

By Senator Lee

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1 A bill to be entitled
2 An act relating to organization of the Department of
3 Financial Services; amending ss. 17.04 and 17.0401,
4 F.S.; authorizing the Chief Financial Officer, rather
5 than the Division of Accounting and Auditing, to audit
6 and adjust accounts of officers and those indebted to
7 the state; making conforming changes; reordering and
8 amending s. 20.121, F.S.; revising the divisions and
9 the location of bureaus within the divisions; revising
10 the functions of the department; providing duties for
11 the Division of Investigative and Forensic Services;
12 authorizing the Chief Financial Officer to establish
13 divisions, bureaus, and offices of the department;
14 amending s. 624.26, F.S.; conforming a provision to
15 changes made by the act; amending s. 624.307, F.S.;
16 providing powers and duties of the Division of
17 Consumer Services; authorizing the division to impose
18 certain penalties; authorizing the department to adopt
19 rules relating to the division; providing for
20 construction; amending ss. 16.59, 400.9935, 409.91212,
21 440.105, 440.1051, 440.12, 624.521, 626.016, 626.989,
22 626.9892, 626.9893, 626.9894, 626.99278, 627.351,
23 627.711, 627.736, 627.7401, 631.156, and 641.30, F.S.,
24 relating to the renaming of the Division of Insurance
25 Fraud; conforming provisions to changes made by the
26 act; making technical changes; amending ss. 282.709,
27 552.113, 552.21, 633.112, 633.114, 633.122, 633.126,
28 633.422, 633.508, 633.512, 633.518, and 791.013, F.S.,
29 relating to the transfer of certain functions to the

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30 Division of Investigative and Forensic Services;
31 conforming provisions to changes made by the act;
32 amending ss. 538.32, 717.1241, 717.1323, 717.135,
33 717.1351, and 717.1400, F.S., relating to the renaming
34 of the Bureau of Unclaimed Property; conforming
35 provisions to changes made by the act; making
36 technical changes; amending s. 717.138, F.S.;

37 specifying rulemaking authority of the department;
38 amending s. 932.7055, F.S.; conforming provisions to
39 changes made by the act; providing an effective date.
40

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

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

45 17.04 To audit and adjust accounts of officers and those
46 indebted to the state.—The Chief Financial Officer, using
47 generally accepted auditing procedures for testing or sampling,
48 shall examine, audit, adjust, and settle the accounts of all the
49 officers of this state, and any other person in anywise
50 entrusted with, or who may have received any property, funds, or
51 moneys of this state, or who may be in anywise indebted or
52 accountable to this state for any property, funds, or moneys,
53 and require such officer or persons to render full accounts
54 thereof, and to yield up such property or funds according to
55 law, or pay such moneys into the treasury of this state, or to
56 such officer or agent of the state as may be appointed to
57 receive the same, and on failure so to do, to cause to be
58 instituted and prosecuted proceedings, criminal or civil, at law

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59 or in equity, against such persons, according to law. The Chief
60 Financial Officer ~~Division of Accounting and Auditing~~ may
61 conduct investigations within or outside of this state as it
62 deems necessary to aid in the enforcement of this section. If
63 during an investigation the Chief Financial Officer ~~division~~ has
64 reason to believe that any criminal statute of this state has or
65 may have been violated, the Chief Financial Officer ~~division~~
66 shall refer any records tending to show such violation to state
67 or federal law enforcement or prosecutorial agencies and shall
68 provide investigative assistance to those agencies as required.

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

71 17.0401 Confidentiality of information relating to
72 financial investigations.—Except as otherwise provided by this
73 section, information relative to an investigation conducted by
74 the Chief Financial Officer ~~Division of Accounting and Auditing~~
75 pursuant to s. 17.04, including any consumer complaint, is
76 confidential and exempt from the provisions of s. 119.07(1) and
77 s. 24(a), Art. I of the State Constitution until the
78 investigation is completed or ceases to be active. Any
79 information relating to an investigation conducted ~~by the~~
80 ~~division~~ pursuant to s. 17.04 shall remain confidential and
81 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
82 of the State Constitution after the ~~division's~~ investigation is
83 completed or ceases to be active if the Chief Financial Officer
84 ~~division~~ submits the information to any law enforcement or
85 prosecutorial agency for further investigation. Such information
86 shall remain confidential and exempt from the provisions of s.
87 119.07(1) and s. 24(a), Art. I of the State Constitution until

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88 that agency's investigation is completed or ceases to be active.
89 For purposes of this section, an investigation shall be
90 considered "active" so long as the Chief Financial Officer
91 ~~division~~ or any law enforcement or prosecutorial agency is
92 proceeding with reasonable dispatch and has a reasonable good
93 faith belief that the investigation may lead to the filing of an
94 administrative, civil, or criminal proceeding. This section
95 shall not be construed to prohibit disclosure of information
96 that is required by law to be filed with the Department of
97 Financial Services or the Office of Financial Regulation and
98 that, but for the investigation, would otherwise be subject to
99 public disclosure. Nothing in this section shall be construed to
100 prohibit the Chief Financial Officer ~~division~~ from providing
101 information to any law enforcement or prosecutorial agency. Any
102 law enforcement or prosecutorial agency receiving confidential
103 information from the Chief Financial Officer ~~division~~ in
104 connection with its official duties shall maintain the
105 confidentiality of the information as provided for in this
106 section.

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

110 20.121 Department of Financial Services.—There is created a
111 Department of Financial Services.

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

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

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

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

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

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

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

134 (k) The Division of Unclaimed Property.

