adopt an anti-fraud plan and file it  
774 with the Division of Investigative and Forensic Services  
775 ~~Insurance Fraud~~ of the department. Each anti-fraud plan shall  
776 include:

777 (1) A description of the procedures for detecting and  
778 investigating possible fraudulent acts and procedures for  
779 resolving material inconsistencies between medical records and  
780 insurance applications.

781 (2) A description of the procedures for the mandatory  
782 reporting of possible fraudulent insurance acts and prohibited  
783 practices set forth in s. 626.99275 to the Division of  
784 Investigative and Forensic Services ~~Insurance-Fraud~~ of the  
785 department.

786 (3) A description of the plan for anti-fraud education and  
787 training of its underwriters or other personnel.

788 (4) A written description or chart outlining the  
789 organizational arrangement of the anti-fraud personnel who are  
790 responsible for the investigation and reporting of possible  
791 fraudulent insurance acts and for the investigation of  
792 unresolved material inconsistencies between medical records and  
793 insurance applications.

794 (5) For viatical settlement providers, a description of  
795 the procedures used to perform initial and continuing review of  
796 the accuracy of life expectancies used in connection with a  
797 viatical settlement contract or viatical settlement investment.

798 Section 20. Paragraph (k) of subsection (6) of section  
799 627.351, Florida Statutes, is amended to read:

800 627.351 Insurance risk apportionment plans.—

801 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

802 (k)1. The corporation shall establish and maintain a unit  
803 or division to investigate possible fraudulent claims by  
804 insureds or by persons making claims for services or repairs  
805 against policies held by insureds; or it may contract with  
806 others to investigate possible fraudulent claims for services or

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807 repairs against policies held by the corporation pursuant to s.  
808 626.9891. The corporation must comply with reporting  
809 requirements of s. 626.9891. An employee of the corporation  
810 shall notify the corporation's Office of the Inspector General  
811 and the Division of Investigative and Forensic Services  
812 ~~Insurance Fraud~~ within 48 hours after having information that  
813 would lead a reasonable person to suspect that fraud may have  
814 been committed by any employee of the corporation.

815 2. The corporation shall establish a unit or division  
816 responsible for receiving and responding to consumer complaints,  
817 which unit or division is the sole responsibility of a senior  
818 manager of the corporation.

819 Section 21. Subsections (4) and (7) of section 627.711,  
820 Florida Statutes, are amended to read:

821 627.711 Notice of premium discounts for hurricane loss  
822 mitigation; uniform mitigation verification inspection form.—

823 (4) An authorized mitigation inspector that signs a  
824 uniform mitigation form, and a direct employee authorized to  
825 conduct mitigation verification inspections under subsection  
826 ~~paragraph~~ (3), may not commit misconduct in performing hurricane  
827 mitigation inspections or in completing a uniform mitigation  
828 form that causes financial harm to a customer or their insurer;  
829 or that jeopardizes a customer's health and safety. Misconduct  
830 occurs when an authorized mitigation inspector signs a uniform  
831 mitigation verification form that:

832 (a) Falsely indicates that he or she personally inspected



833 the structures referenced by the form;

834 (b) Falsely indicates the existence of a feature which  
835 entitles an insured to a mitigation discount which the inspector  
836 knows does not exist or did not personally inspect;

837 (c) Contains erroneous information due to the gross  
838 negligence of the inspector; or

839 (d) Contains a pattern of demonstrably false information  
840 regarding the existence of mitigation features that could give  
841 an insured a false evaluation of the ability of the structure to  
842 withstand major damage from a hurricane endangering the safety  
843 of the insured's life and property.

844 (7) An insurer, person, or other entity that obtains  
845 evidence of fraud or evidence that an authorized mitigation  
846 inspector or an employee authorized to conduct mitigation  
847 verification inspections under subsection ~~paragraph~~ (3) has made  
848 false statements in the completion of a mitigation inspection  
849 form shall file a report with the Division of Investigative and  
850 Forensic Services ~~Insurance Fraud~~, along with all of the  
851 evidence in its possession that supports the allegation of fraud  
852 or falsity. An insurer, person, or other entity making the  
853 report shall be immune from liability, in accordance with s.  
854 626.989(4), for any statements made in the report, during the  
855 investigation, or in connection with the report. The Division of  
856 Investigative and Forensic Services ~~Insurance Fraud~~ shall issue  
857 an investigative report if it finds that probable cause exists  
858 to believe that the authorized mitigation inspector, or an

859 employee authorized to conduct mitigation verification  
 860 inspections under subsection ~~paragraph~~ (3), made intentionally  
 861 false or fraudulent statements in the inspection form. Upon  
 862 conclusion of the investigation and a finding of probable cause  
 863 that a violation has occurred, the Division of Investigative and  
 864 Forensic Services ~~Insurance Fraud~~ shall send a copy of the  
 865 investigative report to the office and a copy to the agency  
 866 responsible for the professional licensure of the authorized  
 867 mitigation inspector, whether or not a prosecutor takes action  
 868 based upon the report.

