

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 amending s. 624.26, F.S.; conforming a provision to
13 changes made by the act; amending s. 624.307, F.S.;
14 providing powers and duties of the Division of
15 Consumer Services; authorizing the division to impose
16 certain penalties; authorizing the department to adopt
17 rules relating to the division; providing for
18 construction; amending ss. 16.59, 400.9935, 409.91212,
19 440.105, 440.1051, 440.12, 624.521, 626.016, 626.989,
20 626.9891, 626.9892, 626.9893, 626.9894, 626.99278,
21 627.351, 627.711, 627.736, 627.7401, 631.156, and
22 641.30, F.S., relating to the renaming of the Division
23 of Insurance Fraud; conforming provisions to changes
24 made by the act; making technical changes; amending
25 ss. 282.709, 552.113, 552.21, 633.112, 633.114,
26 633.122, 633.126, 633.422, 633.508, 633.512, 633.518,

27 and 791.013, F.S., relating to the transfer of certain
 28 functions to the Division of Investigative and
 29 Forensic Services; conforming provisions to changes
 30 made by the act; amending ss. 538.32, 717.1241,
 31 717.1323, 717.135, 717.1351, and 717.1400, F.S.,
 32 relating to the renaming of the Bureau of Unclaimed
 33 Property; conforming provisions to changes made by the
 34 act; making technical changes; amending s. 932.7055,
 35 F.S.; conforming provisions to changes made by the
 36 act; providing an effective date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Section 17.04, Florida Statutes, is amended to
 41 read:

42 17.04 To audit and adjust accounts of officers and those
 43 indebted to the state.—The Chief Financial Officer, using
 44 generally accepted auditing procedures for testing or sampling,
 45 shall examine, audit, adjust, and settle the accounts of all the
 46 officers of this state, and any other person in anywise
 47 entrusted with, or who may have received any property, funds, or
 48 moneys of this state, or who may be in anywise indebted or
 49 accountable to this state for any property, funds, or moneys,
 50 and require such officer or persons to render full accounts
 51 thereof, and to yield up such property or funds according to
 52 law, or pay such moneys into the treasury of this state, or to

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

66 Section 2. Section 17.0401, Florida Statutes, is amended
67 to read:

68 17.0401 Confidentiality of information relating to
69 financial investigations.—Except as otherwise provided by this
70 section, information relative to an investigation conducted by
71 the Chief Financial Officer ~~Division of Accounting and Auditing~~
72 pursuant to s. 17.04, including any consumer complaint, is
73 confidential and exempt from the provisions of s. 119.07(1) and
74 s. 24(a), Art. I of the State Constitution until the
75 investigation is completed or ceases to be active. Any
76 information relating to an investigation conducted ~~by the~~
77 ~~division~~ pursuant to s. 17.04 shall remain confidential and
78 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

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

104 | Section 3. Subsection (2) of section 20.121, Florida

105 Statutes, is reordered and amended to read:

106 20.121 Department of Financial Services.—There is created
107 a Department of Financial Services.

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

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

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

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

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

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

126 (j) ~~(d)~~ The Division of Treasury, which shall include a
127 Bureau of Deferred Compensation responsible for administering
128 the Government Employees Deferred Compensation Plan established
129 under s. 112.215 for state employees.

130 (k) The Division of Unclaimed Property.

131 (e) The Division of Investigative and Forensic Services,
132 which shall include the Bureau of Forensic Services and the
133 Bureau of Fire and Arson Investigations, and which shall
134 function as a criminal justice agency for purposes of ss.
135 943.045-943.08. The division may conduct investigations within
136 or outside of this state as it deems necessary. If, during an
137 investigation, the division has reason to believe that any
138 criminal law of this state has or may have been violated, it
139 shall refer any records tending to show such violation to state
140 or federal law enforcement or prosecutorial agencies and shall
141 provide investigative assistance to those agencies as required
142 Insurance Fraud.

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

144 ~~(d)-(g)~~ The Division of Insurance Agent and Agency
145 Services.

146 ~~(b)-(h)~~ The Division of Consumer Services.

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

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

151 ~~b. Prepare and disseminate such information as the~~
152 ~~department deems appropriate to inform or assist consumers.~~

153 ~~e. Provide direct assistance and advocacy for consumers~~
154 ~~who request such assistance or advocacy.~~

155 ~~d. With respect to apparent or potential violations of law~~
156 ~~or applicable rules by a person or entity licensed by the~~

157 ~~department or office, report apparent or potential violations to~~
158 ~~the office or the appropriate division of the department, which~~
159 ~~may take such further action as it deems appropriate.~~

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

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

175 ~~3. The department may adopt rules to administer this~~
176 ~~paragraph.~~

177 ~~4. The powers, duties, and responsibilities expressed or~~
178 ~~granted in this paragraph do not limit the powers, duties, and~~
179 ~~responsibilities of the Department of Financial Services, the~~
180 ~~Financial Services Commission, the Office of Insurance~~
181 ~~Regulation, or the Office of Financial Regulation set forth~~
182 ~~elsewhere in the Florida Statutes.~~

- 183 (l)~~(i)~~ The Division of Workers' Compensation.
- 184 ~~(j) The Division of Administration.~~
- 185 ~~(k) The Division of Legal Services.~~
- 186 ~~(l) The Division of Information Systems.~~
- 187 (m) The Office of Insurance Consumer Advocate.
- 188 (c)~~(n)~~ The Division of Funeral, Cemetery, and Consumer
- 189 Services.

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

191 Section 4. Subsection (4) of section 624.26, Florida

192 Statutes, is amended to read:

193 624.26 Collaborative arrangement with the Department of

194 Health and Human Services.—

195 (4) The department's Division of Consumer Services may

196 respond to complaints by consumers relating to a requirement of

197 PPACA ~~as authorized under s. 20.121(2)(h)~~, and report apparent

198 or potential violations to the office and to the federal

199 Department of Health and Human Services.

200 Section 5. Subsection (10) is added to section 624.307,

201 Florida Statutes, to read:

202 624.307 General powers; duties.—

203 (10) (a) The Division of Consumer Services shall perform

204 the following functions concerning products or services

205 regulated by the department or office:

- 206 1. Receive inquiries and complaints from consumers.
- 207 2. Prepare and disseminate information that the department
- 208 deems appropriate to inform or assist consumers.

209 3. Provide direct assistance to and advocacy for consumers
210 who request such assistance or advocacy.

211 4. With respect to apparent or potential violations of law
212 or applicable rules committed by a person or entity licensed by
213 the department or office, report apparent or potential
214 violations to the office or to the appropriate division of the
215 department, which may take any additional action it deems
216 appropriate.

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

219 (b) Any person licensed or issued a certificate of
220 authority by the department or the office shall respond, in
221 writing, to the division within 20 days after receipt of a
222 written request for information from the division concerning a
223 consumer complaint. The response must address the issues and
224 allegations raised in the complaint. The division may impose an
225 administrative penalty for failure to comply with this paragraph
226 of up to \$2,500 per violation upon any entity licensed by the
227 department or the office and \$250 for the first violation, \$500
228 for the second violation, and up to \$1,000 for the third or
229 subsequent violation upon any individual licensed by the
230 department or the office.

231 (c) The department may adopt rules to administer this
232 subsection.

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

235 responsibilities of the department, the Financial Services
 236 Commission, the Office of Insurance Regulation, or the Office of
 237 Financial Regulation as otherwise provided by law.

