Statement of Agency Organization and Operation

Organization of the Department of Financial Services

In 1998, voters passed a constitutional amendment combining the elected Cabinet offices of state treasurer and state comptroller into the position of Chief Financial Officer, with a four-year term as one of four Cabinet members. As amended, Article IV, section 4(c) of the Florida Constitution defines the duties of the Chief Financial Officer as follows:

The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

In 2002, The Florida Legislature merged the state Departments of Insurance, Treasury and State Fire Marshal with the Department of Banking and Finance to create a new Department of Financial Services. The Chief Financial Officer is the statutory head of the Department of Financial Services, which includes the following divisions: Accounting and Auditing; State Fire Marshal; Risk Management; Treasury; Insurance Fraud; Rehabilitation and Liquidation; Insurance Agent and Agency Services; Consumer Services; Workers’ Compensation; Administration; Legal Services; Insurance Consumer Advocate; Funeral, Cemetery, and Consumer Services; and Public Assistance Fraud.

The Statutory responsibilities of the Department of Financial Services include:
- Carrying out the state’s accounting and auditing functions, including preparing the state’s Comprehensive Annual Financial Report; monitoring state contracts; making payment for state expenditures; and collecting and returning unclaimed property belonging to Florida residents
- Implementing state fire prevention and control measures, including the investigation of arson and other suspicious fires; training and certification of firefighter candidates; and regulation of explosive storage and use
- Operating the state’s risk management program and securing insurance and reinsurance for covered state liabilities
- Managing the state Treasury and directing safekeeping and the investment of all state funds
- Managing the deferred compensation program for state employees
- Investigating fraud, including insurance fraud, public assistance fraud, and false claims against the state
- Regulating cemeteries and funeral homes
- Licensing and oversight of insurance agents and agencies
- Ensuring that Florida employers provide workers’ compensation coverage for their employees in a cost effective manner
- Assisting consumers in the resolution of issues pertaining to insurance and funeral services
**General Information**

The Department's headquarters are located in the Larson Building, 200 East Gaines Street, Tallahassee, Florida. Business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays. The Department's telephone number is (850) 413-3100. The locations and contact information for all other field offices are available at [http://www.myfloridacfo.com/FieldOfficeMap.htm](http://www.myfloridacfo.com/FieldOfficeMap.htm).

**General Description and Functions of the Department of Financial Services**

**Division of Accounting and Auditing** - Accounting and Auditing carries out the Chief Financial Officer's constitutional duty to "settle and approve accounts against the state" by monitoring the expenditure of all appropriated public funds. The Division pays all the state's bills, manages state payroll, processes payments for goods and services used by state agencies, promotes financial accountability throughout state government by providing information about its fiscal soundness, and investigates allegations of waste, fraud and abuse of taxpayers' money.

Florida's Unclaimed Property program within the Division of Accounting & Auditing holds more than $1 billion in unclaimed property - mostly from dormant accounts in financial institutions, insurance and utility companies, safe deposit boxes, and trusts. Unclaimed money goes into the State School Fund for public education. Attempts are made to locate missing property owners, and rightful owners and heirs can claim property at any time at no cost.

**Division of Administration** - Administration supervises the bureaus of Personnel Management, General Services, Financial & Support Services, and the Office of Budgeting, thus coordinating administrative support to the Department of Financial Services.

**Division of Agent & Agency Services** – Agent & Agency Services helps protect the insurance-buying public by licensing competent and trustworthy individuals and entities, and by promptly investigating alleged violations of the Florida Insurance Code and Administrative Rules by licensees or those who operate without a license.

**Division of Consumer Services** - Consumer Services helps consumers make informed insurance and financial decisions through consumer assistance and mediation with insurance agencies, financial institutions, mortgage brokerages, securities dealers, consumer finance companies, and for-profit providers of preneed funeral and cemetery services and merchandise. Community education programs throughout the state, informative consumer guides, specialists on the toll-free Consumer helpline, and online assistance give the public resources for financial literacy.
**Division of Funeral, Cemetery & Consumer Services** - Funeral, Cemetery and Consumer Services regulates and licenses for-profit cemeteries, preneed funeral sales and agents, funeral establishments, centralized embalming facilities, refrigeration facilities, removal services, cinerator facilities, monument establishments, direct disposal establishments, funeral directors, embalmers, direct disposers, brokers of burial rights, and monument establishment sales agents. Regular audits and inspections ensure consumers’ investments are handled properly.

**Division of Information Systems** - Information Systems plans, develops, manages and operates the information technology resources for the Department of Financial Services, Office of Insurance Regulation and Office of Financial Regulation.

**Office of Inspector General** – The Office of Inspector General is established in each state agency by statute to provide a central point for activities that promote accountability, integrity, and efficiency in government. Investigations are designed to detect, deter, prevent, and eradicate fraud, mismanagement, misconduct and other abuses in state government. Major responsibilities include investigations, audits, reviews, consulting, and technical assistance activities.

