

2016908e1

1 A bill to be entitled
2 An act relating to organization of the Department of
3 Financial Services; amending ss. 17.04 and 17.0401,
4 F.S.; authorizing the Chief Financial Officer, rather
5 than the Division of Accounting and Auditing, to audit
6 and adjust accounts of officers and those indebted to
7 the state; making conforming changes; amending s.
8 20.121, F.S.; revising the divisions and the location
9 of bureaus within the divisions; revising the
10 functions of the department; providing duties for the
11 Division of Investigative and Forensic Services;
12 amending s. 624.26, F.S.; deleting a cross-reference;
13 amending s. 624.307, F.S.; providing powers and duties
14 of the Division of Consumer Services; authorizing the
15 division to impose certain penalties; authorizing the
16 department to adopt rules relating to the division;
17 providing for construction; reenacting and amending s.
18 624.502, F.S., relating to service of process fees;
19 providing that a party requesting service of process
20 shall pay a specified fee to the department or the
21 Office of Insurance Regulation for such service;
22 abrogating the scheduled expiration and reversion of
23 amendments to s. 624.502, F.S.; amending ss. 16.59,
24 400.9935, 409.91212, 440.105, 440.1051, 440.12,
25 624.521, 626.016, 626.989, 626.9891, 626.9892,
26 626.9893, 626.9894, 626.99278, 627.351, 627.711,
27 627.736, 627.7401, 631.156, and 641.30, F.S., relating
28 to the renaming of the Division of Insurance Fraud;
29 conforming provisions to changes made by the act;

2016908e1

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

43
44 Be It Enacted by the Legislature of the State of Florida:

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

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

2016908e1

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

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

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

2016908e1

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

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

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

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

116 (a) The Division of Accounting and Auditing, ~~which shall~~

2016908e1

117 ~~include the following bureau and office:~~

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

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

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

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

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

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

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

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

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

2016908e1

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

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

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

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

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

169 (e) The Division of Investigative and Forensic Services
170 which shall function as a criminal justice agency for purposes
171 of ss. 943.045-943.08. The division may conduct investigations
172 within or outside of this state as it deems necessary. If,
173 during an investigation, the division has reason to believe that
174 any criminal law of this state has or may have been violated, it

2016908e1

175 shall refer any records tending to show such violation to state
 176 or federal law enforcement or prosecutorial agencies and shall
 177 provide investigative assistance to those agencies as required.

178 The division shall include the following bureaus and office:

179 1. The Bureau of Forensic Services;

180 2. The Bureau of Fire and Arson Investigations; and

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

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

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

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

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

187 (j)~~(d)~~ The Division of Treasury, which shall include a
 188 Bureau of Deferred Compensation responsible for administering
 189 the Government Employees Deferred Compensation Plan established
 190 under s. 112.215 for state employees.

191 (k) The Division of Unclaimed Property.

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

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

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

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

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

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

199 624.26 Collaborative arrangement with the Department of
 200 Health and Human Services.—

201 (4) The department's Division of Consumer Services may
 202 respond to complaints by consumers relating to a requirement of
 203 PPACA ~~as authorized under s. 20.121(2)(h)~~, and report apparent

2016908e1

204 or potential violations to the office and to the federal
205 Department of Health and Human Services.

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

208 624.307 General powers; duties.—

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

212 1. Receive inquiries and complaints from consumers.

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

215 3. Provide direct assistance to and advocacy for consumers
216 who request such assistance or advocacy.

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

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

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

2016908e1

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

237 (c) The department may adopt rules to administer this
238 subsection.

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

244 Section 6. Notwithstanding the expiration date in section
245 41 of chapter 2015-222, Laws of Florida, section 624.502,
246 Florida Statutes, as amended by chapter 2013-41, Laws of
247 Florida, is reenacted and amended to read:

248 624.502 Service of process fee.—In all instances as
249 provided in any section of the insurance code and s. 48.151(3)
250 in which service of process is authorized to be made upon the
251 Chief Financial Officer or the director of the office, the party
252 requesting service ~~plaintiff~~ shall pay to the department or
253 office a fee of \$15 for such service of process on an authorized
254 or unauthorized insurer, which fee shall be deposited into the
255 Administrative Trust Fund.

256 Section 7. Section 16.59, Florida Statutes, is amended to
257 read:

258 16.59 Medicaid fraud control.—The Medicaid Fraud Control
259 Unit is created in the Department of Legal Affairs to
260 investigate all violations of s. 409.920 and any criminal
261 violations discovered during the course of those investigations.