238 Section 6. Section 16.59, Florida Statutes, is amended to
 239 read:

240 16.59 Medicaid fraud control.—The Medicaid Fraud Control
 241 Unit is created in the Department of Legal Affairs to
 242 investigate all violations of s. 409.920 and any criminal
 243 violations discovered during the course of those investigations.
 244 The Medicaid Fraud Control Unit may refer any criminal violation
 245 so uncovered to the appropriate prosecuting authority. The
 246 offices of the Medicaid Fraud Control Unit, the Agency for
 247 Health Care Administration Medicaid program integrity program,
 248 and the Divisions of Investigative and Forensic Services
 249 ~~Insurance Fraud~~ and Public Assistance Fraud within the
 250 Department of Financial Services shall, to the extent possible,
 251 be collocated; however, positions dedicated to Medicaid managed
 252 care fraud within the Medicaid Fraud Control Unit shall be
 253 collocated with the Division of Investigative and Forensic
 254 Services ~~Insurance Fraud~~. The Agency for Health Care
 255 Administration, the Department of Legal Affairs, and the
 256 Divisions of Investigative and Forensic Services ~~Insurance Fraud~~
 257 and Public Assistance Fraud within the Department of Financial
 258 Services shall conduct joint training and other joint activities
 259 designed to increase communication and coordination in
 260 recovering overpayments.

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

263 400.9935 Clinic responsibilities.—

264 (9) In addition to the requirements of part II of chapter
 265 408, the clinic shall display a sign in a conspicuous location
 266 within the clinic readily visible to all patients indicating
 267 that, pursuant to s. 626.9892, the Department of Financial
 268 Services may pay rewards of up to \$25,000 to persons providing
 269 information leading to the arrest and conviction of persons
 270 committing crimes investigated by the Division of Investigative
 271 and Forensic Services ~~Insurance-Fraud~~ arising from violations of
 272 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.
 273 An authorized employee of the Division of Investigative and
 274 Forensic Services ~~Insurance-Fraud~~ may make unannounced
 275 inspections of a clinic licensed under this part as necessary to
 276 determine whether the clinic is in compliance with this
 277 subsection. A licensed clinic shall allow full and complete
 278 access to the premises to such authorized employee of the
 279 division who makes an inspection to determine compliance with
 280 this subsection.

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

283 409.91212 Medicaid managed care fraud.—

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

287 Medicaid Program Integrity within the agency. At a minimum the
 288 report must contain the name of the provider or recipient, the
 289 Medicaid billing number or tax identification number, and a
 290 description of the fraudulent or abusive act. The Office of
 291 Medicaid Program Integrity in the agency shall forward the
 292 report of suspected overpayment, abuse, or fraud to the
 293 appropriate investigative unit, including, but not limited to,
 294 the Bureau of Medicaid program integrity, the Medicaid fraud
 295 control unit, the Division of Public Assistance Fraud, the
 296 Division of Investigative and Forensic Services ~~Insurance Fraud~~,
 297 or the Department of Law Enforcement.

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

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

303 Section 9. Paragraph (a) of subsection (1) of section
 304 440.105, Florida Statutes, is amended to read:

305 440.105 Prohibited activities; reports; penalties;
 306 limitations.-

307 (1)(a) Any insurance carrier, any individual self-insured,
 308 any commercial or group self-insurance fund, any professional
 309 practitioner licensed or regulated by the Department of Health,
 310 except as otherwise provided by law, any medical review
 311 committee as defined in s. 766.101, any private medical review
 312 committee, and any insurer, agent, or other person licensed

313 | under the insurance code, or any employee thereof, having
314 | knowledge or who believes that a fraudulent act or any other act
315 | or practice which, upon conviction, constitutes a felony or
316 | misdemeanor under this chapter is being or has been committed
317 | shall send to the Division of Investigative and Forensic
318 | Services ~~Insurance Fraud~~, Bureau of Workers' Compensation Fraud,
319 | a report or information pertinent to such knowledge or belief
320 | and such additional information relative thereto as the bureau
321 | may require. The bureau shall review such information or reports
322 | and select such information or reports as, in its judgment, may
323 | require further investigation. It shall then cause an
324 | independent examination of the facts surrounding such
325 | information or report to be made to determine the extent, if
326 | any, to which a fraudulent act or any other act or practice
327 | which, upon conviction, constitutes a felony or a misdemeanor
328 | under this chapter is being committed. The bureau shall report
329 | any alleged violations of law which its investigations disclose
330 | to the appropriate licensing agency and state attorney or other
331 | prosecuting agency having jurisdiction with respect to any such
332 | violations of this chapter. If prosecution by the state attorney
333 | or other prosecuting agency having jurisdiction with respect to
334 | such violation is not begun within 60 days of the bureau's
335 | report, the state attorney or other prosecuting agency having
336 | jurisdiction with respect to such violation shall inform the
337 | bureau of the reasons for the lack of prosecution.

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

339 Florida Statutes, are amended to read:

340 440.1051 Fraud reports; civil immunity; criminal
341 penalties.—

342 (1) The Bureau of Workers' Compensation Insurance Fraud of
343 the Division of Investigative and Forensic Services ~~Insurance~~
344 ~~Fraud~~ of the department shall establish a toll-free telephone
345 number to receive reports of workers' compensation fraud
346 committed by an employee, employer, insurance provider,
347 physician, attorney, or other person.

348 (2) Any person who reports workers' compensation fraud to
349 the Division of Investigative and Forensic Services ~~Insurance~~
350 ~~Fraud~~ under subsection (1) is immune from civil liability for
351 doing so, and the person or entity alleged to have committed the
352 fraud may not retaliate against him or her for providing such
353 report, unless the person making the report knows it to be
354 false.

355 Section 11. Paragraph (c) of subsection (1) of section
356 440.12, Florida Statutes, is amended to read:

357 440.12 Time for commencement and limits on weekly rate of
358 compensation.—

359 (1) Compensation is not allowed for the first 7 days of
360 the disability, except for benefits provided under s. 440.13.
361 However, if the injury results in more than 21 days of
362 disability, compensation is allowed from the commencement of the
363 disability.

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

365 under this subsection, including the time and manner of such
 366 payments, and shall furnish these records or a report based on
 367 these records to the Division of Investigative and Forensic
 368 Services ~~Insurance-Fraud~~ and the Division of Workers'
 369 Compensation, upon request.

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

372 624.521 Deposit of certain tax receipts; refund of
 373 improper payments.-

374 (1) The department ~~of Financial Services~~ shall promptly
 375 deposit in the State Treasury to the credit of the Insurance
 376 Regulatory Trust Fund all "state tax" portions of agents'
 377 licenses collected under s. 624.501 necessary to fund the
 378 Division of Investigative and Forensic Services ~~Insurance-Fraud~~.
 379 The balance of the tax shall be credited to the General Fund.
 380 All moneys received by the department ~~of Financial Services~~ or
 381 the office not in accordance with ~~the provisions of~~ this code or
 382 not in the exact amount as specified by the applicable
 383 provisions of this code shall be returned to the remitter. The
 384 records of the department or office shall show the date and
 385 reason for such return.

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

388 626.016 Powers and duties of department, commission, and
 389 office.-

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

391 authority of the department and the Division of Investigative
 392 and Forensic Services ~~Insurance Fraud~~, as specified in s.
 393 626.989.

