

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; amending s.
8 20.121, F.S.; revising the divisions and the location
9 of bureaus within the divisions; revising the
10 functions of the department; providing duties for the
11 Division of Investigative and Forensic Services;
12 amending s. 624.26, F.S.; deleting a cross-reference;
13 amending s. 624.307, F.S.; providing powers and duties
14 of the Division of Consumer Services; authorizing the
15 division to impose certain penalties; authorizing the
16 department to adopt rules relating to the division;
17 providing for construction; reenacting and amending s.
18 624.502, F.S., relating to service of process fees;
19 providing that a party requesting service of process
20 shall pay a specified fee to the department or the
21 Office of Insurance Regulation for such service;
22 abrogating the scheduled expiration and reversion of
23 amendments to s. 624.502, F.S.; amending ss. 16.59,
24 400.9935, 409.91212, 440.105, 440.1051, 440.12,
25 624.521, 626.016, 626.989, 626.9891, 626.9892,
26 626.9893, 626.9894, 626.99278, 627.351, 627.711,

27 | 627.736, 627.7401, 631.156, and 641.30, F.S., relating
 28 | to the renaming of the Division of Insurance Fraud;
 29 | conforming provisions to changes made by the act;
 30 | making technical changes; amending ss. 282.709,
 31 | 552.113, 552.21, 633.112, 633.114, 633.122, 633.126,
 32 | 633.422, 633.508, 633.512, 633.518, and 791.013, F.S.,
 33 | relating to the transfer of certain functions to the
 34 | Division of Investigative and Forensic Services;
 35 | conforming provisions to changes made by the act;
 36 | amending ss. 538.32, 717.1241, 717.1323, 717.135,
 37 | 717.1351, and 717.1400, F.S., relating to the renaming
 38 | of the Bureau of Unclaimed Property; conforming
 39 | provisions to changes made by the act; making
 40 | technical changes; amending s. 932.7055, F.S.;
 41 | conforming provisions to changes made by the act;
 42 | providing an effective date.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

46 | Section 1. Section 17.04, Florida Statutes, is amended to
 47 | read:

48 | 17.04 To audit and adjust accounts of officers and those
 49 | indebted to the state.—The Chief Financial Officer, using
 50 | generally accepted auditing procedures for testing or sampling,
 51 | shall examine, audit, adjust, and settle the accounts of all the
 52 | officers of this state, and any other person in anywise

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

72 Section 2. Section 17.0401, Florida Statutes, is amended
73 to read:

74 17.0401 Confidentiality of information relating to
75 financial investigations.—Except as otherwise provided by this
76 section, information relative to an investigation conducted by
77 the Chief Financial Officer ~~Division of Accounting and Auditing~~
78 pursuant to s. 17.04, including any consumer complaint, is

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

105 law enforcement or prosecutorial agency receiving confidential
 106 information from the Chief Financial Officer ~~division~~ in
 107 connection with its official duties shall maintain the
 108 confidentiality of the information as provided for in this
 109 section.

110 Section 3. Subsection (2) of section 20.121, Florida
 111 Statutes, is reordered and amended to read:

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

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

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

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

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

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

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

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

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

137 ~~c. Provide direct assistance and advocacy for consumers~~
138 ~~who request such assistance or advocacy.~~

139 ~~d. With respect to apparent or potential violations of law~~
140 ~~or applicable rules by a person or entity licensed by the~~
141 ~~department or office, report apparent or potential violations to~~
142 ~~the office or the appropriate division of the department, which~~
143 ~~may take such further action as it deems appropriate.~~

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

146 ~~2. Any person licensed or issued a certificate of~~
147 ~~authority by the department or by the Office of Insurance~~
148 ~~Regulation shall respond, in writing, to the Division of~~
149 ~~Consumer Services within 20 days after receipt of a written~~
150 ~~request for information from the division concerning a consumer~~
151 ~~complaint. The response must address the issues and allegations~~
152 ~~raised in the complaint. The division may impose an~~
153 ~~administrative penalty for failure to comply with this~~
154 ~~subparagraph of up to \$2,500 per violation upon any entity~~
155 ~~licensed by the department or the office and \$250 for the first~~
156 ~~violation, \$500 for the second violation, and up to \$1,000 per~~

157 ~~violation thereafter upon any individual licensed by the~~
158 ~~department or the office.~~

159 ~~3. The department may adopt rules to administer this~~
160 ~~paragraph.~~

161 ~~4. The powers, duties, and responsibilities expressed or~~
162 ~~granted in this paragraph do not limit the powers, duties, and~~
163 ~~responsibilities of the Department of Financial Services, the~~
164 ~~Financial Services Commission, the Office of Insurance~~
165 ~~Regulation, or the Office of Financial Regulation set forth~~
166 ~~elsewhere in the Florida Statutes.~~

167 ~~(c)(n)~~ The Division of Funeral, Cemetery, and Consumer
168 Services.

169 ~~(d)(g)~~ The Division of Insurance Agent and Agency
170 Services.

171 (e) The Division of Investigative and Forensic Services
172 which shall function as a criminal justice agency for purposes
173 of ss. 943.045-943.08. The division may conduct investigations
174 within or outside of this state as it deems necessary. If,
175 during an investigation, the division has reason to believe that
176 any criminal law of this state has or may have been violated, it
177 shall refer any records tending to show such violation to state
178 or federal law enforcement or prosecutorial agencies and shall
179 provide investigative assistance to those agencies as required.
180 The division shall include the following bureaus and office:

- 181 1. The Bureau of Forensic Services;
182 2. The Bureau of Fire and Arson Investigations; and

183 3. The Office of Fiscal Integrity, which shall have a
 184 separate budget ~~Insurance Fraud.~~

185 (f) ~~(e)~~ The Division of Public Assistance Fraud.
 186 (g) ~~(f)~~ The Division of Rehabilitation and Liquidation.
 187 (h) ~~(e)~~ The Division of Risk Management.
 188 (i) ~~(b)~~ The Division of State Fire Marshal.
 189 (j) ~~(d)~~ The Division of Treasury, which shall include a
 190 Bureau of Deferred Compensation responsible for administering
 191 the Government Employees Deferred Compensation Plan established
 192 under s. 112.215 for state employees.

193 (k) The Division of Unclaimed Property.
 194 (l) ~~(i)~~ The Division of Workers' Compensation.
 195 (m) ~~(j)~~ The Division of Administration.
 196 ~~(k) The Division of Legal Services.~~
 197 ~~(l) The Division of Information Systems.~~
 198 (n) ~~(m)~~ The Office of Insurance Consumer Advocate.

199 Section 4. Subsection (4) of section 624.26, Florida
 200 Statutes, is amended to read:
 201 624.26 Collaborative arrangement with the Department of
 202 Health and Human Services.—
 203 (4) The department's Division of Consumer Services may
 204 respond to complaints by consumers relating to a requirement of
 205 PPACA ~~as authorized under s. 20.121(2)(h)~~, and report apparent
 206 or potential violations to the office and to the federal
 207 Department of Health and Human Services.

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

209 Florida Statutes, to read:

210 624.307 General powers; duties.—

211 (10) (a) The Division of Consumer Services shall perform
 212 the following functions concerning products or services
 213 regulated by the department or office:

214 1. Receive inquiries and complaints from consumers.