869 Section 22. Paragraph (i) of subsection (4) and subsection  
 870 (14) of section 627.736, Florida Statutes, are amended to read:

871 627.736 Required personal injury protection benefits;  
 872 exclusions; priority; claims.—

873 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer  
 874 under ss. 627.730-627.7405 are primary, except that benefits  
 875 received under any workers' compensation law must be credited  
 876 against the benefits provided by subsection (1) and are due and  
 877 payable as loss accrues upon receipt of reasonable proof of such  
 878 loss and the amount of expenses and loss incurred which are  
 879 covered by the policy issued under ss. 627.730-627.7405. If the  
 880 Agency for Health Care Administration provides, pays, or becomes  
 881 liable for medical assistance under the Medicaid program related  
 882 to injury, sickness, disease, or death arising out of the  
 883 ownership, maintenance, or use of a motor vehicle, the benefits  
 884 under ss. 627.730-627.7405 are subject to the Medicaid program.

885 However, within 30 days after receiving notice that the Medicaid  
886 program paid such benefits, the insurer shall repay the full  
887 amount of the benefits to the Medicaid program.

888 (i) If an insurer has a reasonable belief that a  
889 fraudulent insurance act, for the purposes of s. 626.989 or s.  
890 817.234, has been committed, the insurer shall notify the  
891 claimant, in writing, within 30 days after submission of the  
892 claim that the claim is being investigated for suspected fraud.  
893 Beginning at the end of the initial 30-day period, the insurer  
894 has an additional 60 days to conduct its fraud investigation.  
895 Notwithstanding subsection (10), no later than 90 days after the  
896 submission of the claim, the insurer must deny the claim or pay  
897 the claim with simple interest as provided in paragraph (d).  
898 Interest shall be assessed from the day the claim was submitted  
899 until the day the claim is paid. All claims denied for suspected  
900 fraudulent insurance acts shall be reported to the Division of  
901 Investigative and Forensic Services Insurance Fraud.

902 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a  
903 claim under this section, an insurer shall provide a notice to  
904 the insured or to a person for whom a claim for reimbursement  
905 for diagnosis or treatment of injuries has been filed, advising  
906 that:

907 (a) Pursuant to s. 626.9892, the Department of Financial  
908 Services may pay rewards of up to \$25,000 to persons providing  
909 information leading to the arrest and conviction of persons  
910 committing crimes investigated by the Division of Investigative

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911 and Forensic Services ~~Insurance Fraud~~ arising from violations of  
912 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

913 (b) Solicitation of a person injured in a motor vehicle  
914 crash for purposes of filing personal injury protection or tort  
915 claims could be a violation of s. 817.234, s. 817.505, or the  
916 rules regulating The Florida Bar and should be immediately  
917 reported to the Division of Investigative and Forensic Services  
918 ~~Insurance Fraud~~ if such conduct has taken place.

919 Section 23. Paragraphs (b) and (c) of subsection (1) of  
920 section 627.7401, Florida Statutes, are amended to read:

921 627.7401 Notification of insured's rights.—

922 (1) The commission, by rule, shall adopt a form for the  
923 notification of insureds of their right to receive personal  
924 injury protection benefits under the Florida Motor Vehicle No-  
925 Fault Law. Such notice shall include:

926 (b) An advisory informing insureds that:

927 1. Pursuant to s. 626.9892, the Department of Financial  
928 Services may pay rewards of up to \$25,000 to persons providing  
929 information leading to the arrest and conviction of persons  
930 committing crimes investigated by the Division of Investigative  
931 and Forensic Services ~~Insurance Fraud~~ arising from violations of  
932 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

933 2. Pursuant to s. 627.736(5)(e)1., if the insured notifies  
934 the insurer of a billing error, the insured may be entitled to a  
935 certain percentage of a reduction in the amount paid by the  
936 insured's motor vehicle insurer.