394 Section 14. Section 626.989, Florida Statutes, is amended
 395 to read:

396 626.989 Investigation by department or Division of
 397 Investigative and Forensic Services ~~Insurance Fraud~~; compliance;
 398 immunity; confidential information; reports to division;
 399 division investigator's power of arrest.—

400 (1) For the purposes of this section:

401 (a) A person commits a "fraudulent insurance act" if the
 402 person:

403 1. Knowingly and with intent to defraud presents, causes
 404 to be presented, or prepares with knowledge or belief that it
 405 will be presented, to or by an insurer, self-insurer, self-
 406 insurance fund, servicing corporation, purported insurer,
 407 broker, or any agent thereof, any written statement as part of,
 408 or in support of, an application for the issuance of, or the
 409 rating of, any insurance policy, or a claim for payment or other
 410 benefit pursuant to any insurance policy, which the person knows
 411 to contain materially false information concerning any fact
 412 material thereto or if the person conceals, for the purpose of
 413 misleading another, information concerning any fact material
 414 thereto.

415 2. Knowingly submits:

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

417 document when applying for licensure as a health care clinic,
 418 seeking an exemption from licensure as a health care clinic, or
 419 demonstrating compliance with part X of chapter 400 with an
 420 intent to use the license, exemption from licensure, or
 421 demonstration of compliance to provide services or seek
 422 reimbursement under the Florida Motor Vehicle No-Fault Law.

423 b. A claim for payment or other benefit pursuant to a
 424 personal injury protection insurance policy under the Florida
 425 Motor Vehicle No-Fault Law if the person knows that the payee
 426 knowingly submitted a false, misleading, or fraudulent
 427 application or other document when applying for licensure as a
 428 health care clinic, seeking an exemption from licensure as a
 429 health care clinic, or demonstrating compliance with part X of
 430 chapter 400.

431 (b) The term "insurer" also includes a health maintenance
 432 organization, and the term "insurance policy" also includes a
 433 health maintenance organization subscriber contract.

434 (2) If, by its own inquiries or as a result of complaints,
 435 the department or its Division of Investigative and Forensic
 436 Services ~~Insurance Fraud~~ has reason to believe that a person has
 437 engaged in, or is engaging in, a fraudulent insurance act, an
 438 act or practice that violates s. 626.9541 or s. 817.234, or an
 439 act or practice punishable under s. 624.15, it may administer
 440 oaths and affirmations, request the attendance of witnesses or
 441 proffering of matter, and collect evidence. The department or
 442 its Division of Investigative and Forensic Services shall not

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

445 (3) If matter that the department or its division seeks to
446 obtain by request is located outside the state, the person so
447 requested may make it available to the division or its
448 representative to examine the matter at the place where it is
449 located. The division may designate representatives, including
450 officials of the state in which the matter is located, to
451 inspect the matter on its behalf, and it may respond to similar
452 requests from officials of other states.

453 (4) (a) The department or its division may request that an
454 individual who refuses to comply with any such request be
455 ordered by the circuit court to provide the testimony or matter.
456 The court shall not order such compliance unless the department
457 or its division has demonstrated to the satisfaction of the
458 court that the testimony of the witness or the matter under
459 request has a direct bearing on the commission of a fraudulent
460 insurance act, on a violation of s. 626.9541 or s. 817.234, or
461 on an act or practice punishable under s. 624.15 or is pertinent
462 and necessary to further such investigation.

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

469 produce relevant matter.

470 (c) In the absence of fraud or bad faith, a person is not
471 subject to civil liability for libel, slander, or any other
472 relevant tort by virtue of filing reports, without malice, or
473 furnishing other information, without malice, required by this
474 section or required by the department or division under the
475 authority granted in this section, and no civil cause of action
476 of any nature shall arise against such person:

477 1. For any information relating to suspected fraudulent
478 insurance acts or persons suspected of engaging in such acts
479 furnished to or received from law enforcement officials, their
480 agents, or employees;

481 2. For any information relating to suspected fraudulent
482 insurance acts or persons suspected of engaging in such acts
483 furnished to or received from other persons subject to the
484 provisions of this chapter;

485 3. For any such information furnished in reports to the
486 department, the division, the National Insurance Crime Bureau,
487 the National Association of Insurance Commissioners, or any
488 local, state, or federal enforcement officials or their agents
489 or employees; or

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

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

495 | responsibilities include the investigation and disposition of
496 | claims relating to suspected fraudulent insurance acts may share
497 | information relating to persons suspected of committing
498 | fraudulent insurance acts with other designated employees
499 | employed by the same or other insurers whose responsibilities
500 | include the investigation and disposition of claims relating to
501 | fraudulent insurance acts, provided the department has been
502 | given written notice of the names and job titles of such
503 | designated employees prior to such designated employees sharing
504 | information. Unless the designated employees of the insurer act
505 | in bad faith or in reckless disregard for the rights of any
506 | insured, neither the insurer nor its designated employees are
507 | civilly liable for libel, slander, or any other relevant tort,
508 | and a civil action does not arise against the insurer or its
509 | designated employees:

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

512 | 2. For any information relating to suspected fraudulent
513 | insurance acts provided to the National Insurance Crime Bureau
514 | or the National Association of Insurance Commissioners.

515 |
516 | Provided, however, that the qualified immunity against civil
517 | liability conferred on any insurer or its designated employees
518 | shall be forfeited with respect to the exchange or publication
519 | of any defamatory information with third persons not expressly
520 | authorized by this paragraph to share in such information.

521 (e) The Chief Financial Officer and any employee or agent
522 of the department, commission, office, or division, when acting
523 without malice and in the absence of fraud or bad faith, is not
524 subject to civil liability for libel, slander, or any other
525 relevant tort, and no civil cause of action of any nature exists
526 against such person by virtue of the execution of official
527 activities or duties of the department, commission, or office
528 under this section or by virtue of the publication of any report
529 or bulletin related to the official activities or duties of the
530 department, division, commission, or office under this section.

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

534 (5) The office's and the department's papers, documents,
535 reports, or evidence relative to the subject of an investigation
536 under this section are confidential and exempt from the
537 provisions of s. 119.07(1) until such investigation is completed
538 or ceases to be active. For purposes of this subsection, an
539 investigation is considered "active" while the investigation is
540 being conducted by the office or department with a reasonable,
541 good faith belief that it could lead to the filing of
542 administrative, civil, or criminal proceedings. An investigation
543 does not cease to be active if the office or department is
544 proceeding with reasonable dispatch and has a good faith belief
545 that action could be initiated by the office or department or
546 other administrative or law enforcement agency. After an

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

550 (a) Jeopardize the integrity of another active
551 investigation;

552 (b) Impair the safety and soundness of an insurer;

553 (c) Reveal personal financial information;

554 (d) Reveal the identity of a confidential source;

555 (e) Defame or cause unwarranted damage to the good name or
556 reputation of an individual or jeopardize the safety of an
557 individual; or

558 (f) Reveal investigative techniques or procedures.

559 Further, such papers, documents, reports, or evidence relative
560 to the subject of an investigation under this section shall not
561 be subject to discovery until the investigation is completed or
562 ceases to be active. Office, department, or division
563 investigators shall not be subject to subpoena in civil actions
564 by any court of this state to testify concerning any matter of
565 which they have knowledge pursuant to a pending insurance fraud
566 investigation by the division.