215 2. Prepare and disseminate information that the department
 216 deems appropriate to inform or assist consumers.

217 3. Provide direct assistance to and advocacy for consumers
 218 who request such assistance or advocacy.

219 4. With respect to apparent or potential violations of law
 220 or applicable rules committed by a person or entity licensed by
 221 the department or office, report apparent or potential
 222 violations to the office or to the appropriate division of the
 223 department, which may take any additional action it deems
 224 appropriate.

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

227 (b) Any person licensed or issued a certificate of
 228 authority by the department or the office shall respond, in
 229 writing, to the division within 20 days after receipt of a
 230 written request for information from the division concerning a
 231 consumer complaint. The response must address the issues and
 232 allegations raised in the complaint. The division may impose an
 233 administrative penalty for failure to comply with this paragraph
 234 of up to \$2,500 per violation upon any entity licensed by the

235 department or the office and \$250 for the first violation, \$500
236 for the second violation, and up to \$1,000 for the third or
237 subsequent violation upon any individual licensed by the
238 department or the office.

239 (c) The department may adopt rules to administer this
240 subsection.

241 (d) The powers, duties, and responsibilities expressed or
242 granted in this subsection do not limit the powers, duties, and
243 responsibilities of the department, the Financial Services
244 Commission, the Office of Insurance Regulation, or the Office of
245 Financial Regulation as otherwise provided by law.

246 Section 6. Notwithstanding the expiration date in section
247 41 of chapter 2015-222, Laws of Florida, section 624.502,
248 Florida Statutes, as amended by chapter 2013-41, Laws of
249 Florida, is reenacted and amended to read:

250 624.502 Service of process fee.—In all instances as
251 provided in any section of the insurance code and s. 48.151(3)
252 in which service of process is authorized to be made upon the
253 Chief Financial Officer or the director of the office, the party
254 requesting service ~~plaintiff~~ shall pay to the department or
255 office a fee of \$15 for such service of process on an authorized
256 or unauthorized insurer, which fee shall be deposited into the
257 Administrative Trust Fund.

258 Section 7. Section 16.59, Florida Statutes, is amended to
259 read:

260 16.59 Medicaid fraud control.—The Medicaid Fraud Control

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

281 Section 8. Subsection (9) of section 400.9935, Florida
282 Statutes, is amended to read:

283 400.9935 Clinic responsibilities.—

284 (9) In addition to the requirements of part II of chapter
285 408, the clinic shall display a sign in a conspicuous location
286 within the clinic readily visible to all patients indicating

287 that, pursuant to s. 626.9892, the Department of Financial
 288 Services may pay rewards of up to \$25,000 to persons providing
 289 information leading to the arrest and conviction of persons
 290 committing crimes investigated by the Division of Investigative
 291 and Forensic Services ~~Insurance-Fraud~~ arising from violations of
 292 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.
 293 An authorized employee of the Division of Investigative and
 294 Forensic Services ~~Insurance-Fraud~~ may make unannounced
 295 inspections of a clinic licensed under this part as necessary to
 296 determine whether the clinic is in compliance with this
 297 subsection. A licensed clinic shall allow full and complete
 298 access to the premises to such authorized employee of the
 299 division who makes an inspection to determine compliance with
 300 this subsection.

301 Section 9. Subsection (6) of section 409.91212, Florida
 302 Statutes, is amended to read:

303 409.91212 Medicaid managed care fraud.—

304 (6) Each managed care plan shall report all suspected or
 305 confirmed instances of provider or recipient fraud or abuse
 306 within 15 calendar days after detection to the Office of
 307 Medicaid Program Integrity within the agency. At a minimum the
 308 report must contain the name of the provider or recipient, the
 309 Medicaid billing number or tax identification number, and a
 310 description of the fraudulent or abusive act. The Office of
 311 Medicaid Program Integrity in the agency shall forward the
 312 report of suspected overpayment, abuse, or fraud to the

313 appropriate investigative unit, including, but not limited to,
 314 the Bureau of Medicaid program integrity, the Medicaid fraud
 315 control unit, the Division of Public Assistance Fraud, the
 316 Division of Investigative and Forensic Services ~~Insurance Fraud~~,
 317 or the Department of Law Enforcement.

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

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

323 Section 10. Paragraph (a) of subsection (1) of section
 324 440.105, Florida Statutes, is amended to read:

325 440.105 Prohibited activities; reports; penalties;
 326 limitations.—

327 (1)(a) Any insurance carrier, any individual self-insured,
 328 any commercial or group self-insurance fund, any professional
 329 practitioner licensed or regulated by the Department of Health,
 330 except as otherwise provided by law, any medical review
 331 committee as defined in s. 766.101, any private medical review
 332 committee, and any insurer, agent, or other person licensed
 333 under the insurance code, or any employee thereof, having
 334 knowledge or who believes that a fraudulent act or any other act
 335 or practice which, upon conviction, constitutes a felony or
 336 misdemeanor under this chapter is being or has been committed
 337 shall send to the Division of Investigative and Forensic
 338 Services ~~Insurance Fraud~~, Bureau of Workers' Compensation Fraud,

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

358 Section 11. Subsections (1) and (2) of section 440.1051,
359 Florida Statutes, are amended to read:

360 440.1051 Fraud reports; civil immunity; criminal
361 penalties.—

362 (1) The Bureau of Workers' Compensation Insurance Fraud of
363 the Division of Investigative and Forensic Services ~~Insurance~~
364 ~~Fraud~~ of the department shall establish a toll-free telephone

365 number to receive reports of workers' compensation fraud
366 committed by an employee, employer, insurance provider,
367 physician, attorney, or other person.

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

375 Section 12. Paragraph (c) of subsection (1) of section
376 440.12, Florida Statutes, is amended to read:

377 440.12 Time for commencement and limits on weekly rate of
378 compensation.—

379 (1) Compensation is not allowed for the first 7 days of
380 the disability, except for benefits provided under s. 440.13.
381 However, if the injury results in more than 21 days of
382 disability, compensation is allowed from the commencement of the
383 disability.

384 (c) Each carrier shall keep a record of all payments made
385 under this subsection, including the time and manner of such
386 payments, and shall furnish these records or a report based on
387 these records to the Division of Investigative and Forensic
388 Services ~~Insurance~~ ~~Fraud~~ and the Division of Workers'
389 Compensation, upon request.

390 Section 13. Subsection (1) of section 624.521, Florida

391 Statutes, is amended to read:

392 624.521 Deposit of certain tax receipts; refund of
393 improper payments.—

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

406 Section 14. Subsection (4) of section 626.016, Florida
407 Statutes, is amended to read:

408 626.016 Powers and duties of department, commission, and
409 office.—

410 (4) ~~Nothing in~~ This section is not intended to limit the
411 authority of the department and the Division of Investigative
412 and Forensic Services ~~Insurance Fraud~~, as specified in s.
413 626.989.

414 Section 15. Section 626.989, Florida Statutes, is amended
415 to read:

416 626.989 Investigation by department or Division of

417 Investigative and Forensic Services ~~Insurance Fraud~~; compliance;
 418 immunity; confidential information; reports to division;
 419 division investigator's power of arrest.-

420 (1) For the purposes of this section:

421 (a) A person commits a "fraudulent insurance act" if the
 422 person:

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

435 2. Knowingly submits:

436 a. A false, misleading, or fraudulent application or other
 437 document when applying for licensure as a health care clinic,
 438 seeking an exemption from licensure as a health care clinic, or
 439 demonstrating compliance with part X of chapter 400 with an
 440 intent to use the license, exemption from licensure, or
 441 demonstration of compliance to provide services or seek
 442 reimbursement under the Florida Motor Vehicle No-Fault Law.