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937 (c) A notice that solicitation of a person injured in a  
938 motor vehicle crash for purposes of filing personal injury  
939 protection or tort claims could be a violation of s. 817.234, s  
940 817.505, or the rules regulating The Florida Bar and should be  
941 immediately reported to the Division of Investigative and  
942 Forensic Services ~~Insurance Fraud~~ if such conduct has taken  
943 place.

944 Section 24. Subsection (2) of section 631.156, Florida  
945 Statutes, is amended to read:

946 631.156 Investigation by the department; scope of  
947 authority; sharing of materials.—

948 (2) The department may provide documents, books, and  
949 records; other investigative products, work product, and  
950 analysis; and copies of any or all of such materials to the  
951 Division of Investigative and Forensic Services ~~Insurance Fraud~~  
952 or any other appropriate government agency. The sharing of these  
953 materials does ~~shall~~ not waive any work product or other  
954 privilege otherwise applicable under law.

955 Section 25. Subsection (4) of section 641.30, Florida  
956 Statutes, is amended to read:

957 641.30 Construction and relationship to other laws.—

958 (4) The Division of Investigative and Forensic Services  
959 ~~Insurance Fraud~~ of the department is vested with all powers  
960 granted to it under the Florida Insurance Code with respect to  
961 the investigation of any violation of this part.

962 Section 26. Paragraph (a) of subsection (2) of section

963 | 282.709, Florida Statutes, is amended to read:

964 |       282.709 State agency law enforcement radio system and  
965 | interoperability network.—

966 |       (2) The Joint Task Force on State Agency Law Enforcement  
967 | Communications is created adjunct to the department to advise  
968 | the department of member-agency needs relating to the planning,  
969 | designing, and establishment of the statewide communication  
970 | system.

971 |       (a) The Joint Task Force on State Agency Law Enforcement  
972 | Communications shall consist of the following members:

973 |       1. A representative of the Division of Alcoholic Beverages  
974 | and Tobacco of the Department of Business and Professional  
975 | Regulation who shall be appointed by the secretary of the  
976 | department.

977 |       2. A representative of the Division of Florida Highway  
978 | Patrol of the Department of Highway Safety and Motor Vehicles  
979 | who shall be appointed by the executive director of the  
980 | department.

981 |       3. A representative of the Department of Law Enforcement  
982 | who shall be appointed by the executive director of the  
983 | department.

984 |       4. A representative of the Fish and Wildlife Conservation  
985 | Commission who shall be appointed by the executive director of  
986 | the commission.

987 |       5. A representative of the Department of Corrections who  
988 | shall be appointed by the secretary of the department.

989           6. A representative of the Division of Investigative and  
 990 Forensic Services ~~State Fire Marshal~~ of the Department of  
 991 Financial Services who shall be appointed by the Chief Financial  
 992 Officer ~~State Fire Marshal~~.

993           7. A representative of the Department of Agriculture and  
 994 Consumer Services who shall be appointed by the Commissioner of  
 995 Agriculture.

996           Section 27. Subsection (3) of section 552.113, Florida  
 997 Statutes, is amended to read:

998           552.113 Reports of thefts, illegal use, or illegal  
 999 possession.—

1000           (3) The Division of Investigative and Forensic Services  
 1001 shall investigate, or be certain that a qualified law  
 1002 enforcement agency investigates, the cause and circumstances of  
 1003 each theft, illegal use, or illegal possession of explosives  
 1004 which occurs within the state. A report of each such  
 1005 investigation shall be made and maintained by the Division of  
 1006 Investigative and Forensic Services.

1007           Section 28. Subsections (1) and (2) of section 552.21,  
 1008 Florida Statutes, are amended to read:

1009           552.21 Confiscation and disposal of explosives.—

1010           (1) Whenever the department ~~division~~ shall have reason to  
 1011 believe that any person is or has been violating the provisions  
 1012 of this chapter or any rules or regulations adopted and  
 1013 promulgated pursuant thereto, the department ~~division~~ may,  
 1014 without further process of law, confiscate the explosives in

1015 question and cause them to be stored in a safe manner, or, if  
1016 any explosives are deemed by the department ~~division~~ to be in  
1017 such a state or condition as to constitute a hazard to life or  
1018 property, the department ~~division~~ may dispose of such explosives  
1019 without further process of law. The department ~~division~~ is  
1020 authorized to dispose of any abandoned explosives that it deems  
1021 to be hazardous to life or property.

1022 (2) If the person so charged is found guilty of violating  
1023 ~~the provisions of~~ this chapter or any rule or regulation adopted  
1024 pursuant thereto with regard to the possession, handling, or  
1025 storage of explosives, the department ~~division~~ is authorized to  
1026 dispose of the confiscated materials in such a way as it shall  
1027 deem equitable.