2016908e1

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

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

281 400.9935 Clinic responsibilities.—

282 (9) In addition to the requirements of part II of chapter
283 408, the clinic shall display a sign in a conspicuous location
284 within the clinic readily visible to all patients indicating
285 that, pursuant to s. 626.9892, the Department of Financial
286 Services may pay rewards of up to \$25,000 to persons providing
287 information leading to the arrest and conviction of persons
288 committing crimes investigated by the Division of Investigative
289 and Forensic Services ~~Insurance Fraud~~ arising from violations of
290 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

2016908e1

291 An authorized employee of the Division of Investigative and
292 Forensic Services ~~Insurance Fraud~~ may make unannounced
293 inspections of a clinic licensed under this part as necessary to
294 determine whether the clinic is in compliance with this
295 subsection. A licensed clinic shall allow full and complete
296 access to the premises to such authorized employee of the
297 division who makes an inspection to determine compliance with
298 this subsection.

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

301 409.91212 Medicaid managed care fraud.—

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

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

319 (b) Failure to timely report may result in additional

2016908e1

320 administrative, civil, or criminal penalties.

321 Section 10. Paragraph (a) of subsection (1) of section
322 440.105, Florida Statutes, is amended to read:

323 440.105 Prohibited activities; reports; penalties;
324 limitations.—

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

2016908e1

349 prosecuting agency having jurisdiction with respect to any such
350 violations of this chapter. If prosecution by the state attorney
351 or other prosecuting agency having jurisdiction with respect to
352 such violation is not begun within 60 days of the bureau's
353 report, the state attorney or other prosecuting agency having
354 jurisdiction with respect to such violation shall inform the
355 bureau of the reasons for the lack of prosecution.

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

358 440.1051 Fraud reports; civil immunity; criminal
359 penalties.—

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

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

373 Section 12. Paragraph (c) of subsection (1) of section
374 440.12, Florida Statutes, is amended to read:

375 440.12 Time for commencement and limits on weekly rate of
376 compensation.—

377 (1) Compensation is not allowed for the first 7 days of the

2016908e1

378 disability, except for benefits provided under s. 440.13.
379 However, if the injury results in more than 21 days of
380 disability, compensation is allowed from the commencement of the
381 disability.

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

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

390 624.521 Deposit of certain tax receipts; refund of improper
391 payments.—

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

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

406 626.016 Powers and duties of department, commission, and

2016908e1

407 office.—

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

412 Section 15. Section 626.989, Florida Statutes, is amended
413 to read:

414 626.989 Investigation by department or Division of
415 Investigative and Forensic Services Insurance Fraud; compliance;
416 immunity; confidential information; reports to division;
417 division investigator's power of arrest.—

418 (1) For the purposes of this section:

419 (a) A person commits a "fraudulent insurance act" if the
420 person:

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

433 2. Knowingly submits:

434 a. A false, misleading, or fraudulent application or other
435 document when applying for licensure as a health care clinic,

2016908e1

436 seeking an exemption from licensure as a health care clinic, or
437 demonstrating compliance with part X of chapter 400 with an
438 intent to use the license, exemption from licensure, or
439 demonstration of compliance to provide services or seek
440 reimbursement under the Florida Motor Vehicle No-Fault Law.

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

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

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

463 (3) If matter that the department or its division seeks to
464 obtain by request is located outside the state, the person so

2016908e1

465 requested may make it available to the division or its
466 representative to examine the matter at the place where it is
467 located. The division may designate representatives, including
468 officials of the state in which the matter is located, to
469 inspect the matter on its behalf, and it may respond to similar
470 requests from officials of other states.

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

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

488 (c) In the absence of fraud or bad faith, a person is not
489 subject to civil liability for libel, slander, or any other
490 relevant tort by virtue of filing reports, without malice, or
491 furnishing other information, without malice, required by this
492 section or required by the department or division under the
493 authority granted in this section, and no civil cause of action

2016908e1

494 of any nature shall arise against such person:

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

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

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

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

511 (d) In addition to the immunity granted in paragraph (c),
512 persons identified as designated employees whose
513 responsibilities include the investigation and disposition of
514 claims relating to suspected fraudulent insurance acts may share
515 information relating to persons suspected of committing
516 fraudulent insurance acts with other designated employees
517 employed by the same or other insurers whose responsibilities
518 include the investigation and disposition of claims relating to
519 fraudulent insurance acts, provided the department has been
520 given written notice of the names and job titles of such
521 designated employees prior to such designated employees sharing
522 information. Unless the designated employees of the insurer act

2016908e1

523 in bad faith or in reckless disregard for the rights of any
524 insured, neither the insurer nor its designated employees are
525 civilly liable for libel, slander, or any other relevant tort,
526 and a civil action does not arise against the insurer or its
527 designated employees:

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

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

533
534 Provided, however, that the qualified immunity against civil
535 liability conferred on any insurer or its designated employees
536 shall be forfeited with respect to the exchange or publication
537 of any defamatory information with third persons not expressly
538 authorized by this paragraph to share in such information.