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

451 (b) The term "insurer" also includes a health maintenance
 452 organization, and the term "insurance policy" also includes a
 453 health maintenance organization subscriber contract.

454 (2) If, by its own inquiries or as a result of complaints,
 455 the department or its Division of Investigative and Forensic
 456 Services ~~Insurance-Fraud~~ has reason to believe that a person has
 457 engaged in, or is engaging in, a fraudulent insurance act, an
 458 act or practice that violates s. 626.9541 or s. 817.234, or an
 459 act or practice punishable under s. 624.15, it may administer
 460 oaths and affirmations, request the attendance of witnesses or
 461 proffering of matter, and collect evidence. The department or
 462 its Division of Investigative and Forensic Services shall not
 463 compel the attendance of any person or matter in any such
 464 investigation except pursuant to subsection (4).

465 (3) If matter that the department or its division seeks to
 466 obtain by request is located outside the state, the person so
 467 requested may make it available to the division or its
 468 representative to examine the matter at the place where it is

469 located. The division may designate representatives, including
470 officials of the state in which the matter is located, to
471 inspect the matter on its behalf, and it may respond to similar
472 requests from officials of other states.

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

483 (b) Except in a prosecution for perjury, an individual who
484 complies with a court order to provide testimony or matter after
485 asserting a privilege against self-incrimination to which the
486 individual is entitled by law may not be subjected to a criminal
487 proceeding or to a civil penalty with respect to the act
488 concerning which the individual is required to testify or
489 produce relevant matter.

490 (c) In the absence of fraud or bad faith, a person is not
491 subject to civil liability for libel, slander, or any other
492 relevant tort by virtue of filing reports, without malice, or
493 furnishing other information, without malice, required by this
494 section or required by the department or division under the

495 authority granted in this section, and no civil cause of action
 496 of any nature shall arise against such person:

497 1. For any information relating to suspected fraudulent
 498 insurance acts or persons suspected of engaging in such acts
 499 furnished to or received from law enforcement officials, their
 500 agents, or employees;

501 2. For any information relating to suspected fraudulent
 502 insurance acts or persons suspected of engaging in such acts
 503 furnished to or received from other persons subject to the
 504 provisions of this chapter;

505 3. For any such information furnished in reports to the
 506 department, the division, the National Insurance Crime Bureau,
 507 the National Association of Insurance Commissioners, or any
 508 local, state, or federal enforcement officials or their agents
 509 or employees; or

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

513 (d) In addition to the immunity granted in paragraph (c),
 514 persons identified as designated employees whose
 515 responsibilities include the investigation and disposition of
 516 claims relating to suspected fraudulent insurance acts may share
 517 information relating to persons suspected of committing
 518 fraudulent insurance acts with other designated employees
 519 employed by the same or other insurers whose responsibilities
 520 include the investigation and disposition of claims relating to

521 fraudulent insurance acts, provided the department has been
522 given written notice of the names and job titles of such
523 designated employees prior to such designated employees sharing
524 information. Unless the designated employees of the insurer act
525 in bad faith or in reckless disregard for the rights of any
526 insured, neither the insurer nor its designated employees are
527 civilly liable for libel, slander, or any other relevant tort,
528 and a civil action does not arise against the insurer or its
529 designated employees:

530 1. For any information related to suspected fraudulent
531 insurance acts provided to an insurer; or

532 2. For any information relating to suspected fraudulent
533 insurance acts provided to the National Insurance Crime Bureau
534 or the National Association of Insurance Commissioners.

535

536 Provided, however, that the qualified immunity against civil
537 liability conferred on any insurer or its designated employees
538 shall be forfeited with respect to the exchange or publication
539 of any defamatory information with third persons not expressly
540 authorized by this paragraph to share in such information.

541 (e) The Chief Financial Officer and any employee or agent
542 of the department, commission, office, or division, when acting
543 without malice and in the absence of fraud or bad faith, is not
544 subject to civil liability for libel, slander, or any other
545 relevant tort, and no civil cause of action of any nature exists
546 against such person by virtue of the execution of official

547 activities or duties of the department, commission, or office
548 under this section or by virtue of the publication of any report
549 or bulletin related to the official activities or duties of the
550 department, division, commission, or office under this section.

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

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

570 (a) Jeopardize the integrity of another active
571 investigation;

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

573 (c) Reveal personal financial information;
 574 (d) Reveal the identity of a confidential source;
 575 (e) Defame or cause unwarranted damage to the good name or
 576 reputation of an individual or jeopardize the safety of an
 577 individual; or
 578 (f) Reveal investigative techniques or procedures.
 579 Further, such papers, documents, reports, or evidence relative
 580 to the subject of an investigation under this section shall not
 581 be subject to discovery until the investigation is completed or
 582 ceases to be active. Office, department, or division
 583 investigators shall not be subject to subpoena in civil actions
 584 by any court of this state to testify concerning any matter of
 585 which they have knowledge pursuant to a pending insurance fraud
 586 investigation by the division.
 587 (6) Any person, other than an insurer, agent, or other
 588 person licensed under the code, or an employee thereof, having
 589 knowledge or who believes that a fraudulent insurance act or any
 590 other act or practice which, upon conviction, constitutes a
 591 felony or a misdemeanor under the code, or under s. 817.234, is
 592 being or has been committed may send to the Division of
 593 Investigative and Forensic Services ~~Insurance Fraud~~ a report or
 594 information pertinent to such knowledge or belief and such
 595 additional information relative thereto as the department may
 596 request. Any professional practitioner licensed or regulated by
 597 the Department of Business and Professional Regulation, except
 598 as otherwise provided by law, any medical review committee as

599 defined in s. 766.101, any private medical review committee, and
600 any insurer, agent, or other person licensed under the code, or
601 an employee thereof, having knowledge or who believes that a
602 fraudulent insurance act or any other act or practice which,
603 upon conviction, constitutes a felony or a misdemeanor under the
604 code, or under s. 817.234, is being or has been committed shall
605 send to the Division of Investigative and Forensic Services
606 ~~Insurance Fraud~~ a report or information pertinent to such
607 knowledge or belief and such additional information relative
608 thereto as the department may require. The Division of
609 Investigative and Forensic Services ~~Insurance Fraud~~ shall review
610 such information or reports and select such information or
611 reports as, in its judgment, may require further investigation.
612 It shall then cause an independent examination of the facts
613 surrounding such information or report to be made to determine
614 the extent, if any, to which a fraudulent insurance act or any
615 other act or practice which, upon conviction, constitutes a
616 felony or a misdemeanor under the code, or under s. 817.234, is
617 being committed. The Division of Investigative and Forensic
618 Services ~~Insurance Fraud~~ shall report any alleged violations of
619 law which its investigations disclose to the appropriate
620 licensing agency and state attorney or other prosecuting agency
621 having jurisdiction with respect to any such violation, as
622 provided in s. 624.310. If prosecution by the state attorney or
623 other prosecuting agency having jurisdiction with respect to
624 such violation is not begun within 60 days of the division's

625 report, the state attorney or other prosecuting agency having
626 jurisdiction with respect to such violation shall inform the
627 division of the reasons for the lack of prosecution.