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

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146 ~~Insurance Fraud.~~

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

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

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

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

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

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

156 ~~e. Provide direct assistance and advocacy for consumers who~~
157 ~~request such assistance or advocacy.~~

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

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

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

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175 ~~\$1,000 per violation thereafter upon any individual licensed by~~
176 ~~the department or the office.~~

177 ~~3. The department may adopt rules to administer this~~
178 ~~paragraph.~~

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

185 ~~(1)(i) The Division of Workers' Compensation.~~

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

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

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

189 ~~(m) The Office of Insurance Consumer Advocate.~~

190 ~~(c)(n) The Division of Funeral, Cemetery, and Consumer~~
191 ~~Services.~~

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

193
194 The Chief Financial Officer may establish any other division,
195 bureau, or office of the department that he or she deems
196 necessary to promote the efficient and effective operation of
197 the department pursuant to s. 20.04.

198 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
199 ~~Strategic Markets Research and Assessment Unit is established~~
200 ~~within the Department of Financial Services. The Chief Financial~~
201 ~~Officer or his or her designee shall report on September 1,~~
202 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
203 ~~the Senate, and the Speaker of the House of Representatives on~~

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204 ~~the status of the state's financial services markets. At a~~
205 ~~minimum, the report must include a summary of issues, trends,~~
206 ~~and threats that broadly impact the condition of the financial~~
207 ~~services industries, along with the effect of such conditions on~~
208 ~~financial institutions, the securities industries, other~~
209 ~~financial entities, and the credit market. The Chief Financial~~
210 ~~Officer shall also provide findings and recommendations~~
211 ~~regarding regulatory and policy changes to the Cabinet, the~~
212 ~~President of the Senate, and the Speaker of the House of~~
213 ~~Representatives.~~

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

216 624.26 Collaborative arrangement with the Department of
217 Health and Human Services.—

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

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

225 624.307 General powers; duties.—

226 (10) (a) The Division of Consumer Services shall perform the
227 following functions concerning products or services regulated by
228 the department or office:

229 1. Receive inquiries and complaints from consumers.

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

232 3. Provide direct assistance to and advocacy for consumers

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233 who request such assistance or advocacy.

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

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

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

254 (c) The department may adopt rules to administer this
255 subsection.

256 (d) The powers, duties, and responsibilities expressed or
257 granted in this subsection do not limit the powers, duties, and
258 responsibilities of the department, the Financial Services
259 Commission, the Office of Insurance Regulation, or the Office of
260 Financial Regulation as otherwise provided by law.

261 Section 6. Section 16.59, Florida Statutes, is amended to

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262 read:

263 16.59 Medicaid fraud control.—The Medicaid Fraud Control
264 Unit is created in the Department of Legal Affairs to
265 investigate all violations of s. 409.920 and any criminal
266 violations discovered during the course of those investigations.
267 The Medicaid Fraud Control Unit may refer any criminal violation
268 so uncovered to the appropriate prosecuting authority. The
269 offices of the Medicaid Fraud Control Unit, the Agency for
270 Health Care Administration Medicaid program integrity program,
271 and the Divisions of Investigative and Forensic Services
272 ~~Insurance Fraud~~ and Public Assistance Fraud within the
273 Department of Financial Services shall, to the extent possible,
274 be collocated; however, positions dedicated to Medicaid managed
275 care fraud within the Medicaid Fraud Control Unit shall be
276 collocated with the Division of Investigative and Forensic
277 Services ~~Insurance Fraud~~. The Agency for Health Care
278 Administration, the Department of Legal Affairs, and the
279 Divisions of Investigative and Forensic Services ~~Insurance Fraud~~
280 and Public Assistance Fraud within the Department of Financial
281 Services shall conduct joint training and other joint activities
282 designed to increase communication and coordination in
283 recovering overpayments.

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

286 400.9935 Clinic responsibilities.—

287 (9) In addition to the requirements of part II of chapter
288 408, the clinic shall display a sign in a conspicuous location
289 within the clinic readily visible to all patients indicating
290 that, pursuant to s. 626.9892, the Department of Financial

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

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

306 409.91212 Medicaid managed care fraud.—

307 (6) Each managed care plan shall report all suspected or
 308 confirmed instances of provider or recipient fraud or abuse
 309 within 15 calendar days after detection to the Office of
 310 Medicaid Program Integrity within the agency. At a minimum the
 311 report must contain the name of the provider or recipient, the
 312 Medicaid billing number or tax identification number, and a
 313 description of the fraudulent or abusive act. The Office of
 314 Medicaid Program Integrity in the agency shall forward the
 315 report of suspected overpayment, abuse, or fraud to the
 316 appropriate investigative unit, including, but not limited to,
 317 the Bureau of Medicaid program integrity, the Medicaid fraud
 318 control unit, the Division of Public Assistance Fraud, the
 319 Division of Investigative and Forensic Services ~~Insurance-Fraud~~,

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320 or the Department of Law Enforcement.

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

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

326 Section 9. Paragraph (a) of subsection (1) of section
327 440.105, Florida Statutes, is amended to read:

328 440.105 Prohibited activities; reports; penalties;
329 limitations.-

330 (1) (a) Any insurance carrier, any individual self-insured,
331 any commercial or group self-insurance fund, any professional
332 practitioner licensed or regulated by the Department of Health,
333 except as otherwise provided by law, any medical review
334 committee as defined in s. 766.101, any private medical review
335 committee, and any insurer, agent, or other person licensed
336 under the insurance code, or any employee thereof, having
337 knowledge or who believes that a fraudulent act or any other act
338 or practice which, upon conviction, constitutes a felony or
339 misdemeanor under this chapter is being or has been committed
340 shall send to the Division of Investigative and Forensic
341 Services ~~Insurance Fraud~~, Bureau of Workers' Compensation Fraud,
342 a report or information pertinent to such knowledge or belief
343 and such additional information relative thereto as the bureau
344 may require. The bureau shall review such information or reports
345 and select such information or reports as, in its judgment, may
346 require further investigation. It shall then cause an
347 independent examination of the facts surrounding such
348 information or report to be made to determine the extent, if

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349 any, to which a fraudulent act or any other act or practice
350 which, upon conviction, constitutes a felony or a misdemeanor
351 under this chapter is being committed. The bureau shall report
352 any alleged violations of law which its investigations disclose
353 to the appropriate licensing agency and state attorney or other
354 prosecuting agency having jurisdiction with respect to any such
355 violations of this chapter. If prosecution by the state attorney
356 or other prosecuting agency having jurisdiction with respect to
357 such violation is not begun within 60 days of the bureau's
358 report, the state attorney or other prosecuting agency having
359 jurisdiction with respect to such violation shall inform the
360 bureau of the reasons for the lack of prosecution.