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

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

2016908e1

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

568 (a) Jeopardize the integrity of another active
569 investigation;

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

571 (c) Reveal personal financial information;

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

573 (e) Defame or cause unwarranted damage to the good name or
574 reputation of an individual or jeopardize the safety of an
575 individual; or

576 (f) Reveal investigative techniques or procedures. Further,
577 such papers, documents, reports, or evidence relative to the
578 subject of an investigation under this section shall not be
579 subject to discovery until the investigation is completed or
580 ceases to be active. Office, department, or division

2016908e1

581 investigators shall not be subject to subpoena in civil actions
582 by any court of this state to testify concerning any matter of
583 which they have knowledge pursuant to a pending insurance fraud
584 investigation by the division.

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

2016908e1

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

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

2016908e1

639 appointment exemption requirements of s. 943.131 until
640 certified.

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

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

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

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

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

666 (d) The number of investigations that resulted in a
667 referral to a regulatory agency and the disposition of those

2016908e1

668 referrals.

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

673 (f) The total number of employees assigned to the Bureau of
674 Workers' Compensation Insurance Fraud and the Division of
675 Workers' Compensation Bureau of Compliance delineated by
676 location of staff assigned; and the number and location of
677 employees assigned to the Bureau of Workers' Compensation
678 Insurance Fraud who were assigned to work other types of fraud
679 cases.

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

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

685 Section 16. Subsections (1), (2), and (3) of section
686 626.9891, Florida Statutes, are amended to read:

687 626.9891 Insurer anti-fraud investigative units; reporting
688 requirements; penalties for noncompliance.—

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

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

696 (b) Contract with others to investigate possible fraudulent

2016908e1

697 claims for services or repairs against policies held by
698 insureds.

699

700 An insurer subject to this subsection shall file with the
701 Division of Investigative and Forensic Services ~~Insurance Fraud~~
702 of the department on or before July 1, 1996, a detailed
703 description of the unit or division established pursuant to
704 paragraph (a) or a copy of the contract and related documents
705 required by paragraph (b).

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

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

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

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

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

723 (d) A written description or chart outlining the
724 organizational arrangement of the insurer's anti-fraud personnel
725 who are responsible for the investigation and reporting of

2016908e1

726 possible fraudulent insurance acts.

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

729 626.9892 Anti-Fraud Reward Program; reporting of insurance
730 fraud.—

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

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

739 626.9893 Disposition of revenues; criminal or forfeiture
740 proceedings.—

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

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

752 626.9894 Gifts and grants.—

753 (2) All rights to, interest in, and title to such donated
754 or granted property shall immediately vest in the Division of

2016908e1

755 Investigative and Forensic Services ~~Insurance Fraud~~ upon
756 donation. The division may hold such property in coownership,
757 sell its interest in the property, liquidate its interest in the
758 property, or dispose of its interest in the property in any
759 other reasonable manner.

760 Section 20. Section 626.99278, Florida Statutes, is amended
761 to read:

762 626.99278 Viatical provider anti-fraud plan.—Every licensed
763 viatical settlement provider and registered life expectancy
764 provider must adopt an anti-fraud plan and file it with the
765 Division of Investigative and Forensic Services ~~Insurance Fraud~~
766 of the department. Each anti-fraud plan shall include:

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

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

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

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

2016908e1

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

788 Section 21. Paragraph (k) of subsection (6) of section
789 627.351, Florida Statutes, is amended to read:

790 627.351 Insurance risk apportionment plans.—

791 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

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

811 627.711 Notice of premium discounts for hurricane loss
812 mitigation; uniform mitigation verification inspection form.—

2016908e1

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

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

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

827 (c) Contains erroneous information due to the gross
828 negligence of the inspector; or

829 (d) Contains a pattern of demonstrably false information
830 regarding the existence of mitigation features that could give
831 an insured a false evaluation of the ability of the structure to
832 withstand major damage from a hurricane endangering the safety
833 of the insured's life and property.

834 (7) An insurer, person, or other entity that obtains
835 evidence of fraud or evidence that an authorized mitigation
836 inspector or an employee authorized to conduct mitigation
837 verification inspections under subsection ~~paragraph~~ (3) has made
838 false statements in the completion of a mitigation inspection
839 form shall file a report with the Division of Investigative and
840 Forensic Services ~~Insurance Fraud~~, along with all of the
841 evidence in its possession that supports the allegation of fraud

2016908e1

842 or falsity. An insurer, person, or other entity making the
843 report shall be immune from liability, in accordance with s.
844 626.989(4), for any statements made in the report, during the
845 investigation, or in connection with the report. The Division of
846 Investigative and Forensic Services ~~Insurance Fraud~~ shall issue
847 an investigative report if it finds that probable cause exists
848 to believe that the authorized mitigation inspector, or an
849 employee authorized to conduct mitigation verification
850 inspections under subsection ~~paragraph~~ (3), made intentionally
851 false or fraudulent statements in the inspection form. Upon
852 conclusion of the investigation and a finding of probable cause
853 that a violation has occurred, the Division of Investigative and
854 Forensic Services ~~Insurance Fraud~~ shall send a copy of the
855 investigative report to the office and a copy to the agency
856 responsible for the professional licensure of the authorized
857 mitigation inspector, whether or not a prosecutor takes action
858 based upon the report.