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

643 (8) It is unlawful for any person to resist an arrest
644 authorized by this section or in any manner to interfere, either
645 by abetting or assisting such resistance or otherwise
646 interfering, with division investigators in the duties imposed
647 upon them by law or department rule.

648 (9) In recognition of the complementary roles of
649 investigating instances of workers' compensation fraud and
650 enforcing compliance with the workers' compensation coverage

651 requirements under chapter 440, the Department of Financial
652 Services shall prepare and submit a joint performance report to
653 the President of the Senate and the Speaker of the House of
654 Representatives by January 1 of each year. The annual report
655 must include, but need not be limited to:

656 (a) The total number of initial referrals received, cases
657 opened, cases presented for prosecution, cases closed, and
658 convictions resulting from cases presented for prosecution by
659 the Bureau of Workers' Compensation Insurance Fraud by type of
660 workers' compensation fraud and circuit.

661 (b) The number of referrals received from insurers and the
662 Division of Workers' Compensation and the outcome of those
663 referrals.

664 (c) The number of investigations undertaken by the Bureau
665 of Workers' Compensation Insurance Fraud which were not the
666 result of a referral from an insurer or the Division of Workers'
667 Compensation.

668 (d) The number of investigations that resulted in a
669 referral to a regulatory agency and the disposition of those
670 referrals.

671 (e) The number and reasons provided by local prosecutors
672 or the statewide prosecutor for declining prosecution of a case
673 presented by the Bureau of Workers' Compensation Insurance Fraud
674 by circuit.

675 (f) The total number of employees assigned to the Bureau
676 of Workers' Compensation Insurance Fraud and the Division of

677 Workers' Compensation Bureau of Compliance delineated by
678 location of staff assigned; and the number and location of
679 employees assigned to the Bureau of Workers' Compensation
680 Insurance Fraud who were assigned to work other types of fraud
681 cases.

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

684 (h) The training provided during the year to workers'
685 compensation fraud investigators and the division's compliance
686 employees.

687 Section 16. Subsections (1), (2), and (3) of section
688 626.9891, Florida Statutes, are amended to read:

689 626.9891 Insurer anti-fraud investigative units; reporting
690 requirements; penalties for noncompliance.—

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

694 (a) Establish and maintain a unit or division within the
695 company to investigate possible fraudulent claims by insureds or
696 by persons making claims for services or repairs against
697 policies held by insureds; or

698 (b) Contract with others to investigate possible
699 fraudulent claims for services or repairs against policies held
700 by insureds.

701

702 An insurer subject to this subsection shall file with the

703 Division of Investigative and Forensic Services ~~Insurance Fraud~~
704 of the department on or before July 1, 1996, a detailed
705 description of the unit or division established pursuant to
706 paragraph (a) or a copy of the contract and related documents
707 required by paragraph (b).

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

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

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

718 (b) A description of the insurer's procedures for the
719 mandatory reporting of possible fraudulent insurance acts to the
720 Division of Investigative and Forensic Services ~~Insurance Fraud~~
721 of the department;

722 (c) A description of the insurer's plan for anti-fraud
723 education and training of its claims adjusters or other
724 personnel; and

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

729 Section 17. Subsection (2) of section 626.9892, Florida
 730 Statutes, is amended to read:

731 626.9892 Anti-Fraud Reward Program; reporting of insurance
 732 fraud.—

733 (2) The department may pay rewards of up to \$25,000 to
 734 persons providing information leading to the arrest and
 735 conviction of persons committing crimes investigated by the
 736 Division of Investigative and Forensic Services ~~Insurance Fraud~~
 737 arising from violations of s. 440.105, s. 624.15, s. 626.9541,
 738 s. 626.989, or s. 817.234.

739 Section 18. Subsection (1) of section 626.9893, Florida
 740 Statutes, is amended to read:

741 626.9893 Disposition of revenues; criminal or forfeiture
 742 proceedings.—

743 (1) The Division of Investigative and Forensic Services
 744 ~~Insurance Fraud~~ of the Department of Financial Services may
 745 deposit revenues received as a result of criminal proceedings or
 746 forfeiture proceedings, other than revenues deposited into the
 747 Department of Financial Services' Federal Law Enforcement Trust
 748 Fund under s. 17.43, into the Insurance Regulatory Trust Fund.
 749 Moneys deposited pursuant to this section shall be separately
 750 accounted for and shall be used solely for the division to carry
 751 out its duties and responsibilities.

752 Section 19. Subsection (2) of section 626.9894, Florida
 753 Statutes, is amended to read:

754 626.9894 Gifts and grants.—

755 (2) All rights to, interest in, and title to such donated
 756 or granted property shall immediately vest in the Division of
 757 Investigative and Forensic Services ~~Insurance Fraud~~ upon
 758 donation. The division may hold such property in coownership,
 759 sell its interest in the property, liquidate its interest in the
 760 property, or dispose of its interest in the property in any
 761 other reasonable manner.

762 Section 20. Section 626.99278, Florida Statutes, is
 763 amended to read:

764 626.99278 Viatical provider anti-fraud plan.—Every
 765 licensed viatical settlement provider and registered life
 766 expectancy provider must adopt an anti-fraud plan and file it
 767 with the Division of Investigative and Forensic Services
 768 ~~Insurance Fraud~~ of the department. Each anti-fraud plan shall
 769 include:

770 (1) A description of the procedures for detecting and
 771 investigating possible fraudulent acts and procedures for
 772 resolving material inconsistencies between medical records and
 773 insurance applications.

774 (2) A description of the procedures for the mandatory
 775 reporting of possible fraudulent insurance acts and prohibited
 776 practices set forth in s. 626.99275 to the Division of
 777 Investigative and Forensic Services ~~Insurance Fraud~~ of the
 778 department.

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

781 (4) A written description or chart outlining the
 782 organizational arrangement of the anti-fraud personnel who are
 783 responsible for the investigation and reporting of possible
 784 fraudulent insurance acts and for the investigation of
 785 unresolved material inconsistencies between medical records and
 786 insurance applications.

787 (5) For viatical settlement providers, a description of
 788 the procedures used to perform initial and continuing review of
 789 the accuracy of life expectancies used in connection with a
 790 viatical settlement contract or viatical settlement investment.

791 Section 21. Paragraph (k) of subsection (6) of section
 792 627.351, Florida Statutes, is amended to read:

793 627.351 Insurance risk apportionment plans.—

794 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

795 (k)1. The corporation shall establish and maintain a unit
 796 or division to investigate possible fraudulent claims by
 797 insureds or by persons making claims for services or repairs
 798 against policies held by insureds; or it may contract with
 799 others to investigate possible fraudulent claims for services or
 800 repairs against policies held by the corporation pursuant to s.
 801 626.9891. The corporation must comply with reporting
 802 requirements of s. 626.9891. An employee of the corporation
 803 shall notify the corporation's Office of the Inspector General
 804 and the Division of Investigative and Forensic Services
 805 ~~Insurance Fraud~~ within 48 hours after having information that
 806 would lead a reasonable person to suspect that fraud may have

807 | been committed by any employee of the corporation.