**Insurance Consumer Advocate** - The Insurance Consumer Advocate is committed to finding solutions to insurance issues facing Floridians, calling attention to questionable insurance practices, promoting a viable insurance market responsive to the needs of Florida’s diverse population, and assuring that rates are fair and justified.

**Division of Insurance Fraud** - Insurance Fraud enforces the criminal laws of Florida in relation to insurance transactions. Investigators are certified law enforcement officers with the authority to bear arms and make arrests. The Division serves and safeguards the public and businesses in Florida against acts of insurance fraud and the resulting impact those crimes have on taxpayers, personally and financially.

**Division of Legal Services** - Legal Services provides legal counsel, advice and representation to the regulatory, administrative, and support offices of the Chief Financial Officer and the State Fire Marshal. The Service of Process Section housed within this Division is the centralized depository for receiving, documenting, imaging and efficiently routing or handling all Legal Process (Summons & Complaints or Subpoenas) served on the agency, agency head and agency employees, as well as the Office of Insurance Regulation, the Director of the Office, and the Office employees. It also acts as Registered Agent for service of process for all authorized insurers in Florida as required by Section 48.151(7), F.S., and forwards process to the defendant insurer according to the guidelines and requirements of Sections 624.422 and 624.423, F.S.

**Division of Public Assistance Fraud** - The Division of Public Assistance Fraud safeguards the public and businesses in Florida against acts of public assistance fraud and the
resulting impact those crimes have by enforcing federal and state criminal laws in relation to eligibility for public assistance.

**Division of Rehabilitation and Liquidation** - When appointed as a Receiver for impaired or insolvent insurance companies, Rehabilitation's mission is to manage insurance receiverships to maximize value to claimants and the public. In Liquidation, the company's net value is ascertained and all viable assets are recovered and distributed to claimants.

**Division of Risk Management** - Risk Management ensures that participating state agencies receive quality workers’ compensation, general liability, federal civil rights, employment discrimination, auto liability, and property insurance coverage at reasonable rates by providing self-insurance, purchase of insurance, claims handling, and technical assistance in managing risk.

**Division of State Fire Marshal** - The responsibility for minimizing loss of life and property due to fire in Florida is the duty of sworn law enforcement personnel, crime intelligence analysts, and civilian support including detection, apprehension, and aid in prosecution of those who commit arson, insurance fraud, and other related crimes.

**Division of Treasury** - The Treasury pays all state warrants (checks), keeps detailed records of all transactions involving the state’s money, and produces substantial revenue for the state through short- and intermediate-term investments. The Treasury performs cash management and custodial services for assets of the state and administers the deferred compensation program for state employees.

**Division of Workers’ Compensation** - Workers’ Compensation ensures prompt, accurate benefit payments and appropriate and timely services to injured workers to facilitate their gainful re-employment at an equitable cost distribution to employers, in support of a viable workers’ compensation marketplace. The Division enforces workers’ compensation laws, collects, evaluates, and disseminates data, informs all parties of their rights and responsibilities, and assists in resolving claims.

**Inspecting and Copying Division Files**

Copies of publications, documents, forms, and any other public records from the Department of Financial Services, are available by request for inspection pursuant to Chapter 119, Florida Statutes. There is no charge for on-site inspection of public records. Customers have the option of obtaining copies of requested records in hard copy, electronic copy, or compact disk. Obtaining copies of documents will have a charge, which will be invoiced and must be paid before copies of documents are delivered. You can make your public records request in a variety of ways:

By Email to: PublicRecordsRequest@myfloridacfo.com
By Regular Mail to:
The Public Records Unit
Florida Department of Financial Services
200 E. Gaines Street
Tallahassee, FL 32399-0311

By Telephone: 850-413-3149

By Facsimile: 850-488-3429

A public records request does not have to be in writing and may be anonymous.

Obtaining Other Documents

Applications for licenses, permits, and other similar certifications or rights granted by the agency may be obtained from the specific Division, Bureau or Office that regulates the particular licenses, permits or certifications. Documents required to be filed with a specific Division, Bureau, or Office should be sent to that Division, Bureau, or Office in accordance with applicable administrative rules and statutes, and not to the Agency Clerk.

General Description of the Functions of the DFS Agency Clerk

The DFS Agency Clerk is Julie Jones, CP, FRP, Administrative Assistant III. The Clerk's address is 200 East Gaines Street, Tallahassee, FL 32399-0390; telephone number (850) 413-4177; email: Julie.Jones@myfloridacfo.com. The DFS Agency Clerk receives and docket all requests for administrative hearings and notices of appeal of agency final orders filed with the Agency Clerk; and assembles, certifies, and transmits records on appeal to appellate courts for review of cases in which final orders are entered.