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

861 627.736 Required personal injury protection benefits;
862 exclusions; priority; claims.—

863 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer under
864 ss. 627.730-627.7405 are primary, except that benefits received
865 under any workers' compensation law must be credited against the
866 benefits provided by subsection (1) and are due and payable as
867 loss accrues upon receipt of reasonable proof of such loss and
868 the amount of expenses and loss incurred which are covered by
869 the policy issued under ss. 627.730-627.7405. If the Agency for
870 Health Care Administration provides, pays, or becomes liable for

2016908e1

871 medical assistance under the Medicaid program related to injury,
872 sickness, disease, or death arising out of the ownership,
873 maintenance, or use of a motor vehicle, the benefits under ss.
874 627.730-627.7405 are subject to the Medicaid program. However,
875 within 30 days after receiving notice that the Medicaid program
876 paid such benefits, the insurer shall repay the full amount of
877 the benefits to the Medicaid program.

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

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

897 (a) Pursuant to s. 626.9892, the Department of Financial
898 Services may pay rewards of up to \$25,000 to persons providing
899 information leading to the arrest and conviction of persons

2016908e1

900 committing crimes investigated by the Division of Investigative
901 and Forensic Services ~~Insurance Fraud~~ arising from violations of
902 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

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

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

911 627.7401 Notification of insured's rights.—

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

916 (b) An advisory informing insureds that:

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

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

927 (c) A notice that solicitation of a person injured in a
928 motor vehicle crash for purposes of filing personal injury

2016908e1

929 protection or tort claims could be a violation of s. 817.234, s
930 817.505, or the rules regulating The Florida Bar and should be
931 immediately reported to the Division of Investigative and
932 Forensic Services Insurance-Fraud if such conduct has taken
933 place.

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

936 631.156 Investigation by the department; scope of
937 authority; sharing of materials.—

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

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

947 641.30 Construction and relationship to other laws.—

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

952 Section 27. Paragraph (a) of subsection (2) of section
953 282.709, Florida Statutes, is amended to read:

954 282.709 State agency law enforcement radio system and
955 interoperability network.—

956 (2) The Joint Task Force on State Agency Law Enforcement
957 Communications is created adjunct to the department to advise

2016908e1

958 the department of member-agency needs relating to the planning,
959 designing, and establishment of the statewide communication
960 system.

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

963 1. A representative of the Division of Alcoholic Beverages
964 and Tobacco of the Department of Business and Professional
965 Regulation who shall be appointed by the secretary of the
966 department.

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

971 3. A representative of the Department of Law Enforcement
972 who shall be appointed by the executive director of the
973 department.

974 4. A representative of the Fish and Wildlife Conservation
975 Commission who shall be appointed by the executive director of
976 the commission.

977 5. A representative of the Department of Corrections who
978 shall be appointed by the secretary of the department.

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

983 7. A representative of the Department of Agriculture and
984 Consumer Services who shall be appointed by the Commissioner of
985 Agriculture.

986 Section 28. Subsection (3) of section 552.113, Florida

2016908e1

987 Statutes, is amended to read:

988 552.113 Reports of thefts, illegal use, or illegal
989 possession.—

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

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

999 552.21 Confiscation and disposal of explosives.—

1000 (1) Whenever the department ~~division~~ shall have reason to
1001 believe that any person is or has been violating the provisions
1002 of this chapter or any rules or regulations adopted and
1003 promulgated pursuant thereto, the department ~~division~~ may,
1004 without further process of law, confiscate the explosives in
1005 question and cause them to be stored in a safe manner, or, if
1006 any explosives are deemed by the department ~~division~~ to be in
1007 such a state or condition as to constitute a hazard to life or
1008 property, the department ~~division~~ may dispose of such explosives
1009 without further process of law. The department ~~division~~ is
1010 authorized to dispose of any abandoned explosives that it deems
1011 to be hazardous to life or property.

1012 (2) If the person so charged is found guilty of violating
1013 ~~the provisions of~~ this chapter or any rule or regulation adopted
1014 pursuant thereto with regard to the possession, handling, or
1015 storage of explosives, the department ~~division~~ is authorized to

2016908e1

1016 dispose of the confiscated materials in such a way as it shall
1017 deem equitable.

1018 Section 30. Paragraph (c) of subsection (6) of section
1019 633.112, Florida Statutes, is amended to read:

1020 633.112 State Fire Marshal; hearings; investigations;
1021 recordkeeping and reports; subpoenas of witnesses; orders of
1022 circuit court.—

1023 (6) Upon request, the State Fire Marshal shall investigate
1024 the cause, origin, and circumstances of fires and explosions
1025 occurring in this state wherein property has been damaged or
1026 destroyed and there is probable cause to believe that the fire
1027 or explosion was the result of carelessness or design.