1028 Section 29. Paragraph (c) of subsection (6) of section  
1029 633.112, Florida Statutes, is amended to read:

1030 633.112 State Fire Marshal; hearings; investigations;  
1031 recordkeeping and reports; subpoenas of witnesses; orders of  
1032 circuit court.—

1033 (6) Upon request, the State Fire Marshal shall investigate  
1034 the cause, origin, and circumstances of fires and explosions  
1035 occurring in this state wherein property has been damaged or  
1036 destroyed and there is probable cause to believe that the fire  
1037 or explosion was the result of carelessness or design.

1038 (c) The State Fire Marshal ~~division~~ shall adopt rules to  
1039 assist local fire officials and law enforcement officers in  
1040 determining the established responsibilities with respect to the



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1041 initial or preliminary assessment of fire and explosion scenes,  
1042 and the determination of whether probable cause exists to refer  
1043 such scenes to the State Fire Marshal for an investigation.

1044 Section 30. Subsection (1) of section 633.114, Florida  
1045 Statutes, is amended to read:

1046 633.114 State Fire Marshal agents; authority; duties;  
1047 compensation.—

1048 (1) The State Fire Marshal shall appoint such agents,  
1049 including agents of the Division of Investigative and Forensic  
1050 Services, as may be necessary to carry out effectively this  
1051 chapter, who shall be reimbursed for travel expenses as provided  
1052 in s. 112.061, in addition to their salary, when traveling or  
1053 making investigations in the performance of their duties. Such  
1054 agents, including agents of the Division of Investigative and  
1055 Forensic Services, shall be at all times under the direction and  
1056 control of the State Fire Marshal, who shall fix their  
1057 compensation, and all orders shall be issued in the State Fire  
1058 Marshal's name and by her or his authority.

1059 Section 31. Section 633.122, Florida Statutes, is amended  
1060 to read:

1061 633.122 Impersonating State Fire Marshal, firefighter,  
1062 volunteer firefighter, or firesafety inspector; criminal  
1063 penalties.—A person who falsely assumes or pretends to be the  
1064 State Fire Marshal, an agent of the division, an agent of the  
1065 Division of Investigative and Forensic Services, a firefighter,  
1066 a volunteer firefighter, or a firesafety inspector by

1067 identifying herself or himself as the State Fire Marshal, an  
1068 agent of the division, an agent of the Division of Investigative  
1069 and Forensic Services, a firefighter, a volunteer firefighter,  
1070 or a firesafety inspector by wearing a uniform or presenting or  
1071 displaying a badge as credentials that would cause a reasonable  
1072 person to believe that she or he is a State Fire Marshal, an  
1073 agent of the division, an agent of the Division of Investigative  
1074 and Forensic Services, a firefighter, a volunteer firefighter,  
1075 or firesafety inspector commits a felony of the third degree,  
1076 punishable as provided in ss. 775.082 and 775.083 or, if the  
1077 impersonation occurs during the commission of a separate felony  
1078 by that person, commits a felony of the first degree, punishable  
1079 as provided in ss. 775.082 and 775.083.

1080 Section 32. Paragraph (b) of subsection (1) of section  
1081 633.126, Florida Statutes, is amended to read:

1082 633.126 Investigation of fraudulent insurance claims and  
1083 crimes; immunity of insurance companies supplying information.-

1084 (1)

1085 (b) The State Fire Marshal or an agent appointed pursuant  
1086 to s. 633.114, an agent of the Division of Investigative and  
1087 Forensic Services, any law enforcement officer as defined in s.  
1088 111.065, any law enforcement officer of a federal agency, or any  
1089 fire service provider official who is engaged in the  
1090 investigation of a fire or explosion loss may request any  
1091 insurance company or its agent, adjuster, employee, or attorney,  
1092 investigating a claim under an insurance policy or contract with

1093 | respect to a fire or explosion to release any information  
 1094 | whatsoever in the possession of the insurance company or its  
 1095 | agent, adjuster, employee, or attorney relative to a loss from  
 1096 | that fire or explosion. The insurance company shall release the  
 1097 | available information to and cooperate with any official  
 1098 | authorized to request such information pursuant to this section.  
 1099 | The information shall include, but shall not be limited to:

- 1100 |       1. Any insurance policy relevant to a loss under
- 1101 | investigation and any application for such a policy.
- 1102 |       2. Any policy premium payment records.
- 1103 |       3. The records, reports, and all material pertaining to
- 1104 | any previous claims made by the insured with the reporting
- 1105 | company.
- 1106 |       4. Material relating to the investigation of the loss,
- 1107 | including statements of a person, proof of loss, and other
- 1108 | relevant evidence.
- 1109 |       5. Memoranda, notes, and correspondence relating to the
- 1110 | investigation of the loss in the possession of the insurance
- 1111 | company or its agents, adjusters, employees, or attorneys.