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

573 Investigative and Forensic Services ~~Insurance-Fraud~~ a report or
574 information pertinent to such knowledge or belief and such
575 additional information relative thereto as the department may
576 request. Any professional practitioner licensed or regulated by
577 the Department of Business and Professional Regulation, except
578 as otherwise provided by law, any medical review committee as
579 defined in s. 766.101, any private medical review committee, and
580 any insurer, agent, or other person licensed under the code, or
581 an employee thereof, having knowledge or who believes that a
582 fraudulent insurance act or any other act or practice which,
583 upon conviction, constitutes a felony or a misdemeanor under the
584 code, or under s. 817.234, is being or has been committed shall
585 send to the Division of Investigative and Forensic Services
586 ~~Insurance-Fraud~~ a report or information pertinent to such
587 knowledge or belief and such additional information relative
588 thereto as the department may require. The Division of
589 Investigative and Forensic Services ~~Insurance-Fraud~~ shall review
590 such information or reports and select such information or
591 reports as, in its judgment, may require further investigation.
592 It shall then cause an independent examination of the facts
593 surrounding such information or report to be made to determine
594 the extent, if any, to which a fraudulent insurance act or any
595 other act or practice which, upon conviction, constitutes a
596 felony or a misdemeanor under the code, or under s. 817.234, is
597 being committed. The Division of Investigative and Forensic
598 Services ~~Insurance-Fraud~~ shall report any alleged violations of

599 law which its investigations disclose to the appropriate
600 licensing agency and state attorney or other prosecuting agency
601 having jurisdiction with respect to any such violation, as
602 provided in s. 624.310. If prosecution by the state attorney or
603 other prosecuting agency having jurisdiction with respect to
604 such violation is not begun within 60 days of the division's
605 report, the state attorney or other prosecuting agency having
606 jurisdiction with respect to such violation shall inform the
607 division of the reasons for the lack of prosecution.

608 (7) Division investigators shall have the power to make
609 arrests for criminal violations established as a result of
610 investigations. Such investigators shall also be considered
611 state law enforcement officers for all purposes and shall have
612 the power to execute arrest warrants and search warrants; to
613 serve subpoenas issued for the examination, investigation, and
614 trial of all offenses; and to arrest upon probable cause without
615 warrant any person found in the act of violating any of the
616 provisions of applicable laws. Investigators empowered to make
617 arrests under this section shall be empowered to bear arms in
618 the performance of their duties. In such a situation, the
619 investigator must be certified in compliance with the provisions
620 of s. 943.1395 or must meet the temporary employment or
621 appointment exemption requirements of s. 943.131 until
622 certified.

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

625 by abetting or assisting such resistance or otherwise
626 interfering, with division investigators in the duties imposed
627 upon them by law or department rule.

628 (9) In recognition of the complementary roles of
629 investigating instances of workers' compensation fraud and
630 enforcing compliance with the workers' compensation coverage
631 requirements under chapter 440, the Department of Financial
632 Services shall prepare and submit a joint performance report to
633 the President of the Senate and the Speaker of the House of
634 Representatives by January 1 of each year. The annual report
635 must include, but need not be limited to:

636 (a) The total number of initial referrals received, cases
637 opened, cases presented for prosecution, cases closed, and
638 convictions resulting from cases presented for prosecution by
639 the Bureau of Workers' Compensation Insurance Fraud by type of
640 workers' compensation fraud and circuit.

641 (b) The number of referrals received from insurers and the
642 Division of Workers' Compensation and the outcome of those
643 referrals.

644 (c) The number of investigations undertaken by the Bureau
645 of Workers' Compensation Insurance Fraud which were not the
646 result of a referral from an insurer or the Division of Workers'
647 Compensation.

648 (d) The number of investigations that resulted in a
649 referral to a regulatory agency and the disposition of those
650 referrals.

651 (e) The number and reasons provided by local prosecutors
652 or the statewide prosecutor for declining prosecution of a case
653 presented by the Bureau of Workers' Compensation Insurance Fraud
654 by circuit.

655 (f) The total number of employees assigned to the Bureau
656 of Workers' Compensation Insurance Fraud and the Division of
657 Workers' Compensation Bureau of Compliance delineated by
658 location of staff assigned; and the number and location of
659 employees assigned to the Bureau of Workers' Compensation
660 Insurance Fraud who were assigned to work other types of fraud
661 cases.

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

664 (h) The training provided during the year to workers'
665 compensation fraud investigators and the division's compliance
666 employees.

667 Section 15. Subsections (1), (2), and (3) of section
668 626.9891, Florida Statutes, are amended to read:

669 626.9891 Insurer anti-fraud investigative units; reporting
670 requirements; penalties for noncompliance.—

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

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

677 policies held by insureds; or

678 (b) Contract with others to investigate possible
679 fraudulent claims for services or repairs against policies held
680 by insureds.

681
682 An insurer subject to this subsection shall file with the
683 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
684 of the department on or before July 1, 1996, a detailed
685 description of the unit or division established pursuant to
686 paragraph (a) or a copy of the contract and related documents
687 required by paragraph (b).

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

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

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

698 (b) A description of the insurer's procedures for the
699 mandatory reporting of possible fraudulent insurance acts to the
700 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
701 of the department;

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

703 education and training of its claims adjusters or other
 704 personnel; and

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

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

711 626.9892 Anti-Fraud Reward Program; reporting of insurance
 712 fraud.—

713 (2) The department may pay rewards of up to \$25,000 to
 714 persons providing information leading to the arrest and
 715 conviction of persons committing crimes investigated by the
 716 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
 717 arising from violations of s. 440.105, s. 624.15, s. 626.9541,
 718 s. 626.989, or s. 817.234.

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

721 626.9893 Disposition of revenues; criminal or forfeiture
 722 proceedings.—

723 (1) The Division of Investigative and Forensic Services
 724 ~~Insurance-Fraud~~ of the Department of Financial Services may
 725 deposit revenues received as a result of criminal proceedings or
 726 forfeiture proceedings, other than revenues deposited into the
 727 Department of Financial Services' Federal Law Enforcement Trust
 728 Fund under s. 17.43, into the Insurance Regulatory Trust Fund.

729 Moneys deposited pursuant to this section shall be separately
 730 accounted for and shall be used solely for the division to carry
 731 out its duties and responsibilities.

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

734 626.9894 Gifts and grants.—

735 (2) All rights to, interest in, and title to such donated
 736 or granted property shall immediately vest in the Division of
 737 Investigative and Forensic Services ~~Insurance Fraud~~ upon
 738 donation. The division may hold such property in coownership,
 739 sell its interest in the property, liquidate its interest in the
 740 property, or dispose of its interest in the property in any
 741 other reasonable manner.

742 Section 19. Section 626.99278, Florida Statutes, is
 743 amended to read:

744 626.99278 Viatical provider anti-fraud plan.—Every
 745 licensed viatical settlement provider and registered life
 746 expectancy provider must adopt an anti-fraud plan and file it
 747 with the Division of Investigative and Forensic Services
 748 ~~Insurance Fraud~~ of the department. Each anti-fraud plan shall
 749 include:

750 (1) A description of the procedures for detecting and
 751 investigating possible fraudulent acts and procedures for
 752 resolving material inconsistencies between medical records and
 753 insurance applications.

754 (2) A description of the procedures for the mandatory

755 reporting of possible fraudulent insurance acts and prohibited
756 practices set forth in s. 626.99275 to the Division of
757 Investigative and Forensic Services ~~Insurance Fraud~~ of the
758 department.

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

761 (4) A written description or chart outlining the
762 organizational arrangement of the anti-fraud personnel who are
763 responsible for the investigation and reporting of possible
764 fraudulent insurance acts and for the investigation of
765 unresolved material inconsistencies between medical records and
766 insurance applications.

767 (5) For viatical settlement providers, a description of
768 the procedures used to perform initial and continuing review of
769 the accuracy of life expectancies used in connection with a
770 viatical settlement contract or viatical settlement investment.

