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LEGISLATIVE ACTION

Senate

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House

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Senator Lee moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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12 entrusted with, or who may have received any property, funds, or
13 moneys of this state, or who may be in anywise indebted or
14 accountable to this state for any property, funds, or moneys,
15 and require such officer or persons to render full accounts
16 thereof, and to yield up such property or funds according to
17 law, or pay such moneys into the treasury of this state, or to
18 such officer or agent of the state as may be appointed to
19 receive the same, and on failure so to do, to cause to be
20 instituted and prosecuted proceedings, criminal or civil, at law
21 or in equity, against such persons, according to law. The Chief
22 Financial Officer ~~Division of Accounting and Auditing~~ may
23 conduct investigations within or outside of this state as it
24 deems necessary to aid in the enforcement of this section. If
25 during an investigation the Chief Financial Officer ~~division~~ has
26 reason to believe that any criminal statute of this state has or
27 may have been violated, the Chief Financial Officer ~~division~~
28 shall refer any records tending to show such violation to state
29 or federal law enforcement or prosecutorial agencies and shall
30 provide investigative assistance to those agencies as required.

31 Section 2. Section 17.0401, Florida Statutes, is amended to
32 read:

33 17.0401 Confidentiality of information relating to
34 financial investigations.—Except as otherwise provided by this
35 section, information relative to an investigation conducted by
36 the Chief Financial Officer ~~Division of Accounting and Auditing~~
37 pursuant to s. 17.04, including any consumer complaint, is
38 confidential and exempt from the provisions of s. 119.07(1) and
39 s. 24(a), Art. I of the State Constitution until the
40 investigation is completed or ceases to be active. Any



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41 information relating to an investigation conducted ~~by the~~
42 ~~division~~ pursuant to s. 17.04 shall remain confidential and
43 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
44 of the State Constitution after the ~~division's~~ investigation is
45 completed or ceases to be active if the Chief Financial Officer
46 ~~division~~ submits the information to any law enforcement or
47 prosecutorial agency for further investigation. Such information
48 shall remain confidential and exempt from the provisions of s.
49 119.07(1) and s. 24(a), Art. I of the State Constitution until
50 that agency's investigation is completed or ceases to be active.
51 For purposes of this section, an investigation shall be
52 considered "active" so long as the Chief Financial Officer
53 ~~division~~ or any law enforcement or prosecutorial agency is
54 proceeding with reasonable dispatch and has a reasonable good
55 faith belief that the investigation may lead to the filing of an
56 administrative, civil, or criminal proceeding. This section
57 shall not be construed to prohibit disclosure of information
58 that is required by law to be filed with the Department of
59 Financial Services or the Office of Financial Regulation and
60 that, but for the investigation, would otherwise be subject to
61 public disclosure. Nothing in this section shall be construed to
62 prohibit the Chief Financial Officer ~~division~~ from providing
63 information to any law enforcement or prosecutorial agency. Any
64 law enforcement or prosecutorial agency receiving confidential
65 information from the Chief Financial Officer ~~division~~ in
66 connection with its official duties shall maintain the
67 confidentiality of the information as provided for in this
68 section.

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



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70 Statutes, is reordered and amended to read:

71 20.121 Department of Financial Services.—There is created a
72 Department of Financial Services.

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

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

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

78 2. ~~The Office of Fiscal Integrity which shall function as a~~
79 ~~criminal justice agency for purposes of ss. 943.045–943.08 and~~
80 ~~shall have a separate budget. The office may conduct~~
81 ~~investigations within or outside this state as the bureau deems~~
82 ~~necessary to aid in the enforcement of this section. If during~~
83 ~~an investigation the office has reason to believe that any~~
84 ~~criminal law of this state has or may have been violated, the~~
85 ~~office shall refer any records tending to show such violation to~~
86 ~~state or federal law enforcement or prosecutorial agencies and~~
87 ~~shall provide investigative assistance to those agencies as~~
88 ~~required.~~

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

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

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

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

96 c. ~~Provide direct assistance and advocacy for consumers who~~
97 ~~request such assistance or advocacy.~~

98 d. ~~With respect to apparent or potential violations of law~~



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99 ~~or applicable rules by a person or entity licensed by the~~
100 ~~department or office, report apparent or potential violations to~~
101 ~~the office or the appropriate division of the department, which~~
102 ~~may take such further action as it deems appropriate.~~

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

105 ~~2. Any person licensed or issued a certificate of authority~~
106 ~~by the department or by the Office of Insurance Regulation shall~~
107 ~~respond, in writing, to the Division of Consumer Services within~~
108 ~~20 days after receipt of a written request for information from~~
109 ~~the division concerning a consumer complaint. The response must~~
110 ~~address the issues and allegations raised in the complaint. The~~
111 ~~division may impose an administrative penalty for failure to~~
112 ~~comply with this subparagraph of up to \$2,500 per violation upon~~
113 ~~any entity licensed by the department or the office and \$250 for~~
114 ~~the first violation, \$500 for the second violation, and up to~~
115 ~~\$1,000 per violation thereafter upon any individual licensed by~~
116 ~~the department or the office.~~

117 ~~3. The department may adopt rules to administer this~~
118 ~~paragraph.~~

119 ~~4. The powers, duties, and responsibilities expressed or~~
120 ~~granted in this paragraph do not limit the powers, duties, and~~
121 ~~responsibilities of the Department of Financial Services, the~~
122 ~~Financial Services Commission, the Office of Insurance~~
123 ~~Regulation, or the Office of Financial Regulation set forth~~
124 ~~elsewhere in the Florida Statutes.~~

125 ~~(c)(n)~~ The Division of Funeral, Cemetery, and Consumer
126 Services.

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



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

- 138 1. The Bureau of Forensic Services;
139 2. The Bureau of Fire and Arson Investigations; and
140 3. The Office of Fiscal Integrity, which shall have a
141 separate budget ~~Insurance Fraud.~~

142 (f) ~~(e)~~ The Division of Public Assistance Fraud.

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

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

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

146 (j) ~~(d)~~ The Division of Treasury, which shall include a
147 Bureau of Deferred Compensation responsible for administering
148 the Government Employees Deferred Compensation Plan established
149 under s. 112.215 for state employees.

150 (k) The Division of Unclaimed Property.

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

152 (m) ~~(j)~~ The Division of Administration.

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

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

155 (n) ~~(m)~~ The Office of Insurance Consumer Advocate.

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



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157 Statutes, is amended to read:

158 624.26 Collaborative arrangement with the Department of
159 Health and Human Services.—

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

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

167 624.307 General powers; duties.—

168 (10) (a) The Division of Consumer Services shall perform the
169 following functions concerning products or services regulated by
170 the department or office:

171 1. Receive inquiries and complaints from consumers.

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

174 3. Provide direct assistance to and advocacy for consumers
175 who request such assistance or advocacy.

176 4. With respect to apparent or potential violations of law
177 or applicable rules committed by a person or entity licensed by
178 the department or office, report apparent or potential
179 violations to the office or to the appropriate division of the
180 department, which may take any additional action it deems
181 appropriate.

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

184 (b) Any person licensed or issued a certificate of
185 authority by the department or the office shall respond, in



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186 writing, to the division within 20 days after receipt of a
187 written request for information from the division concerning a
188 consumer complaint. The response must address the issues and
189 allegations raised in the complaint. The division may impose an
190 administrative penalty for failure to comply with this paragraph
191 of up to \$2,500 per violation upon any entity licensed by the
192 department or the office and \$250 for the first violation, \$500
193 for the second violation, and up to \$1,000 for the third or
194 subsequent violation upon any individual licensed by the
195 department or the office.

196 (c) The department may adopt rules to administer this
197 subsection.

198 (d) The powers, duties, and responsibilities expressed or
199 granted in this subsection do not limit the powers, duties, and
200 responsibilities of the department, the Financial Services
201 Commission, the Office of Insurance Regulation, or the Office of
202 Financial Regulation as otherwise provided by law.