361 Section 10. Subsections (1) and (2) of section 440.1051,
362 Florida Statutes, are amended to read:

363 440.1051 Fraud reports; civil immunity; criminal
364 penalties.—

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

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

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378 Section 11. Paragraph (c) of subsection (1) of section
379 440.12, Florida Statutes, is amended to read:

380 440.12 Time for commencement and limits on weekly rate of
381 compensation.—

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

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

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

395 624.521 Deposit of certain tax receipts; refund of improper
396 payments.—

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

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407 records of the department or office shall show the date and
408 reason for such return.

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

411 626.016 Powers and duties of department, commission, and
412 office.—

413 (4) ~~Nothing in~~ This section is not intended to limit the
414 authority of the department and the Division of Investigative
415 and Forensic Services Insurance Fraud, as specified in s.
416 626.989.

417 Section 14. Section 626.989, Florida Statutes, is amended
418 to read:

419 626.989 Investigation by department or Division of
420 Investigative and Forensic Services Insurance Fraud; compliance;
421 immunity; confidential information; reports to division;
422 division investigator's power of arrest.—

423 (1) For the purposes of this section:

424 (a) A person commits a "fraudulent insurance act" if the
425 person:

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

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436 misleading another, information concerning any fact material
437 thereto.

438 2. Knowingly submits:

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

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

454 (b) The term "insurer" also includes a health maintenance
455 organization, and the term "insurance policy" also includes a
456 health maintenance organization subscriber contract.

457 (2) If, by its own inquiries or as a result of complaints,
458 the department or its Division of Investigative and Forensic
459 Services ~~Insurance Fraud~~ has reason to believe that a person has
460 engaged in, or is engaging in, a fraudulent insurance act, an
461 act or practice that violates s. 626.9541 or s. 817.234, or an
462 act or practice punishable under s. 624.15, it may administer
463 oaths and affirmations, request the attendance of witnesses or
464 proffering of matter, and collect evidence. The department or

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465 its Division of Investigative and Forensic Services shall not
466 compel the attendance of any person or matter in any such
467 investigation except pursuant to subsection (4).

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

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

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

493 (c) In the absence of fraud or bad faith, a person is not

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494 subject to civil liability for libel, slander, or any other
495 relevant tort by virtue of filing reports, without malice, or
496 furnishing other information, without malice, required by this
497 section or required by the department or division under the
498 authority granted in this section, and no civil cause of action
499 of any nature shall arise against such person:

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

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

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

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

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

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

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

535 2. For any information relating to suspected fraudulent
536 insurance acts provided to the National Insurance Crime Bureau
537 or the National Association of Insurance Commissioners.

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

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

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552 or bulletin related to the official activities or duties of the
553 department, division, commission, or office under this section.

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

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

573 (a) Jeopardize the integrity of another active
574 investigation;

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

576 (c) Reveal personal financial information;

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

578 (e) Defame or cause unwarranted damage to the good name or
579 reputation of an individual or jeopardize the safety of an
580 individual; or

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

590 (6) Any person, other than an insurer, agent, or other
591 person licensed under the code, or an employee thereof, having
592 knowledge or who believes that a fraudulent insurance act or any
593 other act or practice which, upon conviction, constitutes a
594 felony or a misdemeanor under the code, or under s. 817.234, is
595 being or has been committed may send to the Division of
596 Investigative and Forensic Services ~~Insurance Fraud~~ a report or
597 information pertinent to such knowledge or belief and such
598 additional information relative thereto as the department may
599 request. Any professional practitioner licensed or regulated by
600 the Department of Business and Professional Regulation, except
601 as otherwise provided by law, any medical review committee as
602 defined in s. 766.101, any private medical review committee, and
603 any insurer, agent, or other person licensed under the code, or
604 an employee thereof, having knowledge or who believes that a
605 fraudulent insurance act or any other act or practice which,
606 upon conviction, constitutes a felony or a misdemeanor under the
607 code, or under s. 817.234, is being or has been committed shall
608 send to the Division of Investigative and Forensic Services
609 ~~Insurance Fraud~~ a report or information pertinent to such

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610 knowledge or belief and such additional information relative
611 thereto as the department may require. The Division of
612 Investigative and Forensic Services ~~Insurance Fraud~~ shall review
613 such information or reports and select such information or
614 reports as, in its judgment, may require further investigation.
615 It shall then cause an independent examination of the facts
616 surrounding such information or report to be made to determine
617 the extent, if any, to which a fraudulent insurance act or any
618 other act or practice which, upon conviction, constitutes a
619 felony or a misdemeanor under the code, or under s. 817.234, is
620 being committed. The Division of Investigative and Forensic
621 Services ~~Insurance Fraud~~ shall report any alleged violations of
622 law which its investigations disclose to the appropriate
623 licensing agency and state attorney or other prosecuting agency
624 having jurisdiction with respect to any such violation, as
625 provided in s. 624.310. If prosecution by the state attorney or
626 other prosecuting agency having jurisdiction with respect to
627 such violation is not begun within 60 days of the division's
628 report, the state attorney or other prosecuting agency having
629 jurisdiction with respect to such violation shall inform the
630 division of the reasons for the lack of prosecution.