808 | 2. The corporation shall establish a unit or division
809 | responsible for receiving and responding to consumer complaints,
810 | which unit or division is the sole responsibility of a senior
811 | manager of the corporation.

812 | Section 22. Subsections (4) and (7) of section 627.711,
813 | Florida Statutes, are amended to read:

814 | 627.711 Notice of premium discounts for hurricane loss
815 | mitigation; uniform mitigation verification inspection form.—

816 | (4) An authorized mitigation inspector that signs a
817 | uniform mitigation form, and a direct employee authorized to
818 | conduct mitigation verification inspections under subsection
819 | ~~paragraph~~ (3), may not commit misconduct in performing hurricane
820 | mitigation inspections or in completing a uniform mitigation
821 | form that causes financial harm to a customer or their insurer;
822 | or that jeopardizes a customer's health and safety. Misconduct
823 | occurs when an authorized mitigation inspector signs a uniform
824 | mitigation verification form that:

825 | (a) Falsely indicates that he or she personally inspected
826 | the structures referenced by the form;

827 | (b) Falsely indicates the existence of a feature which
828 | entitles an insured to a mitigation discount which the inspector
829 | knows does not exist or did not personally inspect;

830 | (c) Contains erroneous information due to the gross
831 | negligence of the inspector; or

832 | (d) Contains a pattern of demonstrably false information

833 regarding the existence of mitigation features that could give
834 an insured a false evaluation of the ability of the structure to
835 withstand major damage from a hurricane endangering the safety
836 of the insured's life and property.

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

859 responsible for the professional licensure of the authorized
 860 mitigation inspector, whether or not a prosecutor takes action
 861 based upon the report.

862 Section 23. Paragraph (i) of subsection (4) and subsection
 863 (14) of section 627.736, Florida Statutes, are amended to read:

864 627.736 Required personal injury protection benefits;
 865 exclusions; priority; claims.—

866 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer
 867 under ss. 627.730-627.7405 are primary, except that benefits
 868 received under any workers' compensation law must be credited
 869 against the benefits provided by subsection (1) and are due and
 870 payable as loss accrues upon receipt of reasonable proof of such
 871 loss and the amount of expenses and loss incurred which are
 872 covered by the policy issued under ss. 627.730-627.7405. If the
 873 Agency for Health Care Administration provides, pays, or becomes
 874 liable for medical assistance under the Medicaid program related
 875 to injury, sickness, disease, or death arising out of the
 876 ownership, maintenance, or use of a motor vehicle, the benefits
 877 under ss. 627.730-627.7405 are subject to the Medicaid program.
 878 However, within 30 days after receiving notice that the Medicaid
 879 program paid such benefits, the insurer shall repay the full
 880 amount of the benefits to the Medicaid program.

881 (i) If an insurer has a reasonable belief that a
 882 fraudulent insurance act, for the purposes of s. 626.989 or s.
 883 817.234, has been committed, the insurer shall notify the
 884 claimant, in writing, within 30 days after submission of the

885 claim that the claim is being investigated for suspected fraud.
 886 Beginning at the end of the initial 30-day period, the insurer
 887 has an additional 60 days to conduct its fraud investigation.
 888 Notwithstanding subsection (10), no later than 90 days after the
 889 submission of the claim, the insurer must deny the claim or pay
 890 the claim with simple interest as provided in paragraph (d).
 891 Interest shall be assessed from the day the claim was submitted
 892 until the day the claim is paid. All claims denied for suspected
 893 fraudulent insurance acts shall be reported to the Division of
 894 Investigative and Forensic Services ~~Insurance Fraud~~.

895 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
 896 claim under this section, an insurer shall provide a notice to
 897 the insured or to a person for whom a claim for reimbursement
 898 for diagnosis or treatment of injuries has been filed, advising
 899 that:

900 (a) 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 (b) Solicitation of a person injured in a motor vehicle
 907 crash for purposes of filing personal injury protection or tort
 908 claims could be a violation of s. 817.234, s. 817.505, or the
 909 rules regulating The Florida Bar and should be immediately
 910 reported to the Division of Investigative and Forensic Services

911 ~~Insurance Fraud~~ if such conduct has taken place.

912 Section 24. Paragraphs (b) and (c) of subsection (1) of
 913 section 627.7401, Florida Statutes, are amended to read:

914 627.7401 Notification of insured's rights.—

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

919 (b) An advisory informing insureds that:

920 1. Pursuant to s. 626.9892, the Department of Financial
 921 Services may pay rewards of up to \$25,000 to persons providing
 922 information leading to the arrest and conviction of persons
 923 committing crimes investigated by the Division of Investigative
 924 and Forensic Services ~~Insurance Fraud~~ arising from violations of
 925 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

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

930 (c) A notice that solicitation of a person injured in a
 931 motor vehicle crash for purposes of filing personal injury
 932 protection or tort claims could be a violation of s. 817.234, s
 933 817.505, or the rules regulating The Florida Bar and should be
 934 immediately reported to the Division of Investigative and
 935 Forensic Services ~~Insurance Fraud~~ if such conduct has taken
 936 place.

937 Section 25. Subsection (2) of section 631.156, Florida
 938 Statutes, is amended to read:

939 631.156 Investigation by the department; scope of
 940 authority; sharing of materials.—

941 (2) The department may provide documents, books, and
 942 records; other investigative products, work product, and
 943 analysis; and copies of any or all of such materials to the
 944 Division of Investigative and Forensic Services ~~Insurance Fraud~~
 945 or any other appropriate government agency. The sharing of these
 946 materials does ~~shall~~ not waive any work product or other
 947 privilege otherwise applicable under law.

948 Section 26. Subsection (4) of section 641.30, Florida
 949 Statutes, is amended to read:

950 641.30 Construction and relationship to other laws.—

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

955 Section 27. Paragraph (a) of subsection (2) of section
 956 282.709, Florida Statutes, is amended to read:

957 282.709 State agency law enforcement radio system and
 958 interoperability network.—

959 (2) The Joint Task Force on State Agency Law Enforcement
 960 Communications is created adjunct to the department to advise
 961 the department of member-agency needs relating to the planning,
 962 designing, and establishment of the statewide communication

963 system.

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

966 1. A representative of the Division of Alcoholic Beverages
967 and Tobacco of the Department of Business and Professional
968 Regulation who shall be appointed by the secretary of the
969 department.

970 2. A representative of the Division of Florida Highway
971 Patrol of the Department of Highway Safety and Motor Vehicles
972 who shall be appointed by the executive director of the
973 department.

974 3. A representative of the Department of Law Enforcement
975 who shall be appointed by the executive director of the
976 department.

977 4. A representative of the Fish and Wildlife Conservation
978 Commission who shall be appointed by the executive director of
979 the commission.

980 5. A representative of the Department of Corrections who
981 shall be appointed by the secretary of the department.

982 6. A representative of the Division of Investigative and
983 Forensic Services ~~State Fire Marshal~~ of the Department of
984 Financial Services who shall be appointed by the Chief Financial
985 Officer ~~State Fire Marshal~~.

986 7. A representative of the Department of Agriculture and
987 Consumer Services who shall be appointed by the Commissioner of
988 Agriculture.