203 Section 6. Notwithstanding the expiration date in section
204 41 of chapter 2015-222, Laws of Florida, section 624.502,
205 Florida Statutes, as amended by chapter 2013-41, Laws of
206 Florida, is reenacted and amended to read:

207 624.502 Service of process fee.—In all instances as
208 provided in any section of the insurance code and s. 48.151(3)
209 in which service of process is authorized to be made upon the
210 Chief Financial Officer or the director of the office, the party
211 requesting service ~~plaintiff~~ shall pay to the department or
212 office a fee of \$15 for such service of process on an authorized
213 or unauthorized insurer, which fee shall be deposited into the
214 Administrative Trust Fund.



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215 Section 7. Section 16.59, Florida Statutes, is amended to
216 read:

217 16.59 Medicaid fraud control.—The Medicaid Fraud Control
218 Unit is created in the Department of Legal Affairs to
219 investigate all violations of s. 409.920 and any criminal
220 violations discovered during the course of those investigations.
221 The Medicaid Fraud Control Unit may refer any criminal violation
222 so uncovered to the appropriate prosecuting authority. The
223 offices of the Medicaid Fraud Control Unit, the Agency for
224 Health Care Administration Medicaid program integrity program,
225 and the Divisions of Investigative and Forensic Services
226 ~~Insurance Fraud~~ and Public Assistance Fraud within the
227 Department of Financial Services shall, to the extent possible,
228 be collocated; however, positions dedicated to Medicaid managed
229 care fraud within the Medicaid Fraud Control Unit shall be
230 collocated with the Division of Investigative and Forensic
231 Services ~~Insurance Fraud~~. The Agency for Health Care
232 Administration, the Department of Legal Affairs, and the
233 Divisions of Investigative and Forensic Services ~~Insurance Fraud~~
234 and Public Assistance Fraud within the Department of Financial
235 Services shall conduct joint training and other joint activities
236 designed to increase communication and coordination in
237 recovering overpayments.

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

240 400.9935 Clinic responsibilities.—

241 (9) In addition to the requirements of part II of chapter
242 408, the clinic shall display a sign in a conspicuous location
243 within the clinic readily visible to all patients indicating



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244 that, pursuant to s. 626.9892, the Department of Financial
245 Services may pay rewards of up to \$25,000 to persons providing
246 information leading to the arrest and conviction of persons
247 committing crimes investigated by the Division of Investigative
248 and Forensic Services ~~Insurance-Fraud~~ arising from violations of
249 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.
250 An authorized employee of the Division of Investigative and
251 Forensic Services ~~Insurance-Fraud~~ may make unannounced
252 inspections of a clinic licensed under this part as necessary to
253 determine whether the clinic is in compliance with this
254 subsection. A licensed clinic shall allow full and complete
255 access to the premises to such authorized employee of the
256 division who makes an inspection to determine compliance with
257 this subsection.

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

260 409.91212 Medicaid managed care fraud.—

261 (6) Each managed care plan shall report all suspected or
262 confirmed instances of provider or recipient fraud or abuse
263 within 15 calendar days after detection to the Office of
264 Medicaid Program Integrity within the agency. At a minimum the
265 report must contain the name of the provider or recipient, the
266 Medicaid billing number or tax identification number, and a
267 description of the fraudulent or abusive act. The Office of
268 Medicaid Program Integrity in the agency shall forward the
269 report of suspected overpayment, abuse, or fraud to the
270 appropriate investigative unit, including, but not limited to,
271 the Bureau of Medicaid program integrity, the Medicaid fraud
272 control unit, the Division of Public Assistance Fraud, the



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273 Division of Investigative and Forensic Services ~~Insurance Fraud~~,
274 or the Department of Law Enforcement.

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

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

280 Section 10. Paragraph (a) of subsection (1) of section
281 440.105, Florida Statutes, is amended to read:

282 440.105 Prohibited activities; reports; penalties;
283 limitations.-

284 (1) (a) Any insurance carrier, any individual self-insured,
285 any commercial or group self-insurance fund, any professional
286 practitioner licensed or regulated by the Department of Health,
287 except as otherwise provided by law, any medical review
288 committee as defined in s. 766.101, any private medical review
289 committee, and any insurer, agent, or other person licensed
290 under the insurance code, or any employee thereof, having
291 knowledge or who believes that a fraudulent act or any other act
292 or practice which, upon conviction, constitutes a felony or
293 misdemeanor under this chapter is being or has been committed
294 shall send to the Division of Investigative and Forensic
295 Services ~~Insurance Fraud~~, Bureau of Workers' Compensation Fraud,
296 a report or information pertinent to such knowledge or belief
297 and such additional information relative thereto as the bureau
298 may require. The bureau shall review such information or reports
299 and select such information or reports as, in its judgment, may
300 require further investigation. It shall then cause an
301 independent examination of the facts surrounding such



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302 information or report to be made to determine the extent, if
303 any, to which a fraudulent act or any other act or practice
304 which, upon conviction, constitutes a felony or a misdemeanor
305 under this chapter is being committed. The bureau shall report
306 any alleged violations of law which its investigations disclose
307 to the appropriate licensing agency and state attorney or other
308 prosecuting agency having jurisdiction with respect to any such
309 violations of this chapter. If prosecution by the state attorney
310 or other prosecuting agency having jurisdiction with respect to
311 such violation is not begun within 60 days of the bureau's
312 report, the state attorney or other prosecuting agency having
313 jurisdiction with respect to such violation shall inform the
314 bureau of the reasons for the lack of prosecution.

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

317 440.1051 Fraud reports; civil immunity; criminal
318 penalties.—

319 (1) The Bureau of Workers' Compensation Insurance Fraud of
320 the Division of Investigative and Forensic Services ~~Insurance~~
321 ~~Fraud~~ of the department shall establish a toll-free telephone
322 number to receive reports of workers' compensation fraud
323 committed by an employee, employer, insurance provider,
324 physician, attorney, or other person.

325 (2) Any person who reports workers' compensation fraud to
326 the Division of Investigative and Forensic Services ~~Insurance~~
327 ~~Fraud~~ under subsection (1) is immune from civil liability for
328 doing so, and the person or entity alleged to have committed the
329 fraud may not retaliate against him or her for providing such
330 report, unless the person making the report knows it to be



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331 false.

332 Section 12. Paragraph (c) of subsection (1) of section
333 440.12, Florida Statutes, is amended to read:

334 440.12 Time for commencement and limits on weekly rate of
335 compensation.—

336 (1) Compensation is not allowed for the first 7 days of the
337 disability, except for benefits provided under s. 440.13.
338 However, if the injury results in more than 21 days of
339 disability, compensation is allowed from the commencement of the
340 disability.

341 (c) Each carrier shall keep a record of all payments made
342 under this subsection, including the time and manner of such
343 payments, and shall furnish these records or a report based on
344 these records to the Division of Investigative and Forensic
345 Services Insurance Fraud and the Division of Workers'
346 Compensation, upon request.

347 Section 13. Subsection (1) of section 624.521, Florida
348 Statutes, is amended to read:

349 624.521 Deposit of certain tax receipts; refund of improper
350 payments.—

351 (1) The department ~~of Financial Services~~ shall promptly
352 deposit in the State Treasury to the credit of the Insurance
353 Regulatory Trust Fund all "state tax" portions of agents'
354 licenses collected under s. 624.501 necessary to fund the
355 Division of Investigative and Forensic Services Insurance Fraud.
356 The balance of the tax shall be credited to the General Fund.
357 All moneys received by the department ~~of Financial Services~~ or
358 the office not in accordance with ~~the provisions of~~ this code or
359 not in the exact amount as specified by the applicable



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360 provisions of this code shall be returned to the remitter. The
361 records of the department or office shall show the date and
362 reason for such return.