1028 (c) The State Fire Marshal ~~division~~ shall adopt rules to
1029 assist local fire officials and law enforcement officers in
1030 determining the established responsibilities with respect to the
1031 initial or preliminary assessment of fire and explosion scenes,
1032 and the determination of whether probable cause exists to refer
1033 such scenes to the State Fire Marshal for an investigation.

1034 Section 31. Subsection (1) of section 633.114, Florida
1035 Statutes, is amended to read:

1036 633.114 State Fire Marshal agents; authority; duties;
1037 compensation.—

1038 (1) The State Fire Marshal shall appoint such agents,
1039 including agents of the Division of Investigative and Forensic
1040 Services, as may be necessary to carry out effectively this
1041 chapter, who shall be reimbursed for travel expenses as provided
1042 in s. 112.061, in addition to their salary, when traveling or
1043 making investigations in the performance of their duties. Such
1044 agents, including agents of the Division of Investigative and

2016908e1

1045 Forensic Services, shall be at all times under the direction and
1046 control of the State Fire Marshal, who shall fix their
1047 compensation, and all orders shall be issued in the State Fire
1048 Marshal's name and by her or his authority.

1049 Section 32. Section 633.122, Florida Statutes, is amended
1050 to read:

1051 633.122 Impersonating State Fire Marshal, firefighter,
1052 volunteer firefighter, or firesafety inspector; criminal
1053 penalties.—A person who falsely assumes or pretends to be the
1054 State Fire Marshal, an agent of the State Fire Marshal division,
1055 a firefighter, a volunteer firefighter, or a firesafety
1056 inspector by identifying herself or himself as the State Fire
1057 Marshal, an agent of the State Fire Marshal division, a
1058 firefighter, a volunteer firefighter, or a firesafety inspector
1059 by wearing a uniform or presenting or displaying a badge as
1060 credentials that would cause a reasonable person to believe that
1061 she or he is a State Fire Marshal, an agent of the State Fire
1062 Marshal division, a firefighter, a volunteer firefighter, or
1063 firesafety inspector commits a felony of the third degree,
1064 punishable as provided in ss. 775.082 and 775.083 or, if the
1065 impersonation occurs during the commission of a separate felony
1066 by that person, commits a felony of the first degree, punishable
1067 as provided in ss. 775.082 and 775.083.

1068 Section 33. Paragraph (b) of subsection (1) of section
1069 633.126, Florida Statutes, is amended to read:

1070 633.126 Investigation of fraudulent insurance claims and
1071 crimes; immunity of insurance companies supplying information.—

1072 (1)

1073 (b) The State Fire Marshal or an agent appointed pursuant

2016908e1

1074 to s. 633.114, an agent of the Division of Investigative and
1075 Forensic Services, any law enforcement officer as defined in s.
1076 111.065, any law enforcement officer of a federal agency, or any
1077 fire service provider official who is engaged in the
1078 investigation of a fire or explosion loss may request any
1079 insurance company or its agent, adjuster, employee, or attorney,
1080 investigating a claim under an insurance policy or contract with
1081 respect to a fire or explosion to release any information
1082 whatsoever in the possession of the insurance company or its
1083 agent, adjuster, employee, or attorney relative to a loss from
1084 that fire or explosion. The insurance company shall release the
1085 available information to and cooperate with any official
1086 authorized to request such information pursuant to this section.
1087 The information shall include, but shall not be limited to:

- 1088 1. Any insurance policy relevant to a loss under
1089 investigation and any application for such a policy.
- 1090 2. Any policy premium payment records.
- 1091 3. The records, reports, and all material pertaining to any
1092 previous claims made by the insured with the reporting company.
- 1093 4. Material relating to the investigation of the loss,
1094 including statements of a person, proof of loss, and other
1095 relevant evidence.
- 1096 5. Memoranda, notes, and correspondence relating to the
1097 investigation of the loss in the possession of the insurance
1098 company or its agents, adjusters, employees, or attorneys.

1099 Section 34. Subsection (5) of section 633.422, Florida
1100 Statutes, is amended to read:

1101 633.422 Firefighters; supplemental compensation.—

1102 (5) APPLICABILITY.—For the purposes of this section, the

2016908e1

1103 department ~~division~~ shall be considered a fire service provider
1104 responsible for the payment of supplemental compensation in
1105 accordance with this section to firefighters employed full time
1106 by the department ~~division~~.

1107 Section 35. Subsection (7) of section 633.508, Florida
1108 Statutes, is amended to read:

1109 633.508 Workplace safety; rulemaking authority; division
1110 authority.—

1111 (7) The department ~~division~~ shall:

1112 (a) Investigate and prescribe by rule what safety devices,
1113 safeguards, or other means of protection must be adopted for the
1114 prevention of accidents and injuries in every firefighter
1115 employee place of employment or at any fire scene; determine
1116 what suitable devices, safeguards, or other means of protection
1117 for the prevention of occupational diseases must be adopted or
1118 followed in any or all such firefighter places of employment or
1119 at any emergency fire scene; and adopt reasonable rules for the
1120 prevention of accidents, the safety, protection, and security of
1121 firefighter employees engaged in interior firefighting, and the
1122 prevention of occupational diseases.