989 Section 28. Subsection (3) of section 552.113, Florida
 990 Statutes, is amended to read:

991 552.113 Reports of thefts, illegal use, or illegal
 992 possession.—

993 (3) The Division of Investigative and Forensic Services
 994 shall investigate, or be certain that a qualified law
 995 enforcement agency investigates, the cause and circumstances of
 996 each theft, illegal use, or illegal possession of explosives
 997 which occurs within the state. A report of each such
 998 investigation shall be made and maintained by the Division of
 999 Investigative and Forensic Services.

1000 Section 29. Subsections (1) and (2) of section 552.21,
 1001 Florida Statutes, are amended to read:

1002 552.21 Confiscation and disposal of explosives.—

1003 (1) Whenever the department ~~division~~ shall have reason to
 1004 believe that any person is or has been violating the provisions
 1005 of this chapter or any rules or regulations adopted and
 1006 promulgated pursuant thereto, the department ~~division~~ may,
 1007 without further process of law, confiscate the explosives in
 1008 question and cause them to be stored in a safe manner, or, if
 1009 any explosives are deemed by the department ~~division~~ to be in
 1010 such a state or condition as to constitute a hazard to life or
 1011 property, the department ~~division~~ may dispose of such explosives
 1012 without further process of law. The department ~~division~~ is
 1013 authorized to dispose of any abandoned explosives that it deems
 1014 to be hazardous to life or property.

1015 (2) If the person so charged is found guilty of violating
1016 ~~the provisions of~~ this chapter or any rule or regulation adopted
1017 pursuant thereto with regard to the possession, handling, or
1018 storage of explosives, the department ~~division~~ is authorized to
1019 dispose of the confiscated materials in such a way as it shall
1020 deem equitable.

1021 Section 30. Paragraph (c) of subsection (6) of section
1022 633.112, Florida Statutes, is amended to read:

1023 633.112 State Fire Marshal; hearings; investigations;
1024 recordkeeping and reports; subpoenas of witnesses; orders of
1025 circuit court.—

1026 (6) Upon request, the State Fire Marshal shall investigate
1027 the cause, origin, and circumstances of fires and explosions
1028 occurring in this state wherein property has been damaged or
1029 destroyed and there is probable cause to believe that the fire
1030 or explosion was the result of carelessness or design.

1031 (c) The State Fire Marshal ~~division~~ shall adopt rules to
1032 assist local fire officials and law enforcement officers in
1033 determining the established responsibilities with respect to the
1034 initial or preliminary assessment of fire and explosion scenes,
1035 and the determination of whether probable cause exists to refer
1036 such scenes to the State Fire Marshal for an investigation.

1037 Section 31. Subsection (1) of section 633.114, Florida
1038 Statutes, is amended to read:

1039 633.114 State Fire Marshal agents; authority; duties;
1040 compensation.—

1041 (1) The State Fire Marshal shall appoint such agents,
 1042 including agents of the Division of Investigative and Forensic
 1043 Services, as may be necessary to carry out effectively this
 1044 chapter, who shall be reimbursed for travel expenses as provided
 1045 in s. 112.061, in addition to their salary, when traveling or
 1046 making investigations in the performance of their duties. Such
 1047 agents, including agents of the Division of Investigative and
 1048 Forensic Services, shall be at all times under the direction and
 1049 control of the State Fire Marshal, who shall fix their
 1050 compensation, and all orders shall be issued in the State Fire
 1051 Marshal's name and by her or his authority.

1052 Section 32. Section 633.122, Florida Statutes, is amended
 1053 to read:

1054 633.122 Impersonating State Fire Marshal, firefighter,
 1055 volunteer firefighter, or firesafety inspector; criminal
 1056 penalties.—A person who falsely assumes or pretends to be the
 1057 State Fire Marshal, an agent of the State Fire Marshal ~~division,~~
 1058 a firefighter, a volunteer firefighter, or a firesafety
 1059 inspector by identifying herself or himself as the State Fire
 1060 Marshal, an agent of the State Fire Marshal ~~division,~~ a
 1061 firefighter, a volunteer firefighter, or a firesafety inspector
 1062 by wearing a uniform or presenting or displaying a badge as
 1063 credentials that would cause a reasonable person to believe that
 1064 she or he is a State Fire Marshal, an agent of the State Fire
 1065 Marshal ~~division,~~ a firefighter, a volunteer firefighter, or
 1066 firesafety inspector commits a felony of the third degree,

1067 punishable as provided in ss. 775.082 and 775.083 or, if the
 1068 impersonation occurs during the commission of a separate felony
 1069 by that person, commits a felony of the first degree, punishable
 1070 as provided in ss. 775.082 and 775.083.

1071 Section 33. Paragraph (b) of subsection (1) of section
 1072 633.126, Florida Statutes, is amended to read:

1073 633.126 Investigation of fraudulent insurance claims and
 1074 crimes; immunity of insurance companies supplying information.—

1075 (1)

1076 (b) The State Fire Marshal or an agent appointed pursuant
 1077 to s. 633.114, an agent of the Division of Investigative and
 1078 Forensic Services, any law enforcement officer as defined in s.
 1079 111.065, any law enforcement officer of a federal agency, or any
 1080 fire service provider official who is engaged in the
 1081 investigation of a fire or explosion loss may request any
 1082 insurance company or its agent, adjuster, employee, or attorney,
 1083 investigating a claim under an insurance policy or contract with
 1084 respect to a fire or explosion to release any information
 1085 whatsoever in the possession of the insurance company or its
 1086 agent, adjuster, employee, or attorney relative to a loss from
 1087 that fire or explosion. The insurance company shall release the
 1088 available information to and cooperate with any official
 1089 authorized to request such information pursuant to this section.
 1090 The information shall include, but shall not be limited to:

1091 1. Any insurance policy relevant to a loss under
 1092 investigation and any application for such a policy.

1093 2. Any policy premium payment records.

1094 3. The records, reports, and all material pertaining to
 1095 any previous claims made by the insured with the reporting
 1096 company.

1097 4. Material relating to the investigation of the loss,
 1098 including statements of a person, proof of loss, and other
 1099 relevant evidence.

1100 5. Memoranda, notes, and correspondence relating to the
 1101 investigation of the loss in the possession of the insurance
 1102 company or its agents, adjusters, employees, or attorneys.

1103 Section 34. Subsection (5) of section 633.422, Florida
 1104 Statutes, is amended to read:

1105 633.422 Firefighters; supplemental compensation.—

1106 (5) APPLICABILITY.—For the purposes of this section, the
 1107 department ~~division~~ shall be considered a fire service provider
 1108 responsible for the payment of supplemental compensation in
 1109 accordance with this section to firefighters employed full time
 1110 by the department ~~division~~.

1111 Section 35. Subsection (7) of section 633.508, Florida
 1112 Statutes, is amended to read:

1113 633.508 Workplace safety; rulemaking authority; division
 1114 authority.—

1115 (7) The department ~~division~~ shall:

1116 (a) Investigate and prescribe by rule what safety devices,
 1117 safeguards, or other means of protection must be adopted for the
 1118 prevention of accidents and injuries in every firefighter

1119 employee place of employment or at any fire scene; determine
1120 what suitable devices, safeguards, or other means of protection
1121 for the prevention of occupational diseases must be adopted or
1122 followed in any or all such firefighter places of employment or
1123 at any emergency fire scene; and adopt reasonable rules for the
1124 prevention of accidents, the safety, protection, and security of
1125 firefighter employees engaged in interior firefighting, and the
1126 prevention of occupational diseases.