1112 |       Section 33. Subsection (5) of section 633.422, Florida  
 1113 | Statutes, is amended to read:

1114 |       633.422 Firefighters; supplemental compensation.—

1115 |       (5) APPLICABILITY.—For the purposes of this section, the  
 1116 | department ~~division~~ shall be considered a fire service provider  
 1117 | responsible for the payment of supplemental compensation in  
 1118 | accordance with this section to firefighters employed full time

1119 by the department ~~division~~.

1120 Section 34. Subsection (7) of section 633.508, Florida  
 1121 Statutes, is amended to read:

1122 633.508 Workplace safety; rulemaking authority; division  
 1123 authority.—

1124 (7) The department ~~division~~ shall:

1125 (a) Investigate and prescribe by rule what safety devices,  
 1126 safeguards, or other means of protection must be adopted for the  
 1127 prevention of accidents and injuries in every firefighter  
 1128 employee place of employment or at any fire scene; determine  
 1129 what suitable devices, safeguards, or other means of protection  
 1130 for the prevention of occupational diseases must be adopted or  
 1131 followed in any or all such firefighter places of employment or  
 1132 at any emergency fire scene; and adopt reasonable rules for the  
 1133 prevention of accidents, the safety, protection, and security of  
 1134 firefighter employees engaged in interior firefighting, and the  
 1135 prevention of occupational diseases.

1136 (b) Ascertain, fix, and order such reasonable standards  
 1137 and rules for the construction, repair, and maintenance of  
 1138 firefighter employee places of employment so as to render them  
 1139 safe. Such rules and standards shall be adopted in accordance  
 1140 with chapter 120.

1141 (c) Adopt rules prescribing recordkeeping responsibilities  
 1142 for firefighter employers, which may include maintaining a log  
 1143 and summary of occupational injuries, diseases, and illnesses,  
 1144 for producing on request a notice of injury and firefighter

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1145 employee accident investigation records, and prescribing a  
1146 retention schedule for such records.

1147 Section 35. Section 633.512, Florida Statutes, is amended  
1148 to read:

1149 633.512 Compliance.—Failure of a firefighter employer or  
1150 an insurer to comply with this part, or with any rules adopted  
1151 under this part, constitutes grounds for the department ~~division~~  
1152 to seek remedies, including injunctive relief, by making  
1153 appropriate filings with the circuit court.

1154 Section 36. Subsection (1) of section 633.518, Florida  
1155 Statutes, is amended to read:

1156 633.518 Studies, investigations, inspections, or inquiries  
1157 by the division; refusal to admit; penalty.—

1158 (1) The department ~~division~~ shall make studies,  
1159 investigations, inspections, or inquiries with respect to  
1160 compliance with this part or any rules authorized under this  
1161 part and the causes of firefighter employee injuries, illnesses,  
1162 safety-based complaints, or Line of Duty Deaths (LODD) as  
1163 defined in rule in firefighter employee places of employment and  
1164 shall make such recommendations to the Legislature and  
1165 firefighter employers and insurers as the department ~~division~~  
1166 considers proper to prevent or reduce future occurrences. In  
1167 making such studies, investigations, inspections, or inquiries,  
1168 the department ~~division~~ may cooperate with any agency of the  
1169 United States charged with the duty of enforcing any law  
1170 securing safety against injury in any place of firefighter

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1171 employment covered by this part or any agency or department of  
1172 the state engaged in enforcing any law to ensure safety for  
1173 firefighter employees.

1174 Section 37. Subsection (3) of section 791.013, Florida  
1175 Statutes, is amended to read:

1176 791.013 Testing and approval of sparklers; penalties.—

1177 (3) For purposes of the testing requirement by this  
1178 section, the division shall perform such tests as are necessary  
1179 to determine compliance with the performance standards in the  
1180 definition of sparklers, pursuant to s. 791.01. The State Fire  
1181 Marshal shall adopt, by rule, procedures for testing products to  
1182 determine compliance with this chapter. The Division of  
1183 Investigative and Forensic Services shall dispose of any samples  
1184 which remain after testing.