1123 (b) Ascertain, fix, and order such reasonable standards and
1124 rules for the construction, repair, and maintenance of
1125 firefighter employee places of employment so as to render them
1126 safe. Such rules and standards shall be adopted in accordance
1127 with chapter 120.

1128 (c) Adopt rules prescribing recordkeeping responsibilities
1129 for firefighter employers, which may include maintaining a log
1130 and summary of occupational injuries, diseases, and illnesses,
1131 for producing on request a notice of injury and firefighter

2016908e1

1132 employee accident investigation records, and prescribing a
1133 retention schedule for such records.

1134 Section 36. Section 633.512, Florida Statutes, is amended
1135 to read:

1136 633.512 Compliance.—Failure of a firefighter employer or an
1137 insurer to comply with this part, or with any rules adopted
1138 under this part, constitutes grounds for the department ~~division~~
1139 to seek remedies, including injunctive relief, by making
1140 appropriate filings with the circuit court.

1141 Section 37. Subsection (1) of section 633.518, Florida
1142 Statutes, is amended to read:

1143 633.518 Studies, investigations, inspections, or inquiries
1144 by the division; refusal to admit; penalty.—

1145 (1) The department ~~division~~ shall make studies,
1146 investigations, inspections, or inquiries with respect to
1147 compliance with this part or any rules authorized under this
1148 part and the causes of firefighter employee injuries, illnesses,
1149 safety-based complaints, or Line of Duty Deaths (LODD) as
1150 defined in rule in firefighter employee places of employment and
1151 shall make such recommendations to the Legislature and
1152 firefighter employers and insurers as the department ~~division~~
1153 considers proper to prevent or reduce future occurrences. In
1154 making such studies, investigations, inspections, or inquiries,
1155 the department ~~division~~ may cooperate with any agency of the
1156 United States charged with the duty of enforcing any law
1157 securing safety against injury in any place of firefighter
1158 employment covered by this part or any agency or department of
1159 the state engaged in enforcing any law to ensure safety for
1160 firefighter employees.

2016908e1

1161 Section 38. Subsection (3) of section 791.013, Florida
1162 Statutes, is amended to read:

1163 791.013 Testing and approval of sparklers; penalties.—

1164 (3) For purposes of the testing requirement by this
1165 section, the division shall perform such tests as are necessary
1166 to determine compliance with the performance standards in the
1167 definition of sparklers, pursuant to s. 791.01. The State Fire
1168 Marshal shall adopt, by rule, procedures for testing products to
1169 determine compliance with this chapter. The Division of
1170 Investigative and Forensic Services shall dispose of any samples
1171 which remain after testing.

1172 Section 39. Paragraphs (b), (c), and (d) of subsection (7)
1173 of section 538.32, Florida Statutes, are amended to read:

1174 538.32 Registration, transaction, and recordkeeping
1175 requirements; penalties.—

1176 (7)

1177 (b) Alternatively, a secondhand dealer must give written
1178 notice to the seller, by United States mail or e-mail if an e-
1179 mail address is provided by the seller, that information
1180 otherwise required to be given by the seller under subsection
1181 (2) has not been provided by the seller to the secondhand
1182 dealer. Notice of the deficient information must be sent by the
1183 secondhand dealer no later than 10 days after the transaction is
1184 received by the secondhand dealer. The secondhand dealer must
1185 specify in the notice that:

1186 1. The seller must provide the missing information or must
1187 request the return of the property from the secondhand dealer
1188 within 30 days after receiving the notice from the secondhand
1189 dealer; and

2016908e1

1190 2. The failure of the seller to provide the missing
1191 information or request return of the property within the
1192 applicable 30-day time period shall result in abandonment of the
1193 seller's property to the Division ~~Bureau~~ of Unclaimed Property
1194 of the Department of Financial Services pursuant to chapter 717.

1195 (c) If the seller fails to remedy the deficiency in
1196 information or request return of the property within 30 days
1197 after receiving the notice, the seller's property is deemed
1198 abandoned and is relinquished to the Division ~~Bureau~~ of
1199 Unclaimed Property pursuant to chapter 717 if the property's
1200 true market value is greater than \$50 as defined in chapter 717.

1201 (d) Within 24 hours after the expiration of the 30-day hold
1202 period for the property, the secondhand dealer must notify the
1203 appropriate law enforcement agency of the abandonment of the
1204 property by electronic transmission or by sending a copy of the
1205 completed form authorized by chapter 717 to the Department of
1206 Financial Services, Division ~~Bureau~~ of Unclaimed Property.