The DFS Agency Clerk is also the contact person for the filing of any petitions for variances or waivers of agency rules pursuant to section 120.542, Florida Statutes. A petition for a variance from or waiver of a DFS rule shall be filed with the clerk, with a copy to the Joint Administrative Procedures Committee, Room 680, Pepper Building, Tallahassee, Florida 32399-1400. The petition must include the following information:
(a) The caption shall read:
   Petition for (Variance from) or (Waiver of) Rule (Citation)
(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;
(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, if any;
(d) The applicable rule or portion of the rule;
(e) The citation to the statute the rule is implementing;
(f) The type of action requested;
(g) The specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance for the petitioner;
(h) The reason why the variance or the waiver requested would serve the purposes of the underlying statute; and
(i) A statement whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

E-Filing Documents for Agency Clerk

Requests for administrative hearings may be filed electronically by sending an electronic mail to the DFS Agency Clerk at Julie.Jones@MyFloridaCFO.com. The party who elects to file a document in this manner is responsible for any delay, disruption, or interruption of the electronic signals and accepts the risk that the document may not be properly filed as a result. The date an electronic filing is received by the Agency Clerk will constitute the date of filing of that pleading, up to 11:59 P.M. Eastern Standard Time on the date the document is electronically filed. Any filing received on or after midnight will be deemed to be filed the next business day. Filings on a weekend, a holiday in which the agency is closed, or any other day the agency is closed will be deemed to be filed on the next business day. The DFS Agency Clerk will confirm to the filing attorney the filing date, and the filing attorney is responsible for serving copies of the filed document on all other parties.

Filing Documents for Agency Clerk by Facsimile

Requests for administrative hearings may also be filed by facsimile transmission. The DFS Agency Clerk fax filing number is (850) 488-0697. A party who files a document by facsimile transmission represents that the original, signed document will be retained by that party for the duration of the proceeding and any subsequent appeal or subsequent proceedings in that case, and will be produced upon the request of other parties. A party who files a document by facsimile transmission is responsible for any delay, disruption, or interruption of the electronic signals and accepts the risk that the document may not be properly filed with the DFS Agency Clerk as a result. The filing date for a document filed by facsimile transmission is the date the DFS Agency Clerk receives the complete document.

Regarding Legal Advice by Agency Clerk

The Agency Clerk is not permitted to provide legal advice, or respond to general questions of the law. Those representing themselves on appeal should review the Florida Rules of Appellate Procedure and may find it helpful to consult the Pro Se
Agency Final Orders & Index

Currently, Agency Final Orders can be searched via the Agency’s indexing database at the following site:

The Agency Final Order Index maintained by the Department includes all orders issued from 1975 to 1979 inclusive, and from 1988 forward. Orders issued from 1980 to 1987, inclusive, are indexed in the Florida Administrative Law Reporter (FALR), which was the Department’s official designated reporter for indexing orders during those years, under the previous rules adopted by the Department. In reviewing orders indexed in FALR, both the annual and the super cumulative indices of the FALR must be checked for orders which were printed in full text. Orders which were indexed by the FALR but which were not reprinted in full text are found at the following volume and page references in the FALR: 6:377, 6:778; 6:2332, 6:3814, 6:5205, 6:6543, 6:6837, 6:6993, 7:336, 7:516, 7:985, 7:1424, 7:1685, 7:2495, 7:3145, 7:4581, 7:5140, 8:246, 8:1749, 8:1990, 8:2126, 8:2747, 8:4714, 8:5754, 9:991, 9:4295, and 9:4569. Copies of these orders may be obtained from the Department upon providing the Department with the appropriate Department case number as shown in the FALR index.

Statutory Provisions and Rules

The following constitutional provisions, rule chapters, and statutes directly affect and govern proceedings before the Department: Section 8 Article II, Section 4 Article IV and Section 15 Article V of the State Constitution; Rule Chapters 69A - 69L, Florida Administrative Code; and the following Florida Statutes: 11.065, Ch. 17, 20.121, 29.008, 45.034, 48.151(7), 68.081, .083, .084 & .09, Ch. 77, 110.1127, 110.116, 110.1315, Ch. 112, 112.061, 112.3187 -.31895, 112.311 -.326, 112.3215, Ch. 119, 120.54, 120.57, Ch. 121, Ch. 215, Ch. 216, 216.102, Ch. 252, 253.02, 253.025, Ch. 280, Ch. 284, 284.33, 284.385, Ch. 287, Ch. 380, Ch. 403, 408.7056, 409.25658, Ch. 414, 429.298, Ch. 440, 456.076(8)(b), Ch. 497, Ch. 553, Ch. 554, Ch. 624, 624.15, 624.222 & .423, Ch. 625, Ch. 626, 626.9541, 626.9543, Ch. 627, Ch. 628, Ch. 630, Ch. 631, Ch. 632, Ch. 633, Ch. 634, Ch. 641, Ch. 642, Ch. 648, Ch. 651, Ch. 716, Ch. 717, Ch. 760, 768.28(7), 775.0844, 777.04, 806.01, Ch. 812, 817.034, 932.701.