1185 Section 38. Paragraphs (b), (c), and (d) of subsection (7)  
1186 of section 538.32, Florida Statutes, are amended to read:

1187 538.32 Registration, transaction, and recordkeeping  
1188 requirements; penalties.—

1189 (7)

1190 (b) Alternatively, a secondhand dealer must give written  
1191 notice to the seller, by United States mail or e-mail if an e-  
1192 mail address is provided by the seller, that information  
1193 otherwise required to be given by the seller under subsection  
1194 (2) has not been provided by the seller to the secondhand  
1195 dealer. Notice of the deficient information must be sent by the  
1196 secondhand dealer no later than 10 days after the transaction is

1197 received by the secondhand dealer. The secondhand dealer must  
 1198 specify in the notice that:

1199 1. The seller must provide the missing information or must  
 1200 request the return of the property from the secondhand dealer  
 1201 within 30 days after receiving the notice from the secondhand  
 1202 dealer; and

1203 2. The failure of the seller to provide the missing  
 1204 information or request return of the property within the  
 1205 applicable 30-day time period shall result in abandonment of the  
 1206 seller's property to the Division ~~Bureau~~ of Unclaimed Property  
 1207 of the Department of Financial Services pursuant to chapter 717.

1208 (c) If the seller fails to remedy the deficiency in  
 1209 information or request return of the property within 30 days  
 1210 after receiving the notice, the seller's property is deemed  
 1211 abandoned and is relinquished to the Division ~~Bureau~~ of  
 1212 Unclaimed Property pursuant to chapter 717 if the property's  
 1213 true market value is greater than \$50 as defined in chapter 717.

1214 (d) Within 24 hours after the expiration of the 30-day  
 1215 hold period for the property, the secondhand dealer must notify  
 1216 the appropriate law enforcement agency of the abandonment of the  
 1217 property by electronic transmission or by sending a copy of the  
 1218 completed form authorized by chapter 717 to the Department of  
 1219 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1220 Section 39. Subsection (1) of section 717.1241, Florida  
 1221 Statutes, is amended to read:

1222 717.1241 Conflicting claims.—

1223 (1) When conflicting claims have been received by the  
 1224 department for the same unclaimed property account or accounts,  
 1225 the property shall be remitted in accordance with the claim  
 1226 filed by the person as follows, notwithstanding the withdrawal  
 1227 of a claim:

1228 (a) To the person submitting the first claim received by  
 1229 the Division ~~Bureau~~ of Unclaimed Property of the department that  
 1230 is complete or made complete.

1231 (b) If a claimant's claim and a claimant's  
 1232 representative's claim are received by the Division ~~Bureau~~ of  
 1233 Unclaimed Property of the department on the same day and both  
 1234 claims are complete, to the claimant.

1235 (c) If a buyer's claim and a claimant's claim or a  
 1236 claimant's representative's claim are received by the Division  
 1237 ~~Bureau~~ of Unclaimed Property of the department on the same day  
 1238 and the claims are complete, to the buyer.

1239 (d) As between two or more claimant's representative's  
 1240 claims received by the Division ~~Bureau~~ of Unclaimed Property of  
 1241 the department that are complete or made complete on the same  
 1242 day, to the claimant's representative who has agreed to receive  
 1243 the lowest fee. If the two or more claimant's representatives  
 1244 whose claims received by the Division ~~Bureau~~ of Unclaimed  
 1245 Property of the department were complete or made complete on the  
 1246 same day are charging the same lowest fee, the fee shall be  
 1247 divided equally between the claimant's representatives.

1248 (e) If more than one buyer's claim received by the



1249 Division Bureau of Unclaimed Property of the department is  
 1250 complete or made complete on the same day, the department shall  
 1251 remit the unclaimed property to the buyer who paid the highest  
 1252 amount to the seller. If the buyers paid the same amount to the  
 1253 seller, the department shall remit the unclaimed property to the  
 1254 buyers divided in equal amounts.

1255 Section 40. Section 717.1323, Florida Statutes, is amended  
 1256 to read:

1257 717.1323 Prohibited practice.—A ~~No~~ person may not  
 1258 knowingly enter false information onto the Internet website of  
 1259 the Division Bureau of Unclaimed Property.