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

365 626.016 Powers and duties of department, commission, and
366 office.-

367 (4) ~~Nothing in~~ This section is not intended to limit the
368 authority of the department and the Division of Investigative
369 and Forensic Services Insurance Fraud, as specified in s.
370 626.989.

371 Section 15. Section 626.989, Florida Statutes, is amended
372 to read:

373 626.989 Investigation by department or Division of
374 Investigative and Forensic Services Insurance Fraud; compliance;
375 immunity; confidential information; reports to division;
376 division investigator's power of arrest.-

377 (1) For the purposes of this section:

378 (a) A person commits a "fraudulent insurance act" if the
379 person:

380 1. Knowingly and with intent to defraud presents, causes to
381 be presented, or prepares with knowledge or belief that it will
382 be presented, to or by an insurer, self-insurer, self-insurance
383 fund, servicing corporation, purported insurer, broker, or any
384 agent thereof, any written statement as part of, or in support
385 of, an application for the issuance of, or the rating of, any
386 insurance policy, or a claim for payment or other benefit
387 pursuant to any insurance policy, which the person knows to
388 contain materially false information concerning any fact



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389 material thereto or if the person conceals, for the purpose of
390 misleading another, information concerning any fact material
391 thereto.

392 2. Knowingly submits:

393 a. A false, misleading, or fraudulent application or other
394 document when applying for licensure as a health care clinic,
395 seeking an exemption from licensure as a health care clinic, or
396 demonstrating compliance with part X of chapter 400 with an
397 intent to use the license, exemption from licensure, or
398 demonstration of compliance to provide services or seek
399 reimbursement under the Florida Motor Vehicle No-Fault Law.

400 b. A claim for payment or other benefit pursuant to a
401 personal injury protection insurance policy under the Florida
402 Motor Vehicle No-Fault Law if the person knows that the payee
403 knowingly submitted a false, misleading, or fraudulent
404 application or other document when applying for licensure as a
405 health care clinic, seeking an exemption from licensure as a
406 health care clinic, or demonstrating compliance with part X of
407 chapter 400.

408 (b) The term "insurer" also includes a health maintenance
409 organization, and the term "insurance policy" also includes a
410 health maintenance organization subscriber contract.

411 (2) If, by its own inquiries or as a result of complaints,
412 the department or its Division of Investigative and Forensic
413 Services Insurance Fraud has reason to believe that a person has
414 engaged in, or is engaging in, a fraudulent insurance act, an
415 act or practice that violates s. 626.9541 or s. 817.234, or an
416 act or practice punishable under s. 624.15, it may administer
417 oaths and affirmations, request the attendance of witnesses or



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418 proffering of matter, and collect evidence. The department or
419 its Division of Investigative and Forensic Services shall not
420 compel the attendance of any person or matter in any such
421 investigation except pursuant to subsection (4).

422 (3) If matter that the department or its division seeks to
423 obtain by request is located outside the state, the person so
424 requested may make it available to the division or its
425 representative to examine the matter at the place where it is
426 located. The division may designate representatives, including
427 officials of the state in which the matter is located, to
428 inspect the matter on its behalf, and it may respond to similar
429 requests from officials of other states.

430 (4) (a) The department or its division may request that an
431 individual who refuses to comply with any such request be
432 ordered by the circuit court to provide the testimony or matter.
433 The court shall not order such compliance unless the department
434 or its division has demonstrated to the satisfaction of the
435 court that the testimony of the witness or the matter under
436 request has a direct bearing on the commission of a fraudulent
437 insurance act, on a violation of s. 626.9541 or s. 817.234, or
438 on an act or practice punishable under s. 624.15 or is pertinent
439 and necessary to further such investigation.

440 (b) Except in a prosecution for perjury, an individual who
441 complies with a court order to provide testimony or matter after
442 asserting a privilege against self-incrimination to which the
443 individual is entitled by law may not be subjected to a criminal
444 proceeding or to a civil penalty with respect to the act
445 concerning which the individual is required to testify or
446 produce relevant matter.



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447 (c) In the absence of fraud or bad faith, a person is not
448 subject to civil liability for libel, slander, or any other
449 relevant tort by virtue of filing reports, without malice, or
450 furnishing other information, without malice, required by this
451 section or required by the department or division under the
452 authority granted in this section, and no civil cause of action
453 of any nature shall arise against such person:

454 1. For any information relating to suspected fraudulent
455 insurance acts or persons suspected of engaging in such acts
456 furnished to or received from law enforcement officials, their
457 agents, or employees;

458 2. For any information relating to suspected fraudulent
459 insurance acts or persons suspected of engaging in such acts
460 furnished to or received from other persons subject to the
461 provisions of this chapter;

462 3. For any such information furnished in reports to the
463 department, the division, the National Insurance Crime Bureau,
464 the National Association of Insurance Commissioners, or any
465 local, state, or federal enforcement officials or their agents
466 or employees; or

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

470 (d) In addition to the immunity granted in paragraph (c),
471 persons identified as designated employees whose
472 responsibilities include the investigation and disposition of
473 claims relating to suspected fraudulent insurance acts may share
474 information relating to persons suspected of committing
475 fraudulent insurance acts with other designated employees



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476 employed by the same or other insurers whose responsibilities
477 include the investigation and disposition of claims relating to
478 fraudulent insurance acts, provided the department has been
479 given written notice of the names and job titles of such
480 designated employees prior to such designated employees sharing
481 information. Unless the designated employees of the insurer act
482 in bad faith or in reckless disregard for the rights of any
483 insured, neither the insurer nor its designated employees are
484 civilly liable for libel, slander, or any other relevant tort,
485 and a civil action does not arise against the insurer or its
486 designated employees:

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

489 2. For any information relating to suspected fraudulent
490 insurance acts provided to the National Insurance Crime Bureau
491 or the National Association of Insurance Commissioners.

492

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

498 (e) The Chief Financial Officer and any employee or agent
499 of the department, commission, office, or division, when acting
500 without malice and in the absence of fraud or bad faith, is not
501 subject to civil liability for libel, slander, or any other
502 relevant tort, and no civil cause of action of any nature exists
503 against such person by virtue of the execution of official
504 activities or duties of the department, commission, or office



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505 under this section or by virtue of the publication of any report
506 or bulletin related to the official activities or duties of the
507 department, division, commission, or office under this section.

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

511 (5) The office's and the department's papers, documents,
512 reports, or evidence relative to the subject of an investigation
513 under this section are confidential and exempt from the
514 provisions of s. 119.07(1) until such investigation is completed
515 or ceases to be active. For purposes of this subsection, an
516 investigation is considered "active" while the investigation is
517 being conducted by the office or department with a reasonable,
518 good faith belief that it could lead to the filing of
519 administrative, civil, or criminal proceedings. An investigation
520 does not cease to be active if the office or department is
521 proceeding with reasonable dispatch and has a good faith belief
522 that action could be initiated by the office or department or
523 other administrative or law enforcement agency. After an
524 investigation is completed or ceases to be active, portions of
525 records relating to the investigation shall remain exempt from
526 the provisions of s. 119.07(1) if disclosure would:

527 (a) Jeopardize the integrity of another active
528 investigation;

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

530 (c) Reveal personal financial information;

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

532 (e) Defame or cause unwarranted damage to the good name or
533 reputation of an individual or jeopardize the safety of an



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534 individual; or

535 (f) Reveal investigative techniques or procedures. Further,
536 such papers, documents, reports, or evidence relative to the
537 subject of an investigation under this section shall not be
538 subject to discovery until the investigation is completed or
539 ceases to be active. Office, department, or division
540 investigators shall not be subject to subpoena in civil actions
541 by any court of this state to testify concerning any matter of
542 which they have knowledge pursuant to a pending insurance fraud
543 investigation by the division.