771 Section 20. Paragraph (k) of subsection (6) of section
772 627.351, Florida Statutes, is amended to read:

773 627.351 Insurance risk apportionment plans.—

774 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

775 (k)1. The corporation shall establish and maintain a unit
776 or division to investigate possible fraudulent claims by
777 insureds or by persons making claims for services or repairs
778 against policies held by insureds; or it may contract with
779 others to investigate possible fraudulent claims for services or
780 repairs against policies held by the corporation pursuant to s.

781 626.9891. The corporation must comply with reporting
782 requirements of s. 626.9891. An employee of the corporation
783 shall notify the corporation's Office of the Inspector General
784 and the Division of Investigative and Forensic Services
785 ~~Insurance Fraud~~ within 48 hours after having information that
786 would lead a reasonable person to suspect that fraud may have
787 been committed by any employee of the corporation.

788 2. The corporation shall establish a unit or division
789 responsible for receiving and responding to consumer complaints,
790 which unit or division is the sole responsibility of a senior
791 manager of the corporation.

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

794 627.711 Notice of premium discounts for hurricane loss
795 mitigation; uniform mitigation verification inspection form.—

796 (4) An authorized mitigation inspector that signs a
797 uniform mitigation form, and a direct employee authorized to
798 conduct mitigation verification inspections under subsection
799 ~~paragraph~~ (3), may not commit misconduct in performing hurricane
800 mitigation inspections or in completing a uniform mitigation
801 form that causes financial harm to a customer or their insurer;
802 or that jeopardizes a customer's health and safety. Misconduct
803 occurs when an authorized mitigation inspector signs a uniform
804 mitigation verification form that:

805 (a) Falsely indicates that he or she personally inspected
806 the structures referenced by the form;

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

810 (c) Contains erroneous information due to the gross
 811 negligence of the inspector; or

812 (d) Contains a pattern of demonstrably false information
 813 regarding the existence of mitigation features that could give
 814 an insured a false evaluation of the ability of the structure to
 815 withstand major damage from a hurricane endangering the safety
 816 of the insured's life and property.

817 (7) An insurer, person, or other entity that obtains
 818 evidence of fraud or evidence that an authorized mitigation
 819 inspector or an employee authorized to conduct mitigation
 820 verification inspections under subsection ~~paragraph~~ (3) has made
 821 false statements in the completion of a mitigation inspection
 822 form shall file a report with the Division of Investigative and
 823 Forensic Services ~~Insurance-Fraud~~, along with all of the
 824 evidence in its possession that supports the allegation of fraud
 825 or falsity. An insurer, person, or other entity making the
 826 report shall be immune from liability, in accordance with s.
 827 626.989(4), for any statements made in the report, during the
 828 investigation, or in connection with the report. The Division of
 829 Investigative and Forensic Services ~~Insurance-Fraud~~ shall issue
 830 an investigative report if it finds that probable cause exists
 831 to believe that the authorized mitigation inspector, or an
 832 employee authorized to conduct mitigation verification

833 inspections under subsection ~~paragraph~~ (3), made intentionally
834 false or fraudulent statements in the inspection form. Upon
835 conclusion of the investigation and a finding of probable cause
836 that a violation has occurred, the Division of Investigative and
837 Forensic Services ~~Insurance-Fraud~~ shall send a copy of the
838 investigative report to the office and a copy to the agency
839 responsible for the professional licensure of the authorized
840 mitigation inspector, whether or not a prosecutor takes action
841 based upon the report.

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

844 627.736 Required personal injury protection benefits;
845 exclusions; priority; claims.—

846 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer
847 under ss. 627.730-627.7405 are primary, except that benefits
848 received under any workers' compensation law must be credited
849 against the benefits provided by subsection (1) and are due and
850 payable as loss accrues upon receipt of reasonable proof of such
851 loss and the amount of expenses and loss incurred which are
852 covered by the policy issued under ss. 627.730-627.7405. If the
853 Agency for Health Care Administration provides, pays, or becomes
854 liable for medical assistance under the Medicaid program related
855 to injury, sickness, disease, or death arising out of the
856 ownership, maintenance, or use of a motor vehicle, the benefits
857 under ss. 627.730-627.7405 are subject to the Medicaid program.
858 However, within 30 days after receiving notice that the Medicaid

859 program paid such benefits, the insurer shall repay the full
 860 amount of the benefits to the Medicaid program.

861 (i) If an insurer has a reasonable belief that a
 862 fraudulent insurance act, for the purposes of s. 626.989 or s.
 863 817.234, has been committed, the insurer shall notify the
 864 claimant, in writing, within 30 days after submission of the
 865 claim that the claim is being investigated for suspected fraud.
 866 Beginning at the end of the initial 30-day period, the insurer
 867 has an additional 60 days to conduct its fraud investigation.
 868 Notwithstanding subsection (10), no later than 90 days after the
 869 submission of the claim, the insurer must deny the claim or pay
 870 the claim with simple interest as provided in paragraph (d).
 871 Interest shall be assessed from the day the claim was submitted
 872 until the day the claim is paid. All claims denied for suspected
 873 fraudulent insurance acts shall be reported to the Division of
 874 Investigative and Forensic Services ~~Insurance Fraud~~.

875 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
 876 claim under this section, an insurer shall provide a notice to
 877 the insured or to a person for whom a claim for reimbursement
 878 for diagnosis or treatment of injuries has been filed, advising
 879 that:

880 (a) Pursuant to s. 626.9892, the Department of Financial
 881 Services may pay rewards of up to \$25,000 to persons providing
 882 information leading to the arrest and conviction of persons
 883 committing crimes investigated by the Division of Investigative
 884 and Forensic Services ~~Insurance Fraud~~ arising from violations of

885 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

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

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

894 627.7401 Notification of insured's rights.—

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

899 (b) An advisory informing insureds that:

900 1. Pursuant to s. 626.9892, the Department of Financial
 901 Services may pay rewards of up to \$25,000 to persons providing
 902 information leading to the arrest and conviction of persons
 903 committing crimes investigated by the Division of Investigative
 904 and Forensic Services ~~Insurance Fraud~~ arising from violations of
 905 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

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

910 (c) A notice that solicitation of a person injured in a

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

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

919 631.156 Investigation by the department; scope of
 920 authority; sharing of materials.—

921 (2) The department may provide documents, books, and
 922 records; other investigative products, work product, and
 923 analysis; and copies of any or all of such materials to the
 924 Division of Investigative and Forensic Services ~~Insurance Fraud~~
 925 or any other appropriate government agency. The sharing of these
 926 materials does ~~shall~~ not waive any work product or other
 927 privilege otherwise applicable under law.

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

930 641.30 Construction and relationship to other laws.—

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

935 Section 26. Paragraph (a) of subsection (2) of section
 936 282.709, Florida Statutes, is amended to read:

937 282.709 State agency law enforcement radio system and
 938 interoperability network.—

939 (2) The Joint Task Force on State Agency Law Enforcement
 940 Communications is created adjunct to the department to advise
 941 the department of member-agency needs relating to the planning,
 942 designing, and establishment of the statewide communication
 943 system.

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

946 1. A representative of the Division of Alcoholic Beverages
 947 and Tobacco of the Department of Business and Professional
 948 Regulation who shall be appointed by the secretary of the
 949 department.

950 2. A representative of the Division of Florida Highway
 951 Patrol of the Department of Highway Safety and Motor Vehicles
 952 who shall be appointed by the executive director of the
 953 department.

954 3. A representative of the Department of Law Enforcement
 955 who shall be appointed by the executive director of the
 956 department.