631 (7) Division investigators shall have the power to make
632 arrests for criminal violations established as a result of
633 investigations. Such investigators shall also be considered
634 state law enforcement officers for all purposes and shall have
635 the power to execute arrest warrants and search warrants; to
636 serve subpoenas issued for the examination, investigation, and
637 trial of all offenses; and to arrest upon probable cause without
638 warrant any person found in the act of violating any of the

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639 provisions of applicable laws. Investigators empowered to make
640 arrests under this section shall be empowered to bear arms in
641 the performance of their duties. In such a situation, the
642 investigator must be certified in compliance with the provisions
643 of s. 943.1395 or must meet the temporary employment or
644 appointment exemption requirements of s. 943.131 until
645 certified.

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

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

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

664 (b) The number of referrals received from insurers and the
665 Division of Workers' Compensation and the outcome of those
666 referrals.

667 (c) The number of investigations undertaken by the Bureau

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668 of Workers' Compensation Insurance Fraud which were not the
669 result of a referral from an insurer or the Division of Workers'
670 Compensation.

671 (d) The number of investigations that resulted in a
672 referral to a regulatory agency and the disposition of those
673 referrals.

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

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

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

687 (h) The training provided during the year to workers'
688 compensation fraud investigators and the division's compliance
689 employees.

690 Section 15. Subsection (2) of section 626.9892, Florida
691 Statutes, is amended to read:

692 626.9892 Anti-Fraud Reward Program; reporting of insurance
693 fraud.—

694 (2) The department may pay rewards of up to \$25,000 to
695 persons providing information leading to the arrest and
696 conviction of persons committing crimes investigated by the

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697 Division of Investigative and Forensic Services ~~Insurance Fraud~~
698 arising from violations of s. 440.105, s. 624.15, s. 626.9541,
699 s. 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.031, s.
700 806.10, s. 806.111, s. 817.233, or s. 817.234.

701 Section 16. Subsection (1) of section 626.9893, Florida
702 Statutes, is amended to read:

703 626.9893 Disposition of revenues; criminal or forfeiture
704 proceedings.—

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

714 Section 17. Subsection (2) of section 626.9894, Florida
715 Statutes, is amended to read:

716 626.9894 Gifts and grants.—

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

724 Section 18. Section 626.99278, Florida Statutes, is amended
725 to read:

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726 626.99278 Viatical provider anti-fraud plan.—Every licensed
727 viatical settlement provider and registered life expectancy
728 provider must adopt an anti-fraud plan and file it with the
729 Division of Investigative and Forensic Services ~~Insurance Fraud~~
730 of the department. Each anti-fraud plan shall include:

731 (1) A description of the procedures for detecting and
732 investigating possible fraudulent acts and procedures for
733 resolving material inconsistencies between medical records and
734 insurance applications.

735 (2) A description of the procedures for the mandatory
736 reporting of possible fraudulent insurance acts and prohibited
737 practices set forth in s. 626.99275 to the Division of
738 Investigative and Forensic Services ~~Insurance Fraud~~ of the
739 department.

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

742 (4) A written description or chart outlining the
743 organizational arrangement of the anti-fraud personnel who are
744 responsible for the investigation and reporting of possible
745 fraudulent insurance acts and for the investigation of
746 unresolved material inconsistencies between medical records and
747 insurance applications.

748 (5) For viatical settlement providers, a description of the
749 procedures used to perform initial and continuing review of the
750 accuracy of life expectancies used in connection with a viatical
751 settlement contract or viatical settlement investment.

752 Section 19. Paragraph (k) of subsection (6) of section
753 627.351, Florida Statutes, is amended to read:

754 627.351 Insurance risk apportionment plans.—

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755 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

769 2. The corporation shall establish a unit or division
 770 responsible for receiving and responding to consumer complaints,
 771 which unit or division is the sole responsibility of a senior
 772 manager of the corporation.

773 Section 20. Subsections (4) and (7) of section 627.711,
 774 Florida Statutes, are amended to read:

775 627.711 Notice of premium discounts for hurricane loss
 776 mitigation; uniform mitigation verification inspection form.—

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

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784 occurs when an authorized mitigation inspector signs a uniform
785 mitigation verification form that:

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

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

791 (c) Contains erroneous information due to the gross
792 negligence of the inspector; or

793 (d) Contains a pattern of demonstrably false information
794 regarding the existence of mitigation features that could give
795 an insured a false evaluation of the ability of the structure to
796 withstand major damage from a hurricane endangering the safety
797 of the insured's life and property.

798 (7) An insurer, person, or other entity that obtains
799 evidence of fraud or evidence that an authorized mitigation
800 inspector or an employee authorized to conduct mitigation
801 verification inspections under subsection ~~paragraph~~ (3) has made
802 false statements in the completion of a mitigation inspection
803 form shall file a report with the Division of Investigative and
804 Forensic Services ~~Insurance-Fraud~~, along with all of the
805 evidence in its possession that supports the allegation of fraud
806 or falsity. An insurer, person, or other entity making the
807 report shall be immune from liability, in accordance with s.
808 626.989(4), for any statements made in the report, during the
809 investigation, or in connection with the report. The Division of
810 Investigative and Forensic Services ~~Insurance-Fraud~~ shall issue
811 an investigative report if it finds that probable cause exists
812 to believe that the authorized mitigation inspector, or an

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813 employee authorized to conduct mitigation verification
814 inspections under subsection ~~paragraph~~ (3), made intentionally
815 false or fraudulent statements in the inspection form. Upon
816 conclusion of the investigation and a finding of probable cause
817 that a violation has occurred, the Division of Investigative and
818 Forensic Services ~~Insurance Fraud~~ shall send a copy of the
819 investigative report to the office and a copy to the agency
820 responsible for the professional licensure of the authorized
821 mitigation inspector, whether or not a prosecutor takes action
822 based upon the report.