1260 Section 41. Subsection (2) and paragraph (a) of subsection  
 1261 (3) of section 717.135, Florida Statutes, are amended to read:

1262 717.135 Power of attorney to recover reported property in  
 1263 the custody of the department.—

1264 (2) A power of attorney described in subsection (1) must:

1265 (a) Limit the fees and costs for services to 20 percent  
 1266 per unclaimed property account held by the department. Fees and  
 1267 costs for cash accounts shall be based on the value of the  
 1268 property at the time the power of attorney is signed by the  
 1269 claimant. Fees and costs for accounts containing securities or  
 1270 other intangible ownership interests, which securities or  
 1271 interests are not converted to cash, shall be based on the  
 1272 purchase price of the security as quoted on a national exchange  
 1273 or other market on which the property is regularly traded at the  
 1274 time the securities or other ownership interest is remitted to

1275 the claimant or the claimant's representative. Fees and costs  
 1276 for tangible property or safe-deposit box accounts shall be  
 1277 based on the value of the tangible property or contents of the  
 1278 safe-deposit box at the time the ownership interest is  
 1279 transferred or remitted to the claimant. Total fees and costs on  
 1280 any single account owned by a natural person residing in this  
 1281 country must not exceed \$1,000; or

1282 (b) Fully disclose that the property is held by the  
 1283 Division ~~Bureau~~ of Unclaimed Property of the Department of  
 1284 Financial Services pursuant to this chapter, the mailing address  
 1285 of the division ~~bureau~~, the Internet address of the division  
 1286 ~~bureau~~, the person or name of the entity that held the property  
 1287 prior to the property becoming unclaimed, the date of the  
 1288 holder's last contact with the owner, if known, and the  
 1289 approximate value of the property, and identify which of the  
 1290 following categories of unclaimed property the claimant's  
 1291 representative is seeking to recover, as reported by the holder:

- 1292 1. Cash accounts.
- 1293 2. Stale dated checks.
- 1294 3. Life insurance or annuity contract assets.
- 1295 4. Utility deposits.
- 1296 5. Securities or other interests in business associations.
- 1297 6. Wages.
- 1298 7. Accounts receivable.
- 1299 8. Contents of safe-deposit boxes.

1300

1301 This subsection shall not apply if probate proceedings must be  
 1302 initiated on behalf of the claimant for an estate that has never  
 1303 been probated or if the unclaimed property is being claimed by a  
 1304 person outside of the United States.

1305 (3) (a) A power of attorney described in paragraph (2) (b)  
 1306 must state in 12-point type or greater in the order indicated  
 1307 with the blank spaces accurately completed:

1308  
 1309 FULL DISCLOSURE STATEMENT

1310  
 1311 The property is currently held by the State of Florida  
 1312 Department of Financial Services, Division ~~Bureau~~ of  
 1313 Unclaimed Property, pursuant to chapter 717, Florida  
 1314 Statutes. The mailing address of the Division ~~Bureau~~  
 1315 of Unclaimed Property is ..... The Internet  
 1316 address of the Division ~~Bureau~~ of Unclaimed Property  
 1317 is .....

1318  
 1319 The property was remitted by: .....

1320  
 1321 Date of last contact: .....

1322  
 1323 Property category: .....

1324  
 1325 Section 42. Subsection (2) of section 717.1351, Florida  
 1326 Statutes, is amended to read:

1327 717.1351 Acquisition of unclaimed property.—

1328 (2) All contracts to acquire ownership of or entitlement  
 1329 to unclaimed property from the person or persons entitled to the  
 1330 unclaimed property must be in 10-point type or greater and must:

1331 (a) Have a purchase price that discounts the value of the  
 1332 unclaimed property at the time the agreement is executed by the  
 1333 seller at no greater than 20 percent per account held by the  
 1334 department. An unclaimed property account must not be discounted  
 1335 in excess of \$1,000. However, the \$1,000 discount limitation  
 1336 does not apply if probate proceedings must be initiated on  
 1337 behalf of the seller for an estate that has never been probated  
 1338 or if the seller of the unclaimed property is not a natural  
 1339 person or is a person outside the United States; or

1340 (b) Fully disclose that the property is held by the  
 1341 Division ~~Bureau~~ of Unclaimed Property of the Department of  
 1342 Financial Services pursuant to this chapter, the mailing address  
 1343 of the division ~~bureau~~, the Internet address of the division  
 1344 ~~bureau~~, the person or name of the entity that held the property  
 1345 prior to the property becoming unclaimed, the date of the  
 1346 holder's last contact with the owner, if known, and the  
 1347 approximate value of the property, and identify which of the  
 1348 following categories of unclaimed property the buyer is seeking  
 1349 to purchase as reported by the holder:

- 1350 1. Cash accounts.
- 1351 2. Stale dated checks.
- 1352 3. Life insurance or annuity contract assets.