957 4. A representative of the Fish and Wildlife Conservation
 958 Commission who shall be appointed by the executive director of
 959 the commission.

960 5. A representative of the Department of Corrections who
 961 shall be appointed by the secretary of the department.

962 6. A representative of the Division of Investigative and

963 Forensic Services ~~State Fire Marshal~~ of the Department of
964 Financial Services who shall be appointed by the Chief Financial
965 Officer ~~State Fire Marshal~~.

966 7. A representative of the Department of Agriculture and
967 Consumer Services who shall be appointed by the Commissioner of
968 Agriculture.

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

971 552.113 Reports of thefts, illegal use, or illegal
972 possession.—

973 (3) The Division of Investigative and Forensic Services
974 shall investigate, or be certain that a qualified law
975 enforcement agency investigates, the cause and circumstances of
976 each theft, illegal use, or illegal possession of explosives
977 which occurs within the state. A report of each such
978 investigation shall be made and maintained by the Division of
979 Investigative and Forensic Services.

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

982 552.21 Confiscation and disposal of explosives.—

983 (1) Whenever the department ~~division~~ shall have reason to
984 believe that any person is or has been violating the provisions
985 of this chapter or any rules or regulations adopted and
986 promulgated pursuant thereto, the department ~~division~~ may,
987 without further process of law, confiscate the explosives in
988 question and cause them to be stored in a safe manner, or, if

989 any explosives are deemed by the department ~~division~~ to be in
 990 such a state or condition as to constitute a hazard to life or
 991 property, the department ~~division~~ may dispose of such explosives
 992 without further process of law. The department ~~division~~ is
 993 authorized to dispose of any abandoned explosives that it deems
 994 to be hazardous to life or property.

995 (2) If the person so charged is found guilty of violating
 996 ~~the provisions of~~ this chapter or any rule or regulation adopted
 997 pursuant thereto with regard to the possession, handling, or
 998 storage of explosives, the department ~~division~~ is authorized to
 999 dispose of the confiscated materials in such a way as it shall
 1000 deem equitable.

1001 Section 29. Paragraph (c) of subsection (6) of section
 1002 633.112, Florida Statutes, is amended to read:

1003 633.112 State Fire Marshal; hearings; investigations;
 1004 recordkeeping and reports; subpoenas of witnesses; orders of
 1005 circuit court.—

1006 (6) Upon request, the State Fire Marshal shall investigate
 1007 the cause, origin, and circumstances of fires and explosions
 1008 occurring in this state wherein property has been damaged or
 1009 destroyed and there is probable cause to believe that the fire
 1010 or explosion was the result of carelessness or design.

1011 (c) The State Fire Marshal ~~division~~ shall adopt rules to
 1012 assist local fire officials and law enforcement officers in
 1013 determining the established responsibilities with respect to the
 1014 initial or preliminary assessment of fire and explosion scenes,

1015 and the determination of whether probable cause exists to refer
 1016 such scenes to the State Fire Marshal for an investigation.

1017 Section 30. Subsection (1) of section 633.114, Florida
 1018 Statutes, is amended to read:

1019 633.114 State Fire Marshal agents; authority; duties;
 1020 compensation.—

1021 (1) The State Fire Marshal shall appoint such agents,
 1022 including agents of the Division of Investigative and Forensic
 1023 Services, as may be necessary to carry out effectively this
 1024 chapter, who shall be reimbursed for travel expenses as provided
 1025 in s. 112.061, in addition to their salary, when traveling or
 1026 making investigations in the performance of their duties. Such
 1027 agents, including agents of the Division of Investigative and
 1028 Forensic Services, shall be at all times under the direction and
 1029 control of the State Fire Marshal, who shall fix their
 1030 compensation, and all orders shall be issued in the State Fire
 1031 Marshal's name and by her or his authority.

1032 Section 31. Section 633.122, Florida Statutes, is amended
 1033 to read:

1034 633.122 Impersonating State Fire Marshal, firefighter,
 1035 volunteer firefighter, or firesafety inspector; criminal
 1036 penalties.—A person who falsely assumes or pretends to be the
 1037 State Fire Marshal, an agent of the State Fire Marshal ~~division~~,
 1038 a firefighter, a volunteer firefighter, or a firesafety
 1039 inspector by identifying herself or himself as the State Fire
 1040 Marshal, an agent of the State Fire Marshal ~~division~~, a

1041 firefighter, a volunteer firefighter, or a firesafety inspector
 1042 by wearing a uniform or presenting or displaying a badge as
 1043 credentials that would cause a reasonable person to believe that
 1044 she or he is a State Fire Marshal, an agent of the State Fire
 1045 Marshal ~~division~~, a firefighter, a volunteer firefighter, or
 1046 firesafety inspector commits a felony of the third degree,
 1047 punishable as provided in ss. 775.082 and 775.083 or, if the
 1048 impersonation occurs during the commission of a separate felony
 1049 by that person, commits a felony of the first degree, punishable
 1050 as provided in ss. 775.082 and 775.083.

1051 Section 32. Paragraph (b) of subsection (1) of section
 1052 633.126, Florida Statutes, is amended to read:

1053 633.126 Investigation of fraudulent insurance claims and
 1054 crimes; immunity of insurance companies supplying information.-

1055 (1)

1056 (b) The State Fire Marshal or an agent appointed pursuant
 1057 to s. 633.114, an agent of the Division of Investigative and
 1058 Forensic Services, any law enforcement officer as defined in s.
 1059 111.065, any law enforcement officer of a federal agency, or any
 1060 fire service provider official who is engaged in the
 1061 investigation of a fire or explosion loss may request any
 1062 insurance company or its agent, adjuster, employee, or attorney,
 1063 investigating a claim under an insurance policy or contract with
 1064 respect to a fire or explosion to release any information
 1065 whatsoever in the possession of the insurance company or its
 1066 agent, adjuster, employee, or attorney relative to a loss from

1067 that fire or explosion. The insurance company shall release the
 1068 available information to and cooperate with any official
 1069 authorized to request such information pursuant to this section.
 1070 The information shall include, but shall not be limited to:

- 1071 1. Any insurance policy relevant to a loss under
- 1072 investigation and any application for such a policy.
- 1073 2. Any policy premium payment records.
- 1074 3. The records, reports, and all material pertaining to
- 1075 any previous claims made by the insured with the reporting
- 1076 company.
- 1077 4. Material relating to the investigation of the loss,
- 1078 including statements of a person, proof of loss, and other
- 1079 relevant evidence.
- 1080 5. Memoranda, notes, and correspondence relating to the
- 1081 investigation of the loss in the possession of the insurance
- 1082 company or its agents, adjusters, employees, or attorneys.

1083 Section 33. Subsection (5) of section 633.422, Florida
 1084 Statutes, is amended to read:

1085 633.422 Firefighters; supplemental compensation.—

1086 (5) APPLICABILITY.—For the purposes of this section, the
 1087 department ~~division~~ shall be considered a fire service provider
 1088 responsible for the payment of supplemental compensation in
 1089 accordance with this section to firefighters employed full time
 1090 by the department ~~division~~.

1091 Section 34. Subsection (7) of section 633.508, Florida
 1092 Statutes, is amended to read:

1093 633.508 Workplace safety; rulemaking authority; division
1094 authority.—

1095 (7) The department ~~division~~ shall:

1096 (a) Investigate and prescribe by rule what safety devices,
1097 safeguards, or other means of protection must be adopted for the
1098 prevention of accidents and injuries in every firefighter
1099 employee place of employment or at any fire scene; determine
1100 what suitable devices, safeguards, or other means of protection
1101 for the prevention of occupational diseases must be adopted or
1102 followed in any or all such firefighter places of employment or
1103 at any emergency fire scene; and adopt reasonable rules for the
1104 prevention of accidents, the safety, protection, and security of
1105 firefighter employees engaged in interior firefighting, and the
1106 prevention of occupational diseases.