823 Section 21. Paragraph (i) of subsection (4) and subsection
824 (14) of section 627.736, Florida Statutes, are amended to read:
825 627.736 Required personal injury protection benefits;
826 exclusions; priority; claims.—

827 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer under
828 ss. 627.730-627.7405 are primary, except that benefits received
829 under any workers' compensation law must be credited against the
830 benefits provided by subsection (1) and are due and payable as
831 loss accrues upon receipt of reasonable proof of such loss and
832 the amount of expenses and loss incurred which are covered by
833 the policy issued under ss. 627.730-627.7405. If the Agency for
834 Health Care Administration provides, pays, or becomes liable for
835 medical assistance under the Medicaid program related to injury,
836 sickness, disease, or death arising out of the ownership,
837 maintenance, or use of a motor vehicle, the benefits under ss.
838 627.730-627.7405 are subject to the Medicaid program. However,
839 within 30 days after receiving notice that the Medicaid program
840 paid such benefits, the insurer shall repay the full amount of
841 the benefits to the Medicaid program.

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

856 (14) FRAUD ADVISORY NOTICE.—Upon receiving notice of a
857 claim under this section, an insurer shall provide a notice to
858 the insured or to a person for whom a claim for reimbursement
859 for diagnosis or treatment of injuries has been filed, advising
860 that:

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

867 (b) Solicitation of a person injured in a motor vehicle
868 crash for purposes of filing personal injury protection or tort
869 claims could be a violation of s. 817.234, s. 817.505, or the
870 rules regulating The Florida Bar and should be immediately

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871 reported to the Division of Investigative and Forensic Services
872 ~~Insurance Fraud~~ if such conduct has taken place.

873 Section 22. Paragraphs (b) and (c) of subsection (1) of
874 section 627.7401, Florida Statutes, are amended to read:

875 627.7401 Notification of insured's rights.—

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

880 (b) An advisory informing insureds that:

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

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

891 (c) A notice that solicitation of a person injured in a
892 motor vehicle crash for purposes of filing personal injury
893 protection or tort claims could be a violation of s. 817.234, s
894 817.505, or the rules regulating The Florida Bar and should be
895 immediately reported to the Division of Investigative and
896 Forensic Services ~~Insurance Fraud~~ if such conduct has taken
897 place.

898 Section 23. Subsection (2) of section 631.156, Florida
899 Statutes, is amended to read:

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900 631.156 Investigation by the department; scope of
901 authority; sharing of materials.—

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

909 Section 24. Subsection (4) of section 641.30, Florida
910 Statutes, is amended to read:

911 641.30 Construction and relationship to other laws.—

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

916 Section 25. Paragraph (a) of subsection (2) of section
917 282.709, Florida Statutes, is amended to read:

918 282.709 State agency law enforcement radio system and
919 interoperability network.—

920 (2) The Joint Task Force on State Agency Law Enforcement
921 Communications is created adjunct to the department to advise
922 the department of member-agency needs relating to the planning,
923 designing, and establishment of the statewide communication
924 system.

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

927 1. A representative of the Division of Alcoholic Beverages
928 and Tobacco of the Department of Business and Professional

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929 Regulation who shall be appointed by the secretary of the
930 department.

931 2. A representative of the Division of Florida Highway
932 Patrol of the Department of Highway Safety and Motor Vehicles
933 who shall be appointed by the executive director of the
934 department.

935 3. A representative of the Department of Law Enforcement
936 who shall be appointed by the executive director of the
937 department.

938 4. A representative of the Fish and Wildlife Conservation
939 Commission who shall be appointed by the executive director of
940 the commission.

941 5. A representative of the Department of Corrections who
942 shall be appointed by the secretary of the department.

943 6. A representative of the Division of Investigative and
944 Forensic Services ~~State Fire Marshal~~ of the Department of
945 Financial Services who shall be appointed by the Chief Financial
946 Officer ~~State Fire Marshal~~.

947 7. A representative of the Department of Agriculture and
948 Consumer Services who shall be appointed by the Commissioner of
949 Agriculture.

950 Section 26. Subsection (3) of section 552.113, Florida
951 Statutes, is amended to read:

952 552.113 Reports of thefts, illegal use, or illegal
953 possession.—

954 (3) The Division of Investigative and Forensic Services
955 shall investigate, or be certain that a qualified law
956 enforcement agency investigates, the cause and circumstances of
957 each theft, illegal use, or illegal possession of explosives

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958 which occurs within the state. A report of each such
959 investigation shall be made and maintained by the Division of
960 Investigative and Forensic Services.

961 Section 27. Subsections (1) and (2) of section 552.21,
962 Florida Statutes, are amended to read:

963 552.21 Confiscation and disposal of explosives.—

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

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

982 Section 28. Paragraph (c) of subsection (6) of section
983 633.112, Florida Statutes, is amended to read:

984 633.112 State Fire Marshal; hearings; investigations;
985 recordkeeping and reports; subpoenas of witnesses; orders of
986 circuit court.—

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

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

998 Section 29. Subsection (1) of section 633.114, Florida
999 Statutes, is amended to read:

1000 633.114 State Fire Marshal agents; authority; duties;
1001 compensation.—

1002 (1) The State Fire Marshal shall appoint such agents,
1003 including agents of the Division of Investigative and Forensic
1004 Services, as may be necessary to carry out effectively this
1005 chapter, who shall be reimbursed for travel expenses as provided
1006 in s. 112.061, in addition to their salary, when traveling or
1007 making investigations in the performance of their duties. Such
1008 agents, including agents of the Division of Investigative and
1009 Forensic Services, shall be at all times under the direction and
1010 control of the State Fire Marshal, who shall fix their
1011 compensation, and all orders shall be issued in the State Fire
1012 Marshal's name and by her or his authority.