544 (6) Any person, other than an insurer, agent, or other
545 person licensed under the code, or an employee thereof, having
546 knowledge or who believes that a fraudulent insurance act or any
547 other act or practice which, upon conviction, constitutes a
548 felony or a misdemeanor under the code, or under s. 817.234, is
549 being or has been committed may send to the Division of
550 Investigative and Forensic Services ~~Insurance Fraud~~ a report or
551 information pertinent to such knowledge or belief and such
552 additional information relative thereto as the department may
553 request. Any professional practitioner licensed or regulated by
554 the Department of Business and Professional Regulation, except
555 as otherwise provided by law, any medical review committee as
556 defined in s. 766.101, any private medical review committee, and
557 any insurer, agent, or other person licensed under the code, or
558 an employee thereof, having knowledge or who believes that a
559 fraudulent insurance act or any other act or practice which,
560 upon conviction, constitutes a felony or a misdemeanor under the
561 code, or under s. 817.234, is being or has been committed shall
562 send to the Division of Investigative and Forensic Services



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563 ~~Insurance Fraud~~ a report or information pertinent to such
564 knowledge or belief and such additional information relative
565 thereto as the department may require. The Division of
566 Investigative and Forensic Services ~~Insurance Fraud~~ shall review
567 such information or reports and select such information or
568 reports as, in its judgment, may require further investigation.
569 It shall then cause an independent examination of the facts
570 surrounding such information or report to be made to determine
571 the extent, if any, to which a fraudulent insurance act or any
572 other act or practice which, upon conviction, constitutes a
573 felony or a misdemeanor under the code, or under s. 817.234, is
574 being committed. The Division of Investigative and Forensic
575 Services ~~Insurance Fraud~~ shall report any alleged violations of
576 law which its investigations disclose to the appropriate
577 licensing agency and state attorney or other prosecuting agency
578 having jurisdiction with respect to any such violation, as
579 provided in s. 624.310. If prosecution by the state attorney or
580 other prosecuting agency having jurisdiction with respect to
581 such violation is not begun within 60 days of the division's
582 report, the state attorney or other prosecuting agency having
583 jurisdiction with respect to such violation shall inform the
584 division of the reasons for the lack of prosecution.

585 (7) Division investigators shall have the power to make
586 arrests for criminal violations established as a result of
587 investigations. Such investigators shall also be considered
588 state law enforcement officers for all purposes and shall have
589 the power to execute arrest warrants and search warrants; to
590 serve subpoenas issued for the examination, investigation, and
591 trial of all offenses; and to arrest upon probable cause without



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592 warrant any person found in the act of violating any of the
593 provisions of applicable laws. Investigators empowered to make
594 arrests under this section shall be empowered to bear arms in
595 the performance of their duties. In such a situation, the
596 investigator must be certified in compliance with the provisions
597 of s. 943.1395 or must meet the temporary employment or
598 appointment exemption requirements of s. 943.131 until
599 certified.

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

605 (9) In recognition of the complementary roles of
606 investigating instances of workers' compensation fraud and
607 enforcing compliance with the workers' compensation coverage
608 requirements under chapter 440, the Department of Financial
609 Services shall prepare and submit a joint performance report to
610 the President of the Senate and the Speaker of the House of
611 Representatives by January 1 of each year. The annual report
612 must include, but need not be limited to:

613 (a) The total number of initial referrals received, cases
614 opened, cases presented for prosecution, cases closed, and
615 convictions resulting from cases presented for prosecution by
616 the Bureau of Workers' Compensation Insurance Fraud by type of
617 workers' compensation fraud and circuit.

618 (b) The number of referrals received from insurers and the
619 Division of Workers' Compensation and the outcome of those
620 referrals.



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621 (c) The number of investigations undertaken by the Bureau
622 of Workers' Compensation Insurance Fraud which were not the
623 result of a referral from an insurer or the Division of Workers'
624 Compensation.

625 (d) The number of investigations that resulted in a
626 referral to a regulatory agency and the disposition of those
627 referrals.

628 (e) The number and reasons provided by local prosecutors or
629 the statewide prosecutor for declining prosecution of a case
630 presented by the Bureau of Workers' Compensation Insurance Fraud
631 by circuit.

632 (f) The total number of employees assigned to the Bureau of
633 Workers' Compensation Insurance Fraud and the Division of
634 Workers' Compensation Bureau of Compliance delineated by
635 location of staff assigned; and the number and location of
636 employees assigned to the Bureau of Workers' Compensation
637 Insurance Fraud who were assigned to work other types of fraud
638 cases.

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

641 (h) The training provided during the year to workers'
642 compensation fraud investigators and the division's compliance
643 employees.

644 Section 16. Subsections (1), (2), and (3) of section
645 626.9891, Florida Statutes, are amended to read:

646 626.9891 Insurer anti-fraud investigative units; reporting
647 requirements; penalties for noncompliance.—

648 (1) Every insurer admitted to do business in this state who
649 in the previous calendar year, at any time during that year, had



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650 \$10 million or more in direct premiums written shall:

651 (a) Establish and maintain a unit or division within the
652 company to investigate possible fraudulent claims by insureds or
653 by persons making claims for services or repairs against
654 policies held by insureds; or

655 (b) Contract with others to investigate possible fraudulent
656 claims for services or repairs against policies held by
657 insureds.

658

659 An insurer subject to this subsection shall file with the
660 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
661 of the department on or before July 1, 1996, a detailed
662 description of the unit or division established pursuant to
663 paragraph (a) or a copy of the contract and related documents
664 required by paragraph (b).

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

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

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

675 (b) A description of the insurer's procedures for the
676 mandatory reporting of possible fraudulent insurance acts to the
677 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
678 of the department;



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

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

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

688 626.9892 Anti-Fraud Reward Program; reporting of insurance
689 fraud.—

690 (2) The department may pay rewards of up to \$25,000 to
691 persons providing information leading to the arrest and
692 conviction of persons committing crimes investigated by the
693 Division of Investigative and Forensic Services ~~Insurance Fraud~~
694 arising from violations of s. 440.105, s. 624.15, s. 626.9541,
695 s. 626.989, or s. 817.234.

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

698 626.9893 Disposition of revenues; criminal or forfeiture
699 proceedings.—

700 (1) The Division of Investigative and Forensic Services
701 ~~Insurance Fraud~~ of the Department of Financial Services may
702 deposit revenues received as a result of criminal proceedings or
703 forfeiture proceedings, other than revenues deposited into the
704 Department of Financial Services' Federal Law Enforcement Trust
705 Fund under s. 17.43, into the Insurance Regulatory Trust Fund.
706 Moneys deposited pursuant to this section shall be separately
707 accounted for and shall be used solely for the division to carry



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708 out its duties and responsibilities.

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

711 626.9894 Gifts and grants.—

712 (2) All rights to, interest in, and title to such donated
713 or granted property shall immediately vest in the Division of
714 Investigative and Forensic Services ~~Insurance Fraud~~ upon
715 donation. The division may hold such property in coownership,
716 sell its interest in the property, liquidate its interest in the
717 property, or dispose of its interest in the property in any
718 other reasonable manner.

719 Section 20. Section 626.99278, Florida Statutes, is amended
720 to read:

721 626.99278 Viatical provider anti-fraud plan.—Every licensed
722 viatical settlement provider and registered life expectancy
723 provider must adopt an anti-fraud plan and file it with the
724 Division of Investigative and Forensic Services ~~Insurance Fraud~~
725 of the department. Each anti-fraud plan shall include:

726 (1) A description of the procedures for detecting and
727 investigating possible fraudulent acts and procedures for
728 resolving material inconsistencies between medical records and
729 insurance applications.

730 (2) A description of the procedures for the mandatory
731 reporting of possible fraudulent insurance acts and prohibited
732 practices set forth in s. 626.99275 to the Division of
733 Investigative and Forensic Services ~~Insurance Fraud~~ of the
734 department.

