

By the Committees on Governmental Oversight and Productivity;  
Banking and Insurance; and Senators Posey, Fasano and Atwater

302-2392-03

1                                   A bill to be entitled  
2           An act relating to insurance fraud; providing a  
3           short title; amending s. 624.155, F.S.;  
4           providing a civil remedy for consumers against  
5           unauthorized insurers for unpaid claims;  
6           amending s. 624.310, F.S.; prohibiting certain  
7           persons under disciplinary sanctions from  
8           participating in the insurance business;  
9           providing penalties; amending s. 624.401, F.S.;  
10          providing criminal penalties for an entity  
11          transacting insurance without a certificate of  
12          authority; amending s. 629.989, F.S.; revising  
13          provisions governing the powers of arrest of  
14          the investigators of the Division of Insurance  
15          Fraud; creating s. 817.413, F.S.; prohibiting  
16          certain sales of used motor vehicle goods as  
17          new; providing penalties; amending s. 860.15,  
18          F.S.; increasing the penalty for certain  
19          overcharges for motor vehicle repairs or parts;  
20          amending s. 921.0022, F.S.; revising the  
21          offense severity ranking chart of the Criminal  
22          Punishment Code to reflect changes in  
23          penalties; providing for severability;  
24          providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. This act may be cited as the "Pete Orr  
29 Insurance Anti-Fraud Act."

30           Section 2. Section 624.155, Florida Statutes, is  
31 amended to read:

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1           624.155 Civil remedy.--

2           (1) Any person may bring a civil action against an  
3 insurer when such person is damaged:

4           (a) By a violation of any of the following provisions  
5 by the insurer:

6           1. Section 626.9541(1)(i), (o), or (x);

7           2. Section 626.9551;

8           3. Section 626.9705;

9           4. Section 626.9706;

10          5. Section 626.9707; or

11          6. Section 627.7283.

12          (b) By the commission of any of the following acts by  
13 the insurer:

14          1. Not attempting in good faith to settle claims when,  
15 under all the circumstances, it could and should have done so,  
16 had it acted fairly and honestly toward its insured and with  
17 due regard for her or his interests;

18          2. Making claims payments to insureds or beneficiaries  
19 not accompanied by a statement setting forth the coverage  
20 under which payments are being made; or

21          3. Except as to liability coverages, failing to  
22 promptly settle claims, when the obligation to settle a claim  
23 has become reasonably clear, under one portion of the  
24 insurance policy coverage in order to influence