1013 Section 30. Section 633.122, Florida Statutes, is amended
1014 to read:

1015 633.122 Impersonating State Fire Marshal, firefighter,

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1016 volunteer firefighter, or firesafety inspector; criminal
1017 penalties.—A person who falsely assumes or pretends to be the
1018 State Fire Marshal, an agent of the division, an agent of the
1019 Division of Investigative and Forensic Services, a firefighter,
1020 a volunteer firefighter, or a firesafety inspector by
1021 identifying herself or himself as the State Fire Marshal, an
1022 agent of the division, an agent of the Division of Investigative
1023 and Forensic Services, a firefighter, a volunteer firefighter,
1024 or a firesafety inspector by wearing a uniform or presenting or
1025 displaying a badge as credentials that would cause a reasonable
1026 person to believe that she or he is a State Fire Marshal, an
1027 agent of the division, an agent of the Division of Investigative
1028 and Forensic Services, a firefighter, a volunteer firefighter,
1029 or firesafety inspector commits a felony of the third degree,
1030 punishable as provided in ss. 775.082 and 775.083 or, if the
1031 impersonation occurs during the commission of a separate felony
1032 by that person, commits a felony of the first degree, punishable
1033 as provided in ss. 775.082 and 775.083.

1034 Section 31. Paragraph (b) of subsection (1) of section
1035 633.126, Florida Statutes, is amended to read:

1036 633.126 Investigation of fraudulent insurance claims and
1037 crimes; immunity of insurance companies supplying information.—

1038 (1)

1039 (b) The State Fire Marshal or an agent appointed pursuant
1040 to s. 633.114, an agent of the Division of Investigative and
1041 Forensic Services, any law enforcement officer as defined in s.
1042 111.065, any law enforcement officer of a federal agency, or any
1043 fire service provider official who is engaged in the
1044 investigation of a fire or explosion loss may request any

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1045 insurance company or its agent, adjuster, employee, or attorney,
1046 investigating a claim under an insurance policy or contract with
1047 respect to a fire or explosion to release any information
1048 whatsoever in the possession of the insurance company or its
1049 agent, adjuster, employee, or attorney relative to a loss from
1050 that fire or explosion. The insurance company shall release the
1051 available information to and cooperate with any official
1052 authorized to request such information pursuant to this section.
1053 The information shall include, but shall not be limited to:

- 1054 1. Any insurance policy relevant to a loss under
1055 investigation and any application for such a policy.
- 1056 2. Any policy premium payment records.
- 1057 3. The records, reports, and all material pertaining to any
1058 previous claims made by the insured with the reporting company.
- 1059 4. Material relating to the investigation of the loss,
1060 including statements of a person, proof of loss, and other
1061 relevant evidence.
- 1062 5. Memoranda, notes, and correspondence relating to the
1063 investigation of the loss in the possession of the insurance
1064 company or its agents, adjusters, employees, or attorneys.

1065 Section 32. Subsection (5) of section 633.422, Florida
1066 Statutes, is amended to read:

1067 633.422 Firefighters; supplemental compensation.—

1068 (5) APPLICABILITY.—For the purposes of this section, the
1069 department ~~division~~ shall be considered a fire service provider
1070 responsible for the payment of supplemental compensation in
1071 accordance with this section to firefighters employed full time
1072 by the department ~~division~~.

1073 Section 33. Subsection (7) of section 633.508, Florida

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1074 Statutes, is amended to read:

1075 633.508 Workplace safety; rulemaking authority; division
1076 authority.—

1077 (7) The department ~~division~~ shall:

1078 (a) Investigate and prescribe by rule what safety devices,
1079 safeguards, or other means of protection must be adopted for the
1080 prevention of accidents and injuries in every firefighter
1081 employee place of employment or at any fire scene; determine
1082 what suitable devices, safeguards, or other means of protection
1083 for the prevention of occupational diseases must be adopted or
1084 followed in any or all such firefighter places of employment or
1085 at any emergency fire scene; and adopt reasonable rules for the
1086 prevention of accidents, the safety, protection, and security of
1087 firefighter employees engaged in interior firefighting, and the
1088 prevention of occupational diseases.

1089 (b) Ascertain, fix, and order such reasonable standards and
1090 rules for the construction, repair, and maintenance of
1091 firefighter employee places of employment so as to render them
1092 safe. Such rules and standards shall be adopted in accordance
1093 with chapter 120.

1094 (c) Adopt rules prescribing recordkeeping responsibilities
1095 for firefighter employers, which may include maintaining a log
1096 and summary of occupational injuries, diseases, and illnesses,
1097 for producing on request a notice of injury and firefighter
1098 employee accident investigation records, and prescribing a
1099 retention schedule for such records.

1100 Section 34. Section 633.512, Florida Statutes, is amended
1101 to read:

1102 633.512 Compliance.—Failure of a firefighter employer or an

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1103 insurer to comply with this part, or with any rules adopted
1104 under this part, constitutes grounds for the department ~~division~~
1105 to seek remedies, including injunctive relief, by making
1106 appropriate filings with the circuit court.

1107 Section 35. Subsection (1) of section 633.518, Florida
1108 Statutes, is amended to read:

1109 633.518 Studies, investigations, inspections, or inquiries
1110 by the division; refusal to admit; penalty.—

1111 (1) The department ~~division~~ shall make studies,
1112 investigations, inspections, or inquiries with respect to
1113 compliance with this part or any rules authorized under this
1114 part and the causes of firefighter employee injuries, illnesses,
1115 safety-based complaints, or Line of Duty Deaths (LODD) as
1116 defined in rule in firefighter employee places of employment and
1117 shall make such recommendations to the Legislature and
1118 firefighter employers and insurers as the department ~~division~~
1119 considers proper to prevent or reduce future occurrences. In
1120 making such studies, investigations, inspections, or inquiries,
1121 the department ~~division~~ may cooperate with any agency of the
1122 United States charged with the duty of enforcing any law
1123 securing safety against injury in any place of firefighter
1124 employment covered by this part or any agency or department of
1125 the state engaged in enforcing any law to ensure safety for
1126 firefighter employees.