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



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737 (4) A written description or chart outlining the
738 organizational arrangement of the anti-fraud personnel who are
739 responsible for the investigation and reporting of possible
740 fraudulent insurance acts and for the investigation of
741 unresolved material inconsistencies between medical records and
742 insurance applications.

743 (5) For viatical settlement providers, a description of the
744 procedures used to perform initial and continuing review of the
745 accuracy of life expectancies used in connection with a viatical
746 settlement contract or viatical settlement investment.

747 Section 21. Paragraph (k) of subsection (6) of section
748 627.351, Florida Statutes, is amended to read:

749 627.351 Insurance risk apportionment plans.—

750 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

751 (k)1. The corporation shall establish and maintain a unit
752 or division to investigate possible fraudulent claims by
753 insureds or by persons making claims for services or repairs
754 against policies held by insureds; or it may contract with
755 others to investigate possible fraudulent claims for services or
756 repairs against policies held by the corporation pursuant to s.
757 626.9891. The corporation must comply with reporting
758 requirements of s. 626.9891. An employee of the corporation
759 shall notify the corporation's Office of the Inspector General
760 and the Division of Investigative and Forensic Services
761 ~~Insurance Fraud~~ within 48 hours after having information that
762 would lead a reasonable person to suspect that fraud may have
763 been committed by any employee of the corporation.

764 2. The corporation shall establish a unit or division
765 responsible for receiving and responding to consumer complaints,



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766 which unit or division is the sole responsibility of a senior
767 manager of the corporation.

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

770 627.711 Notice of premium discounts for hurricane loss
771 mitigation; uniform mitigation verification inspection form.—

772 (4) An authorized mitigation inspector that signs a uniform
773 mitigation form, and a direct employee authorized to conduct
774 mitigation verification inspections under subsection ~~paragraph~~
775 (3), may not commit misconduct in performing hurricane
776 mitigation inspections or in completing a uniform mitigation
777 form that causes financial harm to a customer or their insurer;
778 or that jeopardizes a customer's health and safety. Misconduct
779 occurs when an authorized mitigation inspector signs a uniform
780 mitigation verification form that:

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

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

786 (c) Contains erroneous information due to the gross
787 negligence of the inspector; or

788 (d) Contains a pattern of demonstrably false information
789 regarding the existence of mitigation features that could give
790 an insured a false evaluation of the ability of the structure to
791 withstand major damage from a hurricane endangering the safety
792 of the insured's life and property.

793 (7) An insurer, person, or other entity that obtains
794 evidence of fraud or evidence that an authorized mitigation



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795 inspector or an employee authorized to conduct mitigation
796 verification inspections under subsection ~~paragraph~~ (3) has made
797 false statements in the completion of a mitigation inspection
798 form shall file a report with the Division of Investigative and
799 Forensic Services ~~Insurance-Fraud~~, along with all of the
800 evidence in its possession that supports the allegation of fraud
801 or falsity. An insurer, person, or other entity making the
802 report shall be immune from liability, in accordance with s.
803 626.989(4), for any statements made in the report, during the
804 investigation, or in connection with the report. The Division of
805 Investigative and Forensic Services ~~Insurance-Fraud~~ shall issue
806 an investigative report if it finds that probable cause exists
807 to believe that the authorized mitigation inspector, or an
808 employee authorized to conduct mitigation verification
809 inspections under subsection ~~paragraph~~ (3), made intentionally
810 false or fraudulent statements in the inspection form. Upon
811 conclusion of the investigation and a finding of probable cause
812 that a violation has occurred, the Division of Investigative and
813 Forensic Services ~~Insurance-Fraud~~ shall send a copy of the
814 investigative report to the office and a copy to the agency
815 responsible for the professional licensure of the authorized
816 mitigation inspector, whether or not a prosecutor takes action
817 based upon the report.

818 Section 23. Paragraph (i) of subsection (4) and subsection
819 (14) of section 627.736, Florida Statutes, are amended to read:
820 627.736 Required personal injury protection benefits;
821 exclusions; priority; claims.—

822 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer under
823 ss. 627.730-627.7405 are primary, except that benefits received



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824 under any workers' compensation law must be credited against the
825 benefits provided by subsection (1) and are due and payable as
826 loss accrues upon receipt of reasonable proof of such loss and
827 the amount of expenses and loss incurred which are covered by
828 the policy issued under ss. 627.730-627.7405. If the Agency for
829 Health Care Administration provides, pays, or becomes liable for
830 medical assistance under the Medicaid program related to injury,
831 sickness, disease, or death arising out of the ownership,
832 maintenance, or use of a motor vehicle, the benefits under ss.
833 627.730-627.7405 are subject to the Medicaid program. However,
834 within 30 days after receiving notice that the Medicaid program
835 paid such benefits, the insurer shall repay the full amount of
836 the benefits to the Medicaid program.

837 (i) If an insurer has a reasonable belief that a fraudulent
838 insurance act, for the purposes of s. 626.989 or s. 817.234, has
839 been committed, the insurer shall notify the claimant, in
840 writing, within 30 days after submission of the claim that the
841 claim is being investigated for suspected fraud. Beginning at
842 the end of the initial 30-day period, the insurer has an
843 additional 60 days to conduct its fraud investigation.
844 Notwithstanding subsection (10), no later than 90 days after the
845 submission of the claim, the insurer must deny the claim or pay
846 the claim with simple interest as provided in paragraph (d).
847 Interest shall be assessed from the day the claim was submitted
848 until the day the claim is paid. All claims denied for suspected
849 fraudulent insurance acts shall be reported to the Division of
850 Investigative and Forensic Services ~~Insurance Fraud~~.

851 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
852 claim under this section, an insurer shall provide a notice to



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853 the insured or to a person for whom a claim for reimbursement
854 for diagnosis or treatment of injuries has been filed, advising
855 that:

856 (a) Pursuant to s. 626.9892, the Department of Financial
857 Services may pay rewards of up to \$25,000 to persons providing
858 information leading to the arrest and conviction of persons
859 committing crimes investigated by the Division of Investigative
860 and Forensic Services ~~Insurance Fraud~~ arising from violations of
861 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

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

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

870 627.7401 Notification of insured's rights.—

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

875 (b) An advisory informing insureds that:

876 1. Pursuant to s. 626.9892, the Department of Financial
877 Services may pay rewards of up to \$25,000 to persons providing
878 information leading to the arrest and conviction of persons
879 committing crimes investigated by the Division of Investigative
880 and Forensic Services ~~Insurance Fraud~~ arising from violations of
881 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.



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

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

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

895 631.156 Investigation by the department; scope of
896 authority; sharing of materials.—

897 (2) The department may provide documents, books, and
898 records; other investigative products, work product, and
899 analysis; and copies of any or all of such materials to the
900 Division of Investigative and Forensic Services ~~Insurance-Fraud~~
901 or any other appropriate government agency. The sharing of these
902 materials does ~~shall~~ not waive any work product or other
903 privilege otherwise applicable under law.

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

906 641.30 Construction and relationship to other laws.—

907 (4) The Division of Investigative and Forensic Services
908 ~~Insurance-Fraud~~ of the department is vested with all powers
909 granted to it under the Florida Insurance Code with respect to
910 the investigation of any violation of this part.



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911 Section 27. Paragraph (a) of subsection (2) of section
912 282.709, Florida Statutes, is amended to read:

913 282.709 State agency law enforcement radio system and
914 interoperability network.—

915 (2) The Joint Task Force on State Agency Law Enforcement
916 Communications is created adjunct to the department to advise
917 the department of member-agency needs relating to the planning,
918 designing, and establishment of the statewide communication
919 system.

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

922 1. A representative of the Division of Alcoholic Beverages
923 and Tobacco of the Department of Business and Professional
924 Regulation who shall be appointed by the secretary of the
925 department.