1207 Section 40. Subsection (1) of section 717.1241, Florida
1208 Statutes, is amended to read:

1209 717.1241 Conflicting claims.—

1210 (1) When conflicting claims have been received by the
1211 department for the same unclaimed property account or accounts,
1212 the property shall be remitted in accordance with the claim
1213 filed by the person as follows, notwithstanding the withdrawal
1214 of a claim:

1215 (a) To the person submitting the first claim received by
1216 the Division ~~Bureau~~ of Unclaimed Property of the department that
1217 is complete or made complete.

1218 (b) If a claimant's claim and a claimant's representative's

2016908e1

1219 claim are received by the Division ~~Bureau~~ of Unclaimed Property
1220 of the department on the same day and both claims are complete,
1221 to the claimant.

1222 (c) If a buyer's claim and a claimant's claim or a
1223 claimant's representative's claim are received by the Division
1224 ~~Bureau~~ of Unclaimed Property of the department on the same day
1225 and the claims are complete, to the buyer.

1226 (d) As between two or more claimant's representative's
1227 claims received by the Division ~~Bureau~~ of Unclaimed Property of
1228 the department that are complete or made complete on the same
1229 day, to the claimant's representative who has agreed to receive
1230 the lowest fee. If the two or more claimant's representatives
1231 whose claims received by the Division ~~Bureau~~ of Unclaimed
1232 Property of the department were complete or made complete on the
1233 same day are charging the same lowest fee, the fee shall be
1234 divided equally between the claimant's representatives.

1235 (e) If more than one buyer's claim received by the Division
1236 ~~Bureau~~ of Unclaimed Property of the department is complete or
1237 made complete on the same day, the department shall remit the
1238 unclaimed property to the buyer who paid the highest amount to
1239 the seller. If the buyers paid the same amount to the seller,
1240 the department shall remit the unclaimed property to the buyers
1241 divided in equal amounts.

1242 Section 41. Section 717.1323, Florida Statutes, is amended
1243 to read:

1244 717.1323 Prohibited practice.—A ~~No~~ person may not knowingly
1245 enter false information onto the Internet website of the
1246 Division ~~Bureau~~ of Unclaimed Property.

1247 Section 42. Subsection (2) and paragraph (a) of subsection

2016908e1

1248 (3) of section 717.135, Florida Statutes, are amended to read:

1249 717.135 Power of attorney to recover reported property in
1250 the custody of the department.—

1251 (2) A power of attorney described in subsection (1) must:

1252 (a) Limit the fees and costs for services to 20 percent per
1253 unclaimed property account held by the department. Fees and
1254 costs for cash accounts shall be based on the value of the
1255 property at the time the power of attorney is signed by the
1256 claimant. Fees and costs for accounts containing securities or
1257 other intangible ownership interests, which securities or
1258 interests are not converted to cash, shall be based on the
1259 purchase price of the security as quoted on a national exchange
1260 or other market on which the property is regularly traded at the
1261 time the securities or other ownership interest is remitted to
1262 the claimant or the claimant's representative. Fees and costs
1263 for tangible property or safe-deposit box accounts shall be
1264 based on the value of the tangible property or contents of the
1265 safe-deposit box at the time the ownership interest is
1266 transferred or remitted to the claimant. Total fees and costs on
1267 any single account owned by a natural person residing in this
1268 country must not exceed \$1,000; or

1269 (b) Fully disclose that the property is held by the
1270 Division Bureau of Unclaimed Property of the Department of
1271 Financial Services pursuant to this chapter, the mailing address
1272 of the division bureau, the Internet address of the division
1273 bureau, the person or name of the entity that held the property
1274 prior to the property becoming unclaimed, the date of the
1275 holder's last contact with the owner, if known, and the
1276 approximate value of the property, and identify which of the

2016908e1

1277 following categories of unclaimed property the claimant's
 1278 representative is seeking to recover, as reported by the holder:

- 1279 1. Cash accounts.
- 1280 2. Stale dated checks.
- 1281 3. Life insurance or annuity contract assets.
- 1282 4. Utility deposits.
- 1283 5. Securities or other interests in business associations.
- 1284 6. Wages.
- 1285 7. Accounts receivable.
- 1286 8. Contents of safe-deposit boxes.

1287
 1288 This subsection shall not apply if probate proceedings must be
 1289 initiated on behalf of the claimant for an estate that has never
 1290 been probated or if the unclaimed property is being claimed by a
 1291 person outside of the United States.