1127 Section 36. Subsection (3) of section 791.013, Florida
1128 Statutes, is amended to read:

1129 791.013 Testing and approval of sparklers; penalties.—

1130 (3) For purposes of the testing requirement by this
1131 section, the division shall perform such tests as are necessary

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1132 to determine compliance with the performance standards in the
 1133 definition of sparklers, pursuant to s. 791.01. The State Fire
 1134 Marshal shall adopt, by rule, procedures for testing products to
 1135 determine compliance with this chapter. The Division of
 1136 Investigative and Forensic Services shall dispose of any samples
 1137 which remain after testing.

1138 Section 37. Paragraphs (b), (c), and (d) of subsection (7)
 1139 of section 538.32, Florida Statutes, are amended to read:

1140 538.32 Registration, transaction, and recordkeeping
 1141 requirements; penalties.—

1142 (7)

1143 (b) Alternatively, a secondhand dealer must give written
 1144 notice to the seller, by United States mail or e-mail if an e-
 1145 mail address is provided by the seller, that information
 1146 otherwise required to be given by the seller under subsection
 1147 (2) has not been provided by the seller to the secondhand
 1148 dealer. Notice of the deficient information must be sent by the
 1149 secondhand dealer no later than 10 days after the transaction is
 1150 received by the secondhand dealer. The secondhand dealer must
 1151 specify in the notice that:

1152 1. The seller must provide the missing information or must
 1153 request the return of the property from the secondhand dealer
 1154 within 30 days after receiving the notice from the secondhand
 1155 dealer; and

1156 2. The failure of the seller to provide the missing
 1157 information or request return of the property within the
 1158 applicable 30-day time period shall result in abandonment of the
 1159 seller's property to the Division ~~Bureau~~ of Unclaimed Property
 1160 of the Department of Financial Services pursuant to chapter 717.

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1161 (c) If the seller fails to remedy the deficiency in
1162 information or request return of the property within 30 days
1163 after receiving the notice, the seller's property is deemed
1164 abandoned and is relinquished to the Division ~~Bureau~~ of
1165 Unclaimed Property pursuant to chapter 717 if the property's
1166 true market value is greater than \$50 as defined in chapter 717.

1167 (d) Within 24 hours after the expiration of the 30-day hold
1168 period for the property, the secondhand dealer must notify the
1169 appropriate law enforcement agency of the abandonment of the
1170 property by electronic transmission or by sending a copy of the
1171 completed form authorized by chapter 717 to the Department of
1172 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1173 Section 38. Subsection (1) of section 717.1241, Florida
1174 Statutes, is amended to read:

1175 717.1241 Conflicting claims.—

1176 (1) When conflicting claims have been received by the
1177 department for the same unclaimed property account or accounts,
1178 the property shall be remitted in accordance with the claim
1179 filed by the person as follows, notwithstanding the withdrawal
1180 of a claim:

1181 (a) To the person submitting the first claim received by
1182 the Division ~~Bureau~~ of Unclaimed Property of the department that
1183 is complete or made complete.

1184 (b) If a claimant's claim and a claimant's representative's
1185 claim are received by the Division ~~Bureau~~ of Unclaimed Property
1186 of the department on the same day and both claims are complete,
1187 to the claimant.

1188 (c) If a buyer's claim and a claimant's claim or a
1189 claimant's representative's claim are received by the Division

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1190 ~~Bureau~~ of Unclaimed Property of the department on the same day
1191 and the claims are complete, to the buyer.

1192 (d) As between two or more claimant's representative's
1193 claims received by the Division ~~Bureau~~ of Unclaimed Property of
1194 the department that are complete or made complete on the same
1195 day, to the claimant's representative who has agreed to receive
1196 the lowest fee. If the two or more claimant's representatives
1197 whose claims received by the Division ~~Bureau~~ of Unclaimed
1198 Property of the department were complete or made complete on the
1199 same day are charging the same lowest fee, the fee shall be
1200 divided equally between the claimant's representatives.

1201 (e) If more than one buyer's claim received by the Division
1202 ~~Bureau~~ of Unclaimed Property of the department is complete or
1203 made complete on the same day, the department shall remit the
1204 unclaimed property to the buyer who paid the highest amount to
1205 the seller. If the buyers paid the same amount to the seller,
1206 the department shall remit the unclaimed property to the buyers
1207 divided in equal amounts.

1208 Section 39. Section 717.1323, Florida Statutes, is amended
1209 to read:

1210 717.1323 Prohibited practice.—A ~~No~~ person may not knowingly
1211 enter false information onto the Internet website of the
1212 Division ~~Bureau~~ of Unclaimed Property.

1213 Section 40. Subsection (2) and paragraph (a) of subsection
1214 (3) of section 717.135, Florida Statutes, are amended to read:

1215 717.135 Power of attorney to recover reported property in
1216 the custody of the department.—

1217 (2) A power of attorney described in subsection (1) must:

1218 (a) Limit the fees and costs for services to 20 percent per

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1219 unclaimed property account held by the department. Fees and
1220 costs for cash accounts shall be based on the value of the
1221 property at the time the power of attorney is signed by the
1222 claimant. Fees and costs for accounts containing securities or
1223 other intangible ownership interests, which securities or
1224 interests are not converted to cash, shall be based on the
1225 purchase price of the security as quoted on a national exchange
1226 or other market on which the property is regularly traded at the
1227 time the securities or other ownership interest is remitted to
1228 the claimant or the claimant's representative. Fees and costs
1229 for tangible property or safe-deposit box accounts shall be
1230 based on the value of the tangible property or contents of the
1231 safe-deposit box at the time the ownership interest is
1232 transferred or remitted to the claimant. Total fees and costs on
1233 any single account owned by a natural person residing in this
1234 country must not exceed \$1,000; or

1235 (b) Fully disclose that the property is held by the
1236 Division Bureau of Unclaimed Property of the Department of
1237 Financial Services pursuant to this chapter, the mailing address
1238 of the division bureau, the Internet address of the division
1239 bureau, the person or name of the entity that held the property
1240 prior to the property becoming unclaimed, the date of the
1241 holder's last contact with the owner, if known, and the
1242 approximate value of the property, and identify which of the
1243 following categories of unclaimed property the claimant's
1244 representative is seeking to recover, as reported by the holder:

- 1245 1. Cash accounts.
- 1246 2. Stale dated checks.
- 1247 3. Life insurance or annuity contract assets.