926 2. A representative of the Division of Florida Highway
927 Patrol of the Department of Highway Safety and Motor Vehicles
928 who shall be appointed by the executive director of the
929 department.

930 3. A representative of the Department of Law Enforcement
931 who shall be appointed by the executive director of the
932 department.

933 4. A representative of the Fish and Wildlife Conservation
934 Commission who shall be appointed by the executive director of
935 the commission.

936 5. A representative of the Department of Corrections who
937 shall be appointed by the secretary of the department.

938 6. A representative of the Division of Investigative and
939 Forensic Services ~~State Fire Marshal~~ of the Department of



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940 Financial Services who shall be appointed by the Chief Financial
941 Officer ~~State Fire Marshal~~.

942 7. A representative of the Department of Agriculture and
943 Consumer Services who shall be appointed by the Commissioner of
944 Agriculture.

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

947 552.113 Reports of thefts, illegal use, or illegal
948 possession.—

949 (3) The Division of Investigative and Forensic Services
950 shall investigate, or be certain that a qualified law
951 enforcement agency investigates, the cause and circumstances of
952 each theft, illegal use, or illegal possession of explosives
953 which occurs within the state. A report of each such
954 investigation shall be made and maintained by the Division of
955 Investigative and Forensic Services.

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

958 552.21 Confiscation and disposal of explosives.—

959 (1) Whenever the department ~~division~~ shall have reason to
960 believe that any person is or has been violating the provisions
961 of this chapter or any rules or regulations adopted and
962 promulgated pursuant thereto, the department ~~division~~ may,
963 without further process of law, confiscate the explosives in
964 question and cause them to be stored in a safe manner, or, if
965 any explosives are deemed by the department ~~division~~ to be in
966 such a state or condition as to constitute a hazard to life or
967 property, the department ~~division~~ may dispose of such explosives
968 without further process of law. The department ~~division~~ is



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969 authorized to dispose of any abandoned explosives that it deems
970 to be hazardous to life or property.

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

977 Section 30. Paragraph (c) of subsection (6) of section
978 633.112, Florida Statutes, is amended to read:

979 633.112 State Fire Marshal; hearings; investigations;
980 recordkeeping and reports; subpoenas of witnesses; orders of
981 circuit court.—

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

987 (c) The State Fire Marshal ~~division~~ shall adopt rules to
988 assist local fire officials and law enforcement officers in
989 determining the established responsibilities with respect to the
990 initial or preliminary assessment of fire and explosion scenes,
991 and the determination of whether probable cause exists to refer
992 such scenes to the State Fire Marshal for an investigation.

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

995 633.114 State Fire Marshal agents; authority; duties;
996 compensation.—

997 (1) The State Fire Marshal shall appoint such agents,



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998 including agents of the Division of Investigative and Forensic
999 Services, as may be necessary to carry out effectively this
1000 chapter, who shall be reimbursed for travel expenses as provided
1001 in s. 112.061, in addition to their salary, when traveling or
1002 making investigations in the performance of their duties. Such
1003 agents, including agents of the Division of Investigative and
1004 Forensic Services, shall be at all times under the direction and
1005 control of the State Fire Marshal, who shall fix their
1006 compensation, and all orders shall be issued in the State Fire
1007 Marshal's name and by her or his authority.

1008 Section 32. Section 633.122, Florida Statutes, is amended
1009 to read:

1010 633.122 Impersonating State Fire Marshal, firefighter,
1011 volunteer firefighter, or firesafety inspector; criminal
1012 penalties.—A person who falsely assumes or pretends to be the
1013 State Fire Marshal, an agent of the State Fire Marshal division,
1014 a firefighter, a volunteer firefighter, or a firesafety
1015 inspector by identifying herself or himself as the State Fire
1016 Marshal, an agent of the State Fire Marshal division, a
1017 firefighter, a volunteer firefighter, or a firesafety inspector
1018 by wearing a uniform or presenting or displaying a badge as
1019 credentials that would cause a reasonable person to believe that
1020 she or he is a State Fire Marshal, an agent of the State Fire
1021 Marshal division, a firefighter, a volunteer firefighter, or
1022 firesafety inspector commits a felony of the third degree,
1023 punishable as provided in ss. 775.082 and 775.083 or, if the
1024 impersonation occurs during the commission of a separate felony
1025 by that person, commits a felony of the first degree, punishable
1026 as provided in ss. 775.082 and 775.083.



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1027 Section 33. Paragraph (b) of subsection (1) of section
1028 633.126, Florida Statutes, is amended to read:
1029 633.126 Investigation of fraudulent insurance claims and
1030 crimes; immunity of insurance companies supplying information.-
1031 (1)
1032 (b) The State Fire Marshal or an agent appointed pursuant
1033 to s. 633.114, an agent of the Division of Investigative and
1034 Forensic Services, any law enforcement officer as defined in s.
1035 111.065, any law enforcement officer of a federal agency, or any
1036 fire service provider official who is engaged in the
1037 investigation of a fire or explosion loss may request any
1038 insurance company or its agent, adjuster, employee, or attorney,
1039 investigating a claim under an insurance policy or contract with
1040 respect to a fire or explosion to release any information
1041 whatsoever in the possession of the insurance company or its
1042 agent, adjuster, employee, or attorney relative to a loss from
1043 that fire or explosion. The insurance company shall release the
1044 available information to and cooperate with any official
1045 authorized to request such information pursuant to this section.
1046 The information shall include, but shall not be limited to:
1047 1. Any insurance policy relevant to a loss under
1048 investigation and any application for such a policy.
1049 2. Any policy premium payment records.
1050 3. The records, reports, and all material pertaining to any
1051 previous claims made by the insured with the reporting company.
1052 4. Material relating to the investigation of the loss,
1053 including statements of a person, proof of loss, and other
1054 relevant evidence.
1055 5. Memoranda, notes, and correspondence relating to the



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1056 investigation of the loss in the possession of the insurance
1057 company or its agents, adjusters, employees, or attorneys.

1058 Section 34. Subsection (5) of section 633.422, Florida
1059 Statutes, is amended to read:

1060 633.422 Firefighters; supplemental compensation.—

1061 (5) APPLICABILITY.—For the purposes of this section, the
1062 department division shall be considered a fire service provider
1063 responsible for the payment of supplemental compensation in
1064 accordance with this section to firefighters employed full time
1065 by the department division.

1066 Section 35. Subsection (7) of section 633.508, Florida
1067 Statutes, is amended to read:

1068 633.508 Workplace safety; rulemaking authority; division
1069 authority.—

1070 (7) The department division shall:

1071 (a) Investigate and prescribe by rule what safety devices,
1072 safeguards, or other means of protection must be adopted for the
1073 prevention of accidents and injuries in every firefighter
1074 employee place of employment or at any fire scene; determine
1075 what suitable devices, safeguards, or other means of protection
1076 for the prevention of occupational diseases must be adopted or
1077 followed in any or all such firefighter places of employment or
1078 at any emergency fire scene; and adopt reasonable rules for the
1079 prevention of accidents, the safety, protection, and security of
1080 firefighter employees engaged in interior firefighting, and the
1081 prevention of occupational diseases.

1082 (b) Ascertain, fix, and order such reasonable standards and
1083 rules for the construction, repair, and maintenance of
1084 firefighter employee places of employment so as to render them



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1085 safe. Such rules and standards shall be adopted in accordance
1086 with chapter 120.

1087 (c) Adopt rules prescribing recordkeeping responsibilities
1088 for firefighter employers, which may include maintaining a log
1089 and summary of occupational injuries, diseases, and illnesses,
1090 for producing on request a notice of injury and firefighter
1091 employee accident investigation records, and prescribing a
1092 retention schedule for such records.