1292 (3) (a) A power of attorney described in paragraph (2) (b)
 1293 must state in 12-point type or greater in the order indicated
 1294 with the blank spaces accurately completed:

1295
 1296 FULL DISCLOSURE STATEMENT

1297
 1298 The property is currently held by the State of Florida
 1299 Department of Financial Services, Division ~~Bureau~~ of
 1300 Unclaimed Property, pursuant to chapter 717, Florida
 1301 Statutes. The mailing address of the Division ~~Bureau~~
 1302 of Unclaimed Property is The Internet
 1303 address of the Division ~~Bureau~~ of Unclaimed Property
 1304 is

1305

2016908e1

1306 The property was remitted by:

1307

1308 Date of last contact:

1309

1310 Property category:

1311

1312 Section 43. Subsection (2) of section 717.1351, Florida
1313 Statutes, is amended to read:

1314 717.1351 Acquisition of unclaimed property.-

1315 (2) All contracts to acquire ownership of or entitlement to
1316 unclaimed property from the person or persons entitled to the
1317 unclaimed property must be in 10-point type or greater and must:

1318 (a) Have a purchase price that discounts the value of the
1319 unclaimed property at the time the agreement is executed by the
1320 seller at no greater than 20 percent per account held by the
1321 department. An unclaimed property account must not be discounted
1322 in excess of \$1,000. However, the \$1,000 discount limitation
1323 does not apply if probate proceedings must be initiated on
1324 behalf of the seller for an estate that has never been probated
1325 or if the seller of the unclaimed property is not a natural
1326 person or is a person outside the United States; or

1327 (b) Fully disclose that the property is held by the
1328 Division Bureau of Unclaimed Property of the Department of
1329 Financial Services pursuant to this chapter, the mailing address
1330 of the division bureau, the Internet address of the division
1331 bureau, the person or name of the entity that held the property
1332 prior to the property becoming unclaimed, the date of the
1333 holder's last contact with the owner, if known, and the
1334 approximate value of the property, and identify which of the

2016908e1

1335 following categories of unclaimed property the buyer is seeking
1336 to purchase as reported by the holder:

- 1337 1. Cash accounts.
- 1338 2. Stale dated checks.
- 1339 3. Life insurance or annuity contract assets.
- 1340 4. Utility deposits.
- 1341 5. Securities or other interests in business associations.
- 1342 6. Wages.
- 1343 7. Accounts receivable.
- 1344 8. Contents of safe-deposit boxes.

1345
1346 The purchase agreement described in this paragraph must state in
1347 12-point type or greater in the order indicated with the blank
1348 spaces accurately completed:

1349
1350 FULL DISCLOSURE STATEMENT

1351
1352 The property is currently held by the State of Florida
1353 Department of Financial Services, Division ~~Bureau~~ of
1354 Unclaimed Property, pursuant to chapter 717, Florida
1355 Statutes. The mailing address of the Division ~~Bureau~~
1356 of Unclaimed Property is The Internet
1357 address of the Division ~~Bureau~~ of Unclaimed Property
1358 is

1359
1360 The property was remitted by:

1361
1362 Date of last contact:

1363

2016908e1

1364 Property category:

1365

1366 Immediately above the signature line for the seller, the
1367 purchase agreement described in this paragraph must state in 12-
1368 point type or greater:

1369

1370 Seller agrees, by signing below, that the FULL
1371 DISCLOSURE STATEMENT has been read and fully
1372 understood.

1373 Section 44. Paragraphs (a) and (b) of subsection (5) of
1374 section 717.1400, Florida Statutes, are amended to read:

1375 717.1400 Registration.—

1376 (5) If a material change in the status of a registration
1377 occurs, a registrant must, within 30 days, provide the
1378 department with the updated documentation and information in
1379 writing. Material changes include, but are not limited to: a
1380 designated agent or employee ceasing to act on behalf of the
1381 designating person, a surrender, suspension, or revocation of a
1382 license, or a license renewal.

1383 (a) If a designated agent or employee ceases to act on
1384 behalf of the person who has designated the agent or employee to
1385 act on such person's behalf, the designating person must, within
1386 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in
1387 writing of the termination of agency or employment.

1388 (b) If a registrant surrenders the registrant's license or
1389 the license is suspended or revoked, the registrant must, within
1390 30 days, inform the division ~~bureau~~ in writing of the surrender,
1391 suspension, or revocation.

1392 Section 45. Paragraphs (k) and (l) of subsection (6) of

2016908e1

1393 section 932.7055, Florida Statutes, are amended to read:

1394 932.7055 Disposition of liens and forfeited property.—

1395 (6) If the seizing agency is a state agency, all remaining
1396 proceeds shall be deposited into the General Revenue Fund.

1397 However, if the seizing agency is:

1398 (k) The Division of Investigative and Forensic Services
1399 ~~State Fire Marshal~~ in the Department of Financial Services, the
1400 proceeds accrued under the Florida Contraband Forfeiture Act
1401 shall be deposited into the Insurance Regulatory Trust Fund to
1402 be used for the purposes of arson suppression, arson
1403 investigation, and the funding of anti-arson rewards.

1404 (l) The Division of Investigative and Forensic Services
1405 ~~Insurance Fraud~~ of the Department of Financial Services, the
1406 proceeds accrued pursuant to ~~the provisions of~~ the Florida
1407 Contraband Forfeiture Act shall be deposited into the Insurance
1408 Regulatory Trust Fund as provided in s. 626.9893 or into the
1409 Department of Financial Services' Federal Law Enforcement Trust
1410 Fund as provided in s. 17.43, as applicable.

1411 Section 46. This act shall take effect July 1, 2016.