- 1353 4. Utility deposits.
- 1354 5. Securities or other interests in business associations.
- 1355 6. Wages.
- 1356 7. Accounts receivable.
- 1357 8. Contents of safe-deposit boxes.

1358  
 1359 The purchase agreement described in this paragraph must state in  
 1360 12-point type or greater in the order indicated with the blank  
 1361 spaces accurately completed:

1362  
 1363 FULL DISCLOSURE STATEMENT

1364  
 1365 The property is currently held by the State of Florida  
 1366 Department of Financial Services, Division ~~Bureau~~ of  
 1367 Unclaimed Property, pursuant to chapter 717, Florida  
 1368 Statutes. The mailing address of the Division ~~Bureau~~  
 1369 of Unclaimed Property is ..... The Internet  
 1370 address of the Division ~~Bureau~~ of Unclaimed Property  
 1371 is .....

1372  
 1373 The property was remitted by: .....

1374  
 1375 Date of last contact: .....

1376  
 1377 Property category: .....

1378

1379 Immediately above the signature line for the seller, the  
 1380 purchase agreement described in this paragraph must state in 12-  
 1381 point type or greater:

1382

1383 Seller agrees, by signing below, that the FULL  
 1384 DISCLOSURE STATEMENT has been read and fully  
 1385 understood.

1386 Section 43. Paragraphs (a) and (b) of subsection (5) of  
 1387 section 717.1400, Florida Statutes, are amended to read:

1388 717.1400 Registration.—

1389 (5) If a material change in the status of a registration  
 1390 occurs, a registrant must, within 30 days, provide the  
 1391 department with the updated documentation and information in  
 1392 writing. Material changes include, but are not limited to: a  
 1393 designated agent or employee ceasing to act on behalf of the  
 1394 designating person, a surrender, suspension, or revocation of a  
 1395 license, or a license renewal.

1396 (a) If a designated agent or employee ceases to act on  
 1397 behalf of the person who has designated the agent or employee to  
 1398 act on such person's behalf, the designating person must, within  
 1399 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in  
 1400 writing of the termination of agency or employment.

1401 (b) If a registrant surrenders the registrant's license or  
 1402 the license is suspended or revoked, the registrant must, within  
 1403 30 days, inform the division ~~bureau~~ in writing of the surrender,  
 1404 suspension, or revocation.

1405 Section 44. Section 717.138, Florida Statutes, is amended  
 1406 to read:

1407 717.138 Rulemaking authority.—The department shall  
 1408 administer and provide for the enforcement of this chapter. The  
 1409 department has authority to adopt rules pursuant to ss.  
 1410 120.536(1) and 120.54 to implement the provisions of this  
 1411 chapter. The department may adopt rules to allow for electronic  
 1412 filing of fees, forms, and reports required by this chapter. The  
 1413 authority to adopt rules pursuant to this chapter applies to all  
 1414 unclaimed property reported and remitted to the Chief Financial  
 1415 Officer, including, but not limited to, property reported  
 1416 pursuant to ss. 43.19, 45.032, 732.107, 733.816, and 744.534.

1417 Section 45. Paragraphs (k) and (l) of subsection (6) of  
 1418 section 932.7055, Florida Statutes, are amended to read:

1419 932.7055 Disposition of liens and forfeited property.—

1420 (6) If the seizing agency is a state agency, all remaining  
 1421 proceeds shall be deposited into the General Revenue Fund.

1422 However, if the seizing agency is:

1423 (k) The Division of Investigative and Forensic Services  
 1424 ~~State Fire Marshal~~ in the Department of Financial Services, the  
 1425 proceeds accrued under the Florida Contraband Forfeiture Act  
 1426 shall be deposited into the Insurance Regulatory Trust Fund to  
 1427 be used for the purposes of arson suppression, arson  
 1428 investigation, and the funding of anti-arson rewards.

1429 (l) The Division of Investigative and Forensic Services  
 1430 ~~Insurance Fraud~~ of the Department of Financial Services, the

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1431 | proceeds accrued pursuant to ~~the provisions of~~ the Florida  
1432 | Contraband Forfeiture Act shall be deposited into the Insurance  
1433 | Regulatory Trust Fund as provided in s. 626.9893 or into the  
1434 | Department of Financial Services' Federal Law Enforcement Trust  
1435 | Fund as provided in s. 17.43, as applicable.

1436 |       Section 46. This act shall take effect July 1, 2016.