1093 Section 36. Section 633.512, Florida Statutes, is amended
1094 to read:

1095 633.512 Compliance.—Failure of a firefighter employer or an
1096 insurer to comply with this part, or with any rules adopted
1097 under this part, constitutes grounds for the department ~~division~~
1098 to seek remedies, including injunctive relief, by making
1099 appropriate filings with the circuit court.

1100 Section 37. Subsection (1) of section 633.518, Florida
1101 Statutes, is amended to read:

1102 633.518 Studies, investigations, inspections, or inquiries
1103 by the division; refusal to admit; penalty.—

1104 (1) The department ~~division~~ shall make studies,
1105 investigations, inspections, or inquiries with respect to
1106 compliance with this part or any rules authorized under this
1107 part and the causes of firefighter employee injuries, illnesses,
1108 safety-based complaints, or Line of Duty Deaths (LODD) as
1109 defined in rule in firefighter employee places of employment and
1110 shall make such recommendations to the Legislature and
1111 firefighter employers and insurers as the department ~~division~~
1112 considers proper to prevent or reduce future occurrences. In
1113 making such studies, investigations, inspections, or inquiries,



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1114 the department ~~division~~ may cooperate with any agency of the
1115 United States charged with the duty of enforcing any law
1116 securing safety against injury in any place of firefighter
1117 employment covered by this part or any agency or department of
1118 the state engaged in enforcing any law to ensure safety for
1119 firefighter employees.

1120 Section 38. Subsection (3) of section 791.013, Florida
1121 Statutes, is amended to read:

1122 791.013 Testing and approval of sparklers; penalties.—

1123 (3) For purposes of the testing requirement by this
1124 section, the division shall perform such tests as are necessary
1125 to determine compliance with the performance standards in the
1126 definition of sparklers, pursuant to s. 791.01. The State Fire
1127 Marshal shall adopt, by rule, procedures for testing products to
1128 determine compliance with this chapter. The Division of
1129 Investigative and Forensic Services shall dispose of any samples
1130 which remain after testing.

1131 Section 39. Paragraphs (b), (c), and (d) of subsection (7)
1132 of section 538.32, Florida Statutes, are amended to read:

1133 538.32 Registration, transaction, and recordkeeping
1134 requirements; penalties.—

1135 (7)

1136 (b) Alternatively, a secondhand dealer must give written
1137 notice to the seller, by United States mail or e-mail if an e-
1138 mail address is provided by the seller, that information
1139 otherwise required to be given by the seller under subsection
1140 (2) has not been provided by the seller to the secondhand
1141 dealer. Notice of the deficient information must be sent by the
1142 secondhand dealer no later than 10 days after the transaction is



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1143 received by the secondhand dealer. The secondhand dealer must
1144 specify in the notice that:

1145 1. The seller must provide the missing information or must
1146 request the return of the property from the secondhand dealer
1147 within 30 days after receiving the notice from the secondhand
1148 dealer; and

1149 2. The failure of the seller to provide the missing
1150 information or request return of the property within the
1151 applicable 30-day time period shall result in abandonment of the
1152 seller's property to the Division ~~Bureau~~ of Unclaimed Property
1153 of the Department of Financial Services pursuant to chapter 717.

1154 (c) If the seller fails to remedy the deficiency in
1155 information or request return of the property within 30 days
1156 after receiving the notice, the seller's property is deemed
1157 abandoned and is relinquished to the Division ~~Bureau~~ of
1158 Unclaimed Property pursuant to chapter 717 if the property's
1159 true market value is greater than \$50 as defined in chapter 717.

1160 (d) Within 24 hours after the expiration of the 30-day hold
1161 period for the property, the secondhand dealer must notify the
1162 appropriate law enforcement agency of the abandonment of the
1163 property by electronic transmission or by sending a copy of the
1164 completed form authorized by chapter 717 to the Department of
1165 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1166 Section 40. Subsection (1) of section 717.1241, Florida
1167 Statutes, is amended to read:

1168 717.1241 Conflicting claims.—

1169 (1) When conflicting claims have been received by the
1170 department for the same unclaimed property account or accounts,
1171 the property shall be remitted in accordance with the claim



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1172 filed by the person as follows, notwithstanding the withdrawal
1173 of a claim:

1174 (a) To the person submitting the first claim received by
1175 the Division ~~Bureau~~ of Unclaimed Property of the department that
1176 is complete or made complete.

1177 (b) If a claimant's claim and a claimant's representative's
1178 claim are received by the Division ~~Bureau~~ of Unclaimed Property
1179 of the department on the same day and both claims are complete,
1180 to the claimant.

1181 (c) If a buyer's claim and a claimant's claim or a
1182 claimant's representative's claim are received by the Division
1183 ~~Bureau~~ of Unclaimed Property of the department on the same day
1184 and the claims are complete, to the buyer.

1185 (d) As between two or more claimant's representative's
1186 claims received by the Division ~~Bureau~~ of Unclaimed Property of
1187 the department that are complete or made complete on the same
1188 day, to the claimant's representative who has agreed to receive
1189 the lowest fee. If the two or more claimant's representatives
1190 whose claims received by the Division ~~Bureau~~ of Unclaimed
1191 Property of the department were complete or made complete on the
1192 same day are charging the same lowest fee, the fee shall be
1193 divided equally between the claimant's representatives.

1194 (e) If more than one buyer's claim received by the Division
1195 ~~Bureau~~ of Unclaimed Property of the department is complete or
1196 made complete on the same day, the department shall remit the
1197 unclaimed property to the buyer who paid the highest amount to
1198 the seller. If the buyers paid the same amount to the seller,
1199 the department shall remit the unclaimed property to the buyers
1200 divided in equal amounts.



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1201 Section 41. Section 717.1323, Florida Statutes, is amended
1202 to read:

1203 717.1323 Prohibited practice.—A ~~No~~ person may not knowingly
1204 enter false information onto the Internet website of the
1205 Division ~~Bureau~~ of Unclaimed Property.

1206 Section 42. Subsection (2) and paragraph (a) of subsection
1207 (3) of section 717.135, Florida Statutes, are amended to read:

1208 717.135 Power of attorney to recover reported property in
1209 the custody of the department.—

1210 (2) A power of attorney described in subsection (1) must:

1211 (a) Limit the fees and costs for services to 20 percent per
1212 unclaimed property account held by the department. Fees and
1213 costs for cash accounts shall be based on the value of the
1214 property at the time the power of attorney is signed by the
1215 claimant. Fees and costs for accounts containing securities or
1216 other intangible ownership interests, which securities or
1217 interests are not converted to cash, shall be based on the
1218 purchase price of the security as quoted on a national exchange
1219 or other market on which the property is regularly traded at the
1220 time the securities or other ownership interest is remitted to
1221 the claimant or the claimant's representative. Fees and costs
1222 for tangible property or safe-deposit box accounts shall be
1223 based on the value of the tangible property or contents of the
1224 safe-deposit box at the time the ownership interest is
1225 transferred or remitted to the claimant. Total fees and costs on
1226 any single account owned by a natural person residing in this
1227 country must not exceed \$1,000; or

1228 (b) Fully disclose that the property is held by the
1229 Division ~~Bureau~~ of Unclaimed Property of the Department of



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1230 Financial Services pursuant to this chapter, the mailing address
1231 of the division ~~bureau~~, the Internet address of the division
1232 ~~bureau~~, the person or name of the entity that held the property
1233 prior to the property becoming unclaimed, the date of the
1234 holder's last contact with the owner, if known, and the
1235 approximate value of the property, and identify which of the
1236 following categories of unclaimed property the claimant's
1237 representative is seeking to recover, as reported by the holder:

- 1238 1. Cash accounts.
1239 2. Stale dated checks.
1240 3. Life insurance or annuity contract assets.
1241 4. Utility deposits.
1242 5. Securities or other interests in business associations.
1243 6. Wages.
1244 7. Accounts receivable.
1245 8. Contents of safe-deposit boxes.