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- 1248 4. Utility deposits.
- 1249 5. Securities or other interests in business associations.
- 1250 6. Wages.
- 1251 7. Accounts receivable.
- 1252 8. Contents of safe-deposit boxes.

1253

1254 This subsection shall not apply if probate proceedings must be

1255 initiated on behalf of the claimant for an estate that has never

1256 been probated or if the unclaimed property is being claimed by a

1257 person outside of the United States.

1258 (3) (a) A power of attorney described in paragraph (2) (b)

1259 must state in 12-point type or greater in the order indicated

1260 with the blank spaces accurately completed:

1261

1262 FULL DISCLOSURE STATEMENT

1263

1264 The property is currently held by the State of Florida

1265 Department of Financial Services, Division ~~Bureau~~ of

1266 Unclaimed Property, pursuant to chapter 717, Florida

1267 Statutes. The mailing address of the Division ~~Bureau~~

1268 of Unclaimed Property is The Internet

1269 address of the Division ~~Bureau~~ of Unclaimed Property

1270 is

1271

1272 The property was remitted by:

1273

1274 Date of last contact:

1275

1276 Property category:

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1278 Section 41. Subsection (2) of section 717.1351, Florida
1279 Statutes, is amended to read:

1280 717.1351 Acquisition of unclaimed property.—

1281 (2) All contracts to acquire ownership of or entitlement to
1282 unclaimed property from the person or persons entitled to the
1283 unclaimed property must be in 10-point type or greater and must:

1284 (a) Have a purchase price that discounts the value of the
1285 unclaimed property at the time the agreement is executed by the
1286 seller at no greater than 20 percent per account held by the
1287 department. An unclaimed property account must not be discounted
1288 in excess of \$1,000. However, the \$1,000 discount limitation
1289 does not apply if probate proceedings must be initiated on
1290 behalf of the seller for an estate that has never been probated
1291 or if the seller of the unclaimed property is not a natural
1292 person or is a person outside the United States; or

1293 (b) Fully disclose that the property is held by the
1294 Division Bureau of Unclaimed Property of the Department of
1295 Financial Services pursuant to this chapter, the mailing address
1296 of the division bureau, the Internet address of the division
1297 bureau, the person or name of the entity that held the property
1298 prior to the property becoming unclaimed, the date of the
1299 holder's last contact with the owner, if known, and the
1300 approximate value of the property, and identify which of the
1301 following categories of unclaimed property the buyer is seeking
1302 to purchase as reported by the holder:

- 1303 1. Cash accounts.
- 1304 2. Stale dated checks.
- 1305 3. Life insurance or annuity contract assets.

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- 1306 4. Utility deposits.
- 1307 5. Securities or other interests in business associations.
- 1308 6. Wages.
- 1309 7. Accounts receivable.
- 1310 8. Contents of safe-deposit boxes.

1311

1312 The purchase agreement described in this paragraph must state in

1313 12-point type or greater in the order indicated with the blank

1314 spaces accurately completed:

1315

1316 FULL DISCLOSURE STATEMENT

1317

1318 The property is currently held by the State of Florida

1319 Department of Financial Services, Division ~~Bureau~~ of

1320 Unclaimed Property, pursuant to chapter 717, Florida

1321 Statutes. The mailing address of the Division ~~Bureau~~

1322 of Unclaimed Property is The Internet

1323 address of the Division ~~Bureau~~ of Unclaimed Property

1324 is

1325

1326 The property was remitted by:

1327

1328 Date of last contact:

1329

1330 Property category:

1331

1332 Immediately above the signature line for the seller, the

1333 purchase agreement described in this paragraph must state in 12-

1334 point type or greater:

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

Section 42. Paragraphs (a) and (b) of subsection (5) of section 717.1400, Florida Statutes, are amended to read:

717.1400 Registration.—

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

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

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

Section 43. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this

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1364 chapter. The department may adopt rules to allow for electronic
1365 filing of fees, forms, and reports required by this chapter. The
1366 authority to adopt rules pursuant to this chapter applies to all
1367 unclaimed property reported and remitted to the Chief Financial
1368 Officer, including, but not limited to, property reported
1369 pursuant to ss. 43.19, 45.032, 732.107, 733.816, and 744.534.

1370 Section 44. Paragraphs (k) and (l) of subsection (6) of
1371 section 932.7055, Florida Statutes, are amended to read:

1372 932.7055 Disposition of liens and forfeited property.—

1373 (6) If the seizing agency is a state agency, all remaining
1374 proceeds shall be deposited into the General Revenue Fund.

1375 However, if the seizing agency is:

1376 (k) The Division of Investigative and Forensic Services
1377 ~~State Fire Marshal~~ in the Department of Financial Services, the
1378 proceeds accrued under the Florida Contraband Forfeiture Act
1379 shall be deposited into the Insurance Regulatory Trust Fund to
1380 be used for the purposes of arson suppression, arson
1381 investigation, and the funding of anti-arson rewards.

1382 (l) The Division of Investigative and Forensic Services
1383 ~~Insurance Fraud~~ of the Department of Financial Services, the
1384 proceeds accrued pursuant to ~~the provisions of~~ the Florida
1385 Contraband Forfeiture Act shall be deposited into the Insurance
1386 Regulatory Trust Fund as provided in s. 626.9893 or into the
1387 Department of Financial Services' Federal Law Enforcement Trust
1388 Fund as provided in s. 17.43, as applicable.

1389 Section 45. This act shall take effect July 1, 2016.