1   A bill to be entitled

2   An act relating to public assistance fraud

3   investigations by the Department of Financial

4   Services; amending s. 414.411, F.S., relating to

5   department investigations of public assistance fraud;

6   authorizing the department to administer oaths and

7   affirmations and issue subpoenas; providing for court

8   enforcement of subpoenas; providing an effective date.

9

10   Be It Enacted by the Legislature of the State of Florida:

11

12   Section 1. Subsection (2) of section 414.411, Florida

13   Statutes, is amended to read:

14   414.411 Public assistance fraud.—

15   (2) In conducting an ~~the conduct of such~~ investigation

16   pursuant to this section the Department of Financial Services

17   may:

18   (a) Employ persons who have ~~having such~~ qualifications

19   that ~~as~~ are useful in the performance of this duty.

20   (b) Administer oaths and affirmations.

21   (c) Issue and serve subpoenas for the attendance of

22   witnesses or the production of business records, books, papers,

23   correspondence, memoranda, and other records. Such subpoenas may

24   be served by representatives designated by the department. If a

25   person refuses to obey such subpoena, the court that has

26   jurisdiction in the geographical area where the inquiry is being

27   carried out or in the area where the person who has refused the

28   subpoena is found, resides, or transacts business may issue an

29 | order requiring compliance with the subpoena. Failure to obey
30 | such court order may be punished, civilly or criminally, by the
31 | court as contempt. Costs, including reasonable attorney fees,
32 | incurred by the department to obtain an order granting, in whole
33 | or in part, a petition to enforce a subpoena shall be taxed
34 | against the subpoenaed party.
35 | Section 2. This act shall take effect July 1, 2013.

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