1246

1247 This subsection shall not apply if probate proceedings must be
1248 initiated on behalf of the claimant for an estate that has never
1249 been probated or if the unclaimed property is being claimed by a
1250 person outside of the United States.

1251 (3) (a) A power of attorney described in paragraph (2) (b)
1252 must state in 12-point type or greater in the order indicated
1253 with the blank spaces accurately completed:

1254

1255

FULL DISCLOSURE STATEMENT

1256

1257 The property is currently held by the State of Florida
1258 Department of Financial Services, Division ~~Bureau~~ of



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1259 Unclaimed Property, pursuant to chapter 717, Florida
1260 Statutes. The mailing address of the Division ~~Bureau~~
1261 of Unclaimed Property is The Internet
1262 address of the Division ~~Bureau~~ of Unclaimed Property
1263 is

1264
1265 The property was remitted by:

1266
1267 Date of last contact:

1268
1269 Property category:

1270
1271 Section 43. Subsection (2) of section 717.1351, Florida
1272 Statutes, is amended to read:

1273 717.1351 Acquisition of unclaimed property.—

1274 (2) All contracts to acquire ownership of or entitlement to
1275 unclaimed property from the person or persons entitled to the
1276 unclaimed property must be in 10-point type or greater and must:

1277 (a) Have a purchase price that discounts the value of the
1278 unclaimed property at the time the agreement is executed by the
1279 seller at no greater than 20 percent per account held by the
1280 department. An unclaimed property account must not be discounted
1281 in excess of \$1,000. However, the \$1,000 discount limitation
1282 does not apply if probate proceedings must be initiated on
1283 behalf of the seller for an estate that has never been probated
1284 or if the seller of the unclaimed property is not a natural
1285 person or is a person outside the United States; or

1286 (b) Fully disclose that the property is held by the
1287 Division ~~Bureau~~ of Unclaimed Property of the Department of



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1288 Financial Services pursuant to this chapter, the mailing address
1289 of the division ~~bureau~~, the Internet address of the division
1290 ~~bureau~~, the person or name of the entity that held the property
1291 prior to the property becoming unclaimed, the date of the
1292 holder's last contact with the owner, if known, and the
1293 approximate value of the property, and identify which of the
1294 following categories of unclaimed property the buyer is seeking
1295 to purchase as reported by the holder:

- 1296 1. Cash accounts.
- 1297 2. Stale dated checks.
- 1298 3. Life insurance or annuity contract assets.
- 1299 4. Utility deposits.
- 1300 5. Securities or other interests in business associations.
- 1301 6. Wages.
- 1302 7. Accounts receivable.
- 1303 8. Contents of safe-deposit boxes.

1304
1305 The purchase agreement described in this paragraph must state in
1306 12-point type or greater in the order indicated with the blank
1307 spaces accurately completed:

1308
1309 FULL DISCLOSURE STATEMENT

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



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1317 is

1318

1319 The property was remitted by:

1320

1321 Date of last contact:

1322

1323 Property category:

1324

1325 Immediately above the signature line for the seller, the
1326 purchase agreement described in this paragraph must state in 12-
1327 point type or greater:

1328

1329 Seller agrees, by signing below, that the FULL
1330 DISCLOSURE STATEMENT has been read and fully
1331 understood.

1332 Section 44. Paragraphs (a) and (b) of subsection (5) of
1333 section 717.1400, Florida Statutes, are amended to read:

1334 717.1400 Registration.—

1335 (5) If a material change in the status of a registration
1336 occurs, a registrant must, within 30 days, provide the
1337 department with the updated documentation and information in
1338 writing. Material changes include, but are not limited to: a
1339 designated agent or employee ceasing to act on behalf of the
1340 designating person, a surrender, suspension, or revocation of a
1341 license, or a license renewal.

1342 (a) If a designated agent or employee ceases to act on
1343 behalf of the person who has designated the agent or employee to
1344 act on such person's behalf, the designating person must, within
1345 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in



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1346 writing of the termination of agency or employment.

1347 (b) If a registrant surrenders the registrant's license or
1348 the license is suspended or revoked, the registrant must, within
1349 30 days, inform the division ~~bureau~~ in writing of the surrender,
1350 suspension, or revocation.

1351 Section 45. Paragraphs (k) and (l) of subsection (6) of
1352 section 932.7055, Florida Statutes, are amended to read:

1353 932.7055 Disposition of liens and forfeited property.—

1354 (6) If the seizing agency is a state agency, all remaining
1355 proceeds shall be deposited into the General Revenue Fund.
1356 However, if the seizing agency is:

1357 (k) The Division of Investigative and Forensic Services
1358 ~~State Fire Marshal~~ in the Department of Financial Services, the
1359 proceeds accrued under the Florida Contraband Forfeiture Act
1360 shall be deposited into the Insurance Regulatory Trust Fund to
1361 be used for the purposes of arson suppression, arson
1362 investigation, and the funding of anti-arson rewards.

1363 (l) The Division of Investigative and Forensic Services
1364 ~~Insurance Fraud~~ of the Department of Financial Services, the
1365 proceeds accrued pursuant to ~~the provisions of~~ the Florida
1366 Contraband Forfeiture Act shall be deposited into the Insurance
1367 Regulatory Trust Fund as provided in s. 626.9893 or into the
1368 Department of Financial Services' Federal Law Enforcement Trust
1369 Fund as provided in s. 17.43, as applicable.

1370 Section 46. This act shall take effect July 1, 2016.

1371
1372 ===== T I T L E A M E N D M E N T =====

1373 And the title is amended as follows:

1374 Delete everything before the enacting clause



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1375 and insert:

1376 A bill to be entitled
1377 An act relating to organization of the Department of
1378 Financial Services; amending ss. 17.04 and 17.0401,
1379 F.S.; authorizing the Chief Financial Officer, rather
1380 than the Division of Accounting and Auditing, to audit
1381 and adjust accounts of officers and those indebted to
1382 the state; making conforming changes; amending s.
1383 20.121, F.S.; revising the divisions and the location
1384 of bureaus within the divisions; revising the
1385 functions of the department; providing duties for the
1386 Division of Investigative and Forensic Services;
1387 amending s. 624.26, F.S.; deleting a cross-reference;
1388 amending s. 624.307, F.S.; providing powers and duties
1389 of the Division of Consumer Services; authorizing the
1390 division to impose certain penalties; authorizing the
1391 department to adopt rules relating to the division;
1392 providing for construction; reenacting and amending s.
1393 624.502, F.S., relating to service of process fees;
1394 providing that a party requesting service of process
1395 shall pay a specified fee to the department or the
1396 Office of Insurance Regulation for such service;
1397 abrogating the scheduled expiration and reversion of
1398 amendments to s. 624.502, F.S.; amending ss. 16.59,
1399 400.9935, 409.91212, 440.105, 440.1051, 440.12,
1400 624.521, 626.016, 626.989, 626.9891, 626.9892,
1401 626.9893, 626.9894, 626.99278, 627.351, 627.711,
1402 627.736, 627.7401, 631.156, and 641.30, F.S., relating
1403 to the renaming of the Division of Insurance Fraud;



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1404 conforming provisions to changes made by the act;
1405 making technical changes; amending ss. 282.709,
1406 552.113, 552.21, 633.112, 633.114, 633.122, 633.126,
1407 633.422, 633.508, 633.512, 633.518, and 791.013, F.S.,
1408 relating to the transfer of certain functions to the
1409 Division of Investigative and Forensic Services;
1410 conforming provisions to changes made by the act;
1411 amending ss. 538.32, 717.1241, 717.1323, 717.135,
1412 717.1351, and 717.1400, F.S., relating to the renaming
1413 of the Bureau of Unclaimed Property; conforming
1414 provisions to changes made by the act; making
1415 technical changes; amending s. 932.7055, F.S.;
1416 conforming provisions to changes made by the act;
1417 providing an effective date.