1127 (b) Ascertain, fix, and order such reasonable standards
1128 and rules for the construction, repair, and maintenance of
1129 firefighter employee places of employment so as to render them
1130 safe. Such rules and standards shall be adopted in accordance
1131 with chapter 120.

1132 (c) Adopt rules prescribing recordkeeping responsibilities
1133 for firefighter employers, which may include maintaining a log
1134 and summary of occupational injuries, diseases, and illnesses,
1135 for producing on request a notice of injury and firefighter
1136 employee accident investigation records, and prescribing a
1137 retention schedule for such records.

1138 Section 36. Section 633.512, Florida Statutes, is amended
1139 to read:

1140 633.512 Compliance.—Failure of a firefighter employer or
1141 an insurer to comply with this part, or with any rules adopted
1142 under this part, constitutes grounds for the department ~~division~~
1143 to seek remedies, including injunctive relief, by making
1144 appropriate filings with the circuit court.

1145 Section 37. Subsection (1) of section 633.518, Florida
 1146 Statutes, is amended to read:

1147 633.518 Studies, investigations, inspections, or inquiries
 1148 by the division; refusal to admit; penalty.—

1149 (1) The department ~~division~~ shall make studies,
 1150 investigations, inspections, or inquiries with respect to
 1151 compliance with this part or any rules authorized under this
 1152 part and the causes of firefighter employee injuries, illnesses,
 1153 safety-based complaints, or Line of Duty Deaths (LODD) as
 1154 defined in rule in firefighter employee places of employment and
 1155 shall make such recommendations to the Legislature and
 1156 firefighter employers and insurers as the department ~~division~~
 1157 considers proper to prevent or reduce future occurrences. In
 1158 making such studies, investigations, inspections, or inquiries,
 1159 the department ~~division~~ may cooperate with any agency of the
 1160 United States charged with the duty of enforcing any law
 1161 securing safety against injury in any place of firefighter
 1162 employment covered by this part or any agency or department of
 1163 the state engaged in enforcing any law to ensure safety for
 1164 firefighter employees.

1165 Section 38. Subsection (3) of section 791.013, Florida
 1166 Statutes, is amended to read:

1167 791.013 Testing and approval of sparklers; penalties.—

1168 (3) For purposes of the testing requirement by this
 1169 section, the division shall perform such tests as are necessary
 1170 to determine compliance with the performance standards in the

1171 definition of sparklers, pursuant to s. 791.01. The State Fire
1172 Marshal shall adopt, by rule, procedures for testing products to
1173 determine compliance with this chapter. The Division of
1174 Investigative and Forensic Services shall dispose of any samples
1175 which remain after testing.

1176 Section 39. Paragraphs (b), (c), and (d) of subsection (7)
1177 of section 538.32, Florida Statutes, are amended to read:

1178 538.32 Registration, transaction, and recordkeeping
1179 requirements; penalties.—

1180 (7)

1181 (b) Alternatively, a secondhand dealer must give written
1182 notice to the seller, by United States mail or e-mail if an e-
1183 mail address is provided by the seller, that information
1184 otherwise required to be given by the seller under subsection
1185 (2) has not been provided by the seller to the secondhand
1186 dealer. Notice of the deficient information must be sent by the
1187 secondhand dealer no later than 10 days after the transaction is
1188 received by the secondhand dealer. The secondhand dealer must
1189 specify in the notice that:

1190 1. The seller must provide the missing information or must
1191 request the return of the property from the secondhand dealer
1192 within 30 days after receiving the notice from the secondhand
1193 dealer; and

1194 2. The failure of the seller to provide the missing
1195 information or request return of the property within the
1196 applicable 30-day time period shall result in abandonment of the

1197 seller's property to the Division ~~Bureau~~ of Unclaimed Property
 1198 of the Department of Financial Services pursuant to chapter 717.

1199 (c) If the seller fails to remedy the deficiency in
 1200 information or request return of the property within 30 days
 1201 after receiving the notice, the seller's property is deemed
 1202 abandoned and is relinquished to the Division ~~Bureau~~ of
 1203 Unclaimed Property pursuant to chapter 717 if the property's
 1204 true market value is greater than \$50 as defined in chapter 717.

1205 (d) Within 24 hours after the expiration of the 30-day
 1206 hold period for the property, the secondhand dealer must notify
 1207 the appropriate law enforcement agency of the abandonment of the
 1208 property by electronic transmission or by sending a copy of the
 1209 completed form authorized by chapter 717 to the Department of
 1210 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1211 Section 40. Subsection (1) of section 717.1241, Florida
 1212 Statutes, is amended to read:

1213 717.1241 Conflicting claims.—

1214 (1) When conflicting claims have been received by the
 1215 department for the same unclaimed property account or accounts,
 1216 the property shall be remitted in accordance with the claim
 1217 filed by the person as follows, notwithstanding the withdrawal
 1218 of a claim:

1219 (a) To the person submitting the first claim received by
 1220 the Division ~~Bureau~~ of Unclaimed Property of the department that
 1221 is complete or made complete.

1222 (b) If a claimant's claim and a claimant's

1223 representative's claim are received by the Division ~~Bureau~~ of
 1224 Unclaimed Property of the department on the same day and both
 1225 claims are complete, to the claimant.

1226 (c) If a buyer's claim and a claimant's claim or a
 1227 claimant's representative's claim are received by the Division
 1228 ~~Bureau~~ of Unclaimed Property of the department on the same day
 1229 and the claims are complete, to the buyer.

1230 (d) As between two or more claimant's representative's
 1231 claims received by the Division ~~Bureau~~ of Unclaimed Property of
 1232 the department that are complete or made complete on the same
 1233 day, to the claimant's representative who has agreed to receive
 1234 the lowest fee. If the two or more claimant's representatives
 1235 whose claims received by the Division ~~Bureau~~ of Unclaimed
 1236 Property of the department were complete or made complete on the
 1237 same day are charging the same lowest fee, the fee shall be
 1238 divided equally between the claimant's representatives.

1239 (e) If more than one buyer's claim received by the
 1240 Division ~~Bureau~~ of Unclaimed Property of the department is
 1241 complete or made complete on the same day, the department shall
 1242 remit the unclaimed property to the buyer who paid the highest
 1243 amount to the seller. If the buyers paid the same amount to the
 1244 seller, the department shall remit the unclaimed property to the
 1245 buyers divided in equal amounts.

1246 Section 41. Section 717.1323, Florida Statutes, is amended
 1247 to read:

1248 717.1323 Prohibited practice.—A ~~No~~ person may not

1249 knowingly enter false information onto the Internet website of
 1250 the Division ~~Bureau~~ of Unclaimed Property.