1107 (b) Ascertain, fix, and order such reasonable standards
1108 and rules for the construction, repair, and maintenance of
1109 firefighter employee places of employment so as to render them
1110 safe. Such rules and standards shall be adopted in accordance
1111 with chapter 120.

1112 (c) Adopt rules prescribing recordkeeping responsibilities
1113 for firefighter employers, which may include maintaining a log
1114 and summary of occupational injuries, diseases, and illnesses,
1115 for producing on request a notice of injury and firefighter
1116 employee accident investigation records, and prescribing a
1117 retention schedule for such records.

1118 Section 35. Section 633.512, Florida Statutes, is amended

1119 to read:

1120 633.512 Compliance.—Failure of a firefighter employer or
 1121 an insurer to comply with this part, or with any rules adopted
 1122 under this part, constitutes grounds for the department ~~division~~
 1123 to seek remedies, including injunctive relief, by making
 1124 appropriate filings with the circuit court.

1125 Section 36. Subsection (1) of section 633.518, Florida
 1126 Statutes, is amended to read:

1127 633.518 Studies, investigations, inspections, or inquiries
 1128 by the division; refusal to admit; penalty.—

1129 (1) The department ~~division~~ shall make studies,
 1130 investigations, inspections, or inquiries with respect to
 1131 compliance with this part or any rules authorized under this
 1132 part and the causes of firefighter employee injuries, illnesses,
 1133 safety-based complaints, or Line of Duty Deaths (LODD) as
 1134 defined in rule in firefighter employee places of employment and
 1135 shall make such recommendations to the Legislature and
 1136 firefighter employers and insurers as the department ~~division~~
 1137 considers proper to prevent or reduce future occurrences. In
 1138 making such studies, investigations, inspections, or inquiries,
 1139 the department ~~division~~ may cooperate with any agency of the
 1140 United States charged with the duty of enforcing any law
 1141 securing safety against injury in any place of firefighter
 1142 employment covered by this part or any agency or department of
 1143 the state engaged in enforcing any law to ensure safety for
 1144 firefighter employees.

1145 Section 37. Subsection (3) of section 791.013, Florida
 1146 Statutes, is amended to read:

1147 791.013 Testing and approval of sparklers; penalties.—

1148 (3) For purposes of the testing requirement by this
 1149 section, the division shall perform such tests as are necessary
 1150 to determine compliance with the performance standards in the
 1151 definition of sparklers, pursuant to s. 791.01. The State Fire
 1152 Marshal shall adopt, by rule, procedures for testing products to
 1153 determine compliance with this chapter. The Division of
 1154 Investigative and Forensic Services shall dispose of any samples
 1155 which remain after testing.

1156 Section 38. Paragraphs (b), (c), and (d) of subsection (7)
 1157 of section 538.32, Florida Statutes, are amended to read:

1158 538.32 Registration, transaction, and recordkeeping
 1159 requirements; penalties.—

1160 (7)

1161 (b) Alternatively, a secondhand dealer must give written
 1162 notice to the seller, by United States mail or e-mail if an e-
 1163 mail address is provided by the seller, that information
 1164 otherwise required to be given by the seller under subsection
 1165 (2) has not been provided by the seller to the secondhand
 1166 dealer. Notice of the deficient information must be sent by the
 1167 secondhand dealer no later than 10 days after the transaction is
 1168 received by the secondhand dealer. The secondhand dealer must
 1169 specify in the notice that:

1170 1. The seller must provide the missing information or must

1171 request the return of the property from the secondhand dealer
 1172 within 30 days after receiving the notice from the secondhand
 1173 dealer; and

1174 2. The failure of the seller to provide the missing
 1175 information or request return of the property within the
 1176 applicable 30-day time period shall result in abandonment of the
 1177 seller's property to the Division ~~Bureau~~ of Unclaimed Property
 1178 of the Department of Financial Services pursuant to chapter 717.

1179 (c) If the seller fails to remedy the deficiency in
 1180 information or request return of the property within 30 days
 1181 after receiving the notice, the seller's property is deemed
 1182 abandoned and is relinquished to the Division ~~Bureau~~ of
 1183 Unclaimed Property pursuant to chapter 717 if the property's
 1184 true market value is greater than \$50 as defined in chapter 717.

1185 (d) Within 24 hours after the expiration of the 30-day
 1186 hold period for the property, the secondhand dealer must notify
 1187 the appropriate law enforcement agency of the abandonment of the
 1188 property by electronic transmission or by sending a copy of the
 1189 completed form authorized by chapter 717 to the Department of
 1190 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1191 Section 39. Subsection (1) of section 717.1241, Florida
 1192 Statutes, is amended to read:

1193 717.1241 Conflicting claims.—

1194 (1) When conflicting claims have been received by the
 1195 department for the same unclaimed property account or accounts,
 1196 the property shall be remitted in accordance with the claim

1197 | filed by the person as follows, notwithstanding the withdrawal
 1198 | of a claim:

1199 | (a) To the person submitting the first claim received by
 1200 | the Division ~~Bureau~~ of Unclaimed Property of the department that
 1201 | is complete or made complete.

1202 | (b) If a claimant's claim and a claimant's
 1203 | representative's claim are received by the Division ~~Bureau~~ of
 1204 | Unclaimed Property of the department on the same day and both
 1205 | claims are complete, to the claimant.

1206 | (c) If a buyer's claim and a claimant's claim or a
 1207 | claimant's representative's claim are received by the Division
 1208 | ~~Bureau~~ of Unclaimed Property of the department on the same day
 1209 | and the claims are complete, to the buyer.

1210 | (d) As between two or more claimant's representative's
 1211 | claims received by the Division ~~Bureau~~ of Unclaimed Property of
 1212 | the department that are complete or made complete on the same
 1213 | day, to the claimant's representative who has agreed to receive
 1214 | the lowest fee. If the two or more claimant's representatives
 1215 | whose claims received by the Division ~~Bureau~~ of Unclaimed
 1216 | Property of the department were complete or made complete on the
 1217 | same day are charging the same lowest fee, the fee shall be
 1218 | divided equally between the claimant's representatives.

1219 | (e) If more than one buyer's claim received by the
 1220 | Division ~~Bureau~~ of Unclaimed Property of the department is
 1221 | complete or made complete on the same day, the department shall
 1222 | remit the unclaimed property to the buyer who paid the highest

1223 amount to the seller. If the buyers paid the same amount to the
 1224 seller, the department shall remit the unclaimed property to the
 1225 buyers divided in equal amounts.

1226 Section 40. Section 717.1323, Florida Statutes, is amended
 1227 to read:

1228 717.1323 Prohibited practice.—A ~~No~~ person may not
 1229 knowingly enter false information onto the Internet website of
 1230 the Division ~~Bureau~~ of Unclaimed Property.

