



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

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

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

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

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

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

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

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

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

105 Statutes, is reordered and amended, to read:

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

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

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

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

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

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

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

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

130 (k) The Division of Unclaimed Property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192 Statutes, is amended to read:

193            624.26 Collaborative arrangement with the Department of

194 Health and Human Services.—

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

196 respond to complaints by consumers relating to a requirement of

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

198 or potential violations to the office and to the federal

199 Department of Health and Human Services.

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

201 Florida Statutes, to read:

202            624.307 General powers; duties.—

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

204 the following functions concerning products or services

205 regulated by the department or office:

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



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

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

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

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

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

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

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

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

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

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

263 400.9935 Clinic responsibilities.—

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

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

283 409.91212 Medicaid managed care fraud.—

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

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

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

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

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

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

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

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

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

339 Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

400 (1) For the purposes of this section:

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

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

415 2. Knowingly submits:

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



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

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

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

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

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

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

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

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

469 produce relevant matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 550 (a) Jeopardize the integrity of another active
- 551 investigation;
- 552 (b) Impair the safety and soundness of an insurer;
- 553 (c) Reveal personal financial information;
- 554 (d) Reveal the identity of a confidential source;
- 555 (e) Defame or cause unwarranted damage to the good name or
- 556 reputation of an individual or jeopardize the safety of an
- 557 individual; or
- 558 (f) Reveal investigative techniques or procedures.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

677 policies held by insureds; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

734 626.9894 Gifts and grants.—

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

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

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

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

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

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

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

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

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

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

773 627.351 Insurance risk apportionment plans.—

774 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

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

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

894 627.7401 Notification of insured's rights.—

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

899 (b) An advisory informing insureds that:

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

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

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

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

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

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

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

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

930 641.30 Construction and relationship to other laws.-

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

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

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

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

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

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

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

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

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

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

962 |           6. A representative of the Division of Investigative and

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

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

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

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

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

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

982 552.21 Confiscation and disposal of explosives.—

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

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

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

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

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

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

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

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

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

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

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

1032 Section 31. Section 633.122, Florida Statutes, is amended  
 1033 to read: 633.122 Impersonating State Fire Marshal,  
 1034 firefighter, volunteer firefighter, or firesafety inspector;  
 1035 criminal penalties.—A person who falsely assumes or pretends to  
 1036 be the State Fire Marshal, an agent of the State Fire Marshal  
 1037 ~~division~~, a firefighter, a volunteer firefighter, or a  
 1038 firesafety inspector by identifying herself or himself as the  
 1039 State Fire Marshal, an agent of the State Fire Marshal ~~division~~,  
 1040 a firefighter, a volunteer firefighter, or a firesafety



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

1050  
 1051 Section 32. Paragraph (b) of subsection (1) of section  
 1052 633.126, Florida Statutes, is amended to read:

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

1055 (1)

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

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

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

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

1085 633.422 Firefighters; supplemental compensation.—

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

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

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

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

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

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

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

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

1119 to read:

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

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

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

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

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

1147 791.013 Testing and approval of sparklers; penalties.—

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

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

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

1160 (7)

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

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

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

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

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

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

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

1193         717.1241 Conflicting claims.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1275 person outside of the United States.

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

1279

1280 FULL DISCLOSURE STATEMENT

1281

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

1289

1290 The property was remitted by: .....

1291

1292 Date of last contact: .....

1293

1294 Property category: .....

1295

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

1298 717.1351 Acquisition of unclaimed property.—

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

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

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

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

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

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

1329

1330 The purchase agreement described in this paragraph must state in

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

1332 spaces accurately completed:

1333

1334 FULL DISCLOSURE STATEMENT

1335

1336 The property is currently held by the State of Florida

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

1338 Unclaimed Property, pursuant to chapter 717, Florida

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

1340 of Unclaimed Property is ..... The Internet

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

1342 is .....

1343

1344 The property was remitted by: .....

1345

1346 Date of last contact: .....

1347

1348 Property category: .....

1349

1350 Immediately above the signature line for the seller, the

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

1352 point type or greater:

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

Section 43. 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 44. Paragraphs (k) and (l) of subsection (6) of section 932.7055, Florida Statutes, are amended to read:

932.7055 Disposition of liens and forfeited property.—

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

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

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

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