1251 Section 42. Subsection (2) and paragraph (a) of subsection
 1252 (3) of section 717.135, Florida Statutes, are amended to read:

1253 717.135 Power of attorney to recover reported property in
 1254 the custody of the department.—

1255 (2) A power of attorney described in subsection (1) must:

1256 (a) Limit the fees and costs for services to 20 percent
 1257 per unclaimed property account held by the department. Fees and
 1258 costs for cash accounts shall be based on the value of the
 1259 property at the time the power of attorney is signed by the
 1260 claimant. Fees and costs for accounts containing securities or
 1261 other intangible ownership interests, which securities or
 1262 interests are not converted to cash, shall be based on the
 1263 purchase price of the security as quoted on a national exchange
 1264 or other market on which the property is regularly traded at the
 1265 time the securities or other ownership interest is remitted to
 1266 the claimant or the claimant's representative. Fees and costs
 1267 for tangible property or safe-deposit box accounts shall be
 1268 based on the value of the tangible property or contents of the
 1269 safe-deposit box at the time the ownership interest is
 1270 transferred or remitted to the claimant. Total fees and costs on
 1271 any single account owned by a natural person residing in this
 1272 country must not exceed \$1,000; or

1273 (b) Fully disclose that the property is held by the
 1274 Division ~~Bureau~~ of Unclaimed Property of the Department of

1275 Financial Services pursuant to this chapter, the mailing address
 1276 of the division ~~bureau~~, the Internet address of the division
 1277 ~~bureau~~, the person or name of the entity that held the property
 1278 prior to the property becoming unclaimed, the date of the
 1279 holder's last contact with the owner, if known, and the
 1280 approximate value of the property, and identify which of the
 1281 following categories of unclaimed property the claimant's
 1282 representative is seeking to recover, as reported by the holder:

- 1283 1. Cash accounts.
- 1284 2. Stale dated checks.
- 1285 3. Life insurance or annuity contract assets.
- 1286 4. Utility deposits.
- 1287 5. Securities or other interests in business associations.
- 1288 6. Wages.
- 1289 7. Accounts receivable.
- 1290 8. Contents of safe-deposit boxes.

1291
 1292 This subsection shall not apply if probate proceedings must be
 1293 initiated on behalf of the claimant for an estate that has never
 1294 been probated or if the unclaimed property is being claimed by a
 1295 person outside of the United States.

1296 (3) (a) A power of attorney described in paragraph (2) (b)
 1297 must state in 12-point type or greater in the order indicated
 1298 with the blank spaces accurately completed:

1299

1300

FULL DISCLOSURE STATEMENT

1301
 1302 The property is currently held by the State of Florida
 1303 Department of Financial Services, Division ~~Bureau~~ of
 1304 Unclaimed Property, pursuant to chapter 717, Florida
 1305 Statutes. The mailing address of the Division ~~Bureau~~
 1306 of Unclaimed Property is The Internet
 1307 address of the Division ~~Bureau~~ of Unclaimed Property
 1308 is

1309
 1310 The property was remitted by:

1311
 1312 Date of last contact:

1313
 1314 Property category:

1315
 1316 Section 43. Subsection (2) of section 717.1351, Florida
 1317 Statutes, is amended to read:

1318 717.1351 Acquisition of unclaimed property.—

1319 (2) All contracts to acquire ownership of or entitlement
 1320 to unclaimed property from the person or persons entitled to the
 1321 unclaimed property must be in 10-point type or greater and must:

1322 (a) Have a purchase price that discounts the value of the
 1323 unclaimed property at the time the agreement is executed by the
 1324 seller at no greater than 20 percent per account held by the
 1325 department. An unclaimed property account must not be discounted
 1326 in excess of \$1,000. However, the \$1,000 discount limitation

1327 does not apply if probate proceedings must be initiated on
 1328 behalf of the seller for an estate that has never been probated
 1329 or if the seller of the unclaimed property is not a natural
 1330 person or is a person outside the United States; or

1331 (b) Fully disclose that the property is held by the
 1332 Division ~~Bureau~~ of Unclaimed Property of the Department of
 1333 Financial Services pursuant to this chapter, the mailing address
 1334 of the division ~~bureau~~, the Internet address of the division
 1335 ~~bureau~~, the person or name of the entity that held the property
 1336 prior to the property becoming unclaimed, the date of the
 1337 holder's last contact with the owner, if known, and the
 1338 approximate value of the property, and identify which of the
 1339 following categories of unclaimed property the buyer is seeking
 1340 to purchase as reported by the holder:

- 1341 1. Cash accounts.
- 1342 2. Stale dated checks.
- 1343 3. Life insurance or annuity contract assets.
- 1344 4. Utility deposits.
- 1345 5. Securities or other interests in business associations.
- 1346 6. Wages.
- 1347 7. Accounts receivable.
- 1348 8. Contents of safe-deposit boxes.

1349
 1350 The purchase agreement described in this paragraph must state in
 1351 12-point type or greater in the order indicated with the blank
 1352 spaces accurately completed:

FULL DISCLOSURE STATEMENT

The property is currently held by the State of Florida Department of Financial Services, Division ~~Bureau~~ of Unclaimed Property, pursuant to chapter 717, Florida Statutes. The mailing address of the Division ~~Bureau~~ of Unclaimed Property is The Internet address of the Division ~~Bureau~~ of Unclaimed Property is

The property was remitted by:

Date of last contact:

Property category:

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

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

Section 44. Paragraphs (a) and (b) of subsection (5) of section 717.1400, Florida Statutes, are amended to read:

1379 | 717.1400 Registration.—

1380 | (5) If a material change in the status of a registration
 1381 | occurs, a registrant must, within 30 days, provide the
 1382 | department with the updated documentation and information in
 1383 | writing. Material changes include, but are not limited to: a
 1384 | designated agent or employee ceasing to act on behalf of the
 1385 | designating person, a surrender, suspension, or revocation of a
 1386 | license, or a license renewal.

1387 | (a) If a designated agent or employee ceases to act on
 1388 | behalf of the person who has designated the agent or employee to
 1389 | act on such person's behalf, the designating person must, within
 1390 | 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in
 1391 | writing of the termination of agency or employment.

1392 | (b) If a registrant surrenders the registrant's license or
 1393 | the license is suspended or revoked, the registrant must, within
 1394 | 30 days, inform the division ~~bureau~~ in writing of the surrender,
 1395 | suspension, or revocation.

1396 | Section 45. Paragraphs (k) and (l) of subsection (6) of
 1397 | section 932.7055, Florida Statutes, are amended to read:

1398 | 932.7055 Disposition of liens and forfeited property.—

1399 | (6) If the seizing agency is a state agency, all remaining
 1400 | proceeds shall be deposited into the General Revenue Fund.
 1401 | However, if the seizing agency is:

1402 | (k) The Division of Investigative and Forensic Services
 1403 | ~~State Fire Marshal~~ in the Department of Financial Services, the
 1404 | proceeds accrued under the Florida Contraband Forfeiture Act

1405 shall be deposited into the Insurance Regulatory Trust Fund to
1406 be used for the purposes of arson suppression, arson
1407 investigation, and the funding of anti-arson rewards.

1408 (1) The Division of Investigative and Forensic Services
1409 ~~Insurance Fraud~~ of the Department of Financial Services, the
1410 proceeds accrued pursuant to ~~the provisions of~~ the Florida
1411 Contraband Forfeiture Act shall be deposited into the Insurance
1412 Regulatory Trust Fund as provided in s. 626.9893 or into the
1413 Department of Financial Services' Federal Law Enforcement Trust
1414 Fund as provided in s. 17.43, as applicable.

1415 Section 46. This act shall take effect July 1, 2016.