1231 Section 41. Subsection (2) and paragraph (a) of subsection
 1232 (3) of section 717.135, Florida Statutes, are amended to read:

1233 717.135 Power of attorney to recover reported property in
 1234 the custody of the department.—

1235 (2) A power of attorney described in subsection (1) must:

1236 (a) Limit the fees and costs for services to 20 percent
 1237 per unclaimed property account held by the department. Fees and
 1238 costs for cash accounts shall be based on the value of the
 1239 property at the time the power of attorney is signed by the
 1240 claimant. Fees and costs for accounts containing securities or
 1241 other intangible ownership interests, which securities or
 1242 interests are not converted to cash, shall be based on the
 1243 purchase price of the security as quoted on a national exchange
 1244 or other market on which the property is regularly traded at the
 1245 time the securities or other ownership interest is remitted to
 1246 the claimant or the claimant's representative. Fees and costs
 1247 for tangible property or safe-deposit box accounts shall be
 1248 based on the value of the tangible property or contents of the

1249 safe-deposit box at the time the ownership interest is
 1250 transferred or remitted to the claimant. Total fees and costs on
 1251 any single account owned by a natural person residing in this
 1252 country must not exceed \$1,000; or

1253 (b) Fully disclose that the property is held by the
 1254 Division ~~Bureau~~ of Unclaimed Property of the Department of
 1255 Financial Services pursuant to this chapter, the mailing address
 1256 of the division ~~bureau~~, the Internet address of the division
 1257 ~~bureau~~, the person or name of the entity that held the property
 1258 prior to the property becoming unclaimed, the date of the
 1259 holder's last contact with the owner, if known, and the
 1260 approximate value of the property, and identify which of the
 1261 following categories of unclaimed property the claimant's
 1262 representative is seeking to recover, as reported by the holder:

- 1263 1. Cash accounts.
- 1264 2. Stale dated checks.
- 1265 3. Life insurance or annuity contract assets.
- 1266 4. Utility deposits.
- 1267 5. Securities or other interests in business associations.
- 1268 6. Wages.
- 1269 7. Accounts receivable.
- 1270 8. Contents of safe-deposit boxes.

1271
 1272 This subsection shall not apply if probate proceedings must be
 1273 initiated on behalf of the claimant for an estate that has never
 1274 been probated or if the unclaimed property is being claimed by a

1275 person outside of the United States.

1276 (3) (a) A power of attorney described in paragraph (2) (b)
 1277 must state in 12-point type or greater in the order indicated
 1278 with the blank spaces accurately completed:

1280 FULL DISCLOSURE STATEMENT

1281
 1282 The property is currently held by the State of Florida
 1283 Department of Financial Services, Division ~~Bureau~~ of
 1284 Unclaimed Property, pursuant to chapter 717, Florida
 1285 Statutes. The mailing address of the Division ~~Bureau~~
 1286 of Unclaimed Property is The Internet
 1287 address of the Division ~~Bureau~~ of Unclaimed Property
 1288 is

1289
 1290 The property was remitted by:

1291
 1292 Date of last contact:

1293
 1294 Property category:

1295
 1296 Section 42. Subsection (2) of section 717.1351, Florida
 1297 Statutes, is amended to read:

1298 717.1351 Acquisition of unclaimed property.—

1299 (2) All contracts to acquire ownership of or entitlement
 1300 to unclaimed property from the person or persons entitled to the

1301 unclaimed property must be in 10-point type or greater and must:

1302 (a) Have a purchase price that discounts the value of the
 1303 unclaimed property at the time the agreement is executed by the
 1304 seller at no greater than 20 percent per account held by the
 1305 department. An unclaimed property account must not be discounted
 1306 in excess of \$1,000. However, the \$1,000 discount limitation
 1307 does not apply if probate proceedings must be initiated on
 1308 behalf of the seller for an estate that has never been probated
 1309 or if the seller of the unclaimed property is not a natural
 1310 person or is a person outside the United States; or

1311 (b) Fully disclose that the property is held by the
 1312 Division ~~Bureau~~ of Unclaimed Property of the Department of
 1313 Financial Services pursuant to this chapter, the mailing address
 1314 of the division ~~bureau~~, the Internet address of the division
 1315 ~~bureau~~, the person or name of the entity that held the property
 1316 prior to the property becoming unclaimed, the date of the
 1317 holder's last contact with the owner, if known, and the
 1318 approximate value of the property, and identify which of the
 1319 following categories of unclaimed property the buyer is seeking
 1320 to purchase as reported by the holder:

- 1321 1. Cash accounts.
- 1322 2. Stale dated checks.
- 1323 3. Life insurance or annuity contract assets.
- 1324 4. Utility deposits.
- 1325 5. Securities or other interests in business associations.
- 1326 6. Wages.

- 1327 7. Accounts receivable.
- 1328 8. Contents of safe-deposit boxes.

1329

1330 The purchase agreement described in this paragraph must state in

1331 12-point type or greater in the order indicated with the blank

1332 spaces accurately completed:

1333

1334 FULL DISCLOSURE STATEMENT

1335

1336 The property is currently held by the State of Florida

1337 Department of Financial Services, Division ~~Bureau~~ of

1338 Unclaimed Property, pursuant to chapter 717, Florida

1339 Statutes. The mailing address of the Division ~~Bureau~~

1340 of Unclaimed Property is The Internet

1341 address of the Division ~~Bureau~~ of Unclaimed Property

1342 is

1343

1344 The property was remitted by:

1345

1346 Date of last contact:

1347

1348 Property category:

1349

1350 Immediately above the signature line for the seller, the

1351 purchase agreement described in this paragraph must state in 12-

1352 point type or greater:

1353
1354 Seller agrees, by signing below, that the FULL
1355 DISCLOSURE STATEMENT has been read and fully
1356 understood.

1357 Section 43. Paragraphs (a) and (b) of subsection (5) of
1358 section 717.1400, Florida Statutes, are amended to read:

1359 717.1400 Registration.—

1360 (5) If a material change in the status of a registration
1361 occurs, a registrant must, within 30 days, provide the
1362 department with the updated documentation and information in
1363 writing. Material changes include, but are not limited to: a
1364 designated agent or employee ceasing to act on behalf of the
1365 designating person, a surrender, suspension, or revocation of a
1366 license, or a license renewal.

1367 (a) If a designated agent or employee ceases to act on
1368 behalf of the person who has designated the agent or employee to
1369 act on such person's behalf, the designating person must, within
1370 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in
1371 writing of the termination of agency or employment.

1372 (b) If a registrant surrenders the registrant's license or
1373 the license is suspended or revoked, the registrant must, within
1374 30 days, inform the division ~~bureau~~ in writing of the surrender,
1375 suspension, or revocation.

1376 Section 44. Paragraphs (k) and (l) of subsection (6) of
1377 section 932.7055, Florida Statutes, are amended to read:

1378 932.7055 Disposition of liens and forfeited property.—

1379 (6) If the seizing agency is a state agency, all remaining
 1380 proceeds shall be deposited into the General Revenue Fund.
 1381 However, if the seizing agency is:

1382 (k) The Division of Investigative and Forensic Services
 1383 ~~State Fire Marshal~~ in the Department of Financial Services, the
 1384 proceeds accrued under the Florida Contraband Forfeiture Act
 1385 shall be deposited into the Insurance Regulatory Trust Fund to
 1386 be used for the purposes of arson suppression, arson
 1387 investigation, and the funding of anti-arson rewards.

1388 (l) The Division of Investigative and Forensic Services
 1389 ~~Insurance Fraud~~ of the Department of Financial Services, the
 1390 proceeds accrued pursuant to ~~the provisions of~~ the Florida
 1391 Contraband Forfeiture Act shall be deposited into the Insurance
 1392 Regulatory Trust Fund as provided in s. 626.9893 or into the
 1393 Department of Financial Services' Federal Law Enforcement Trust
 1394 Fund as provided in s. 17.43, as applicable.

1395 Section 45. This act shall take effect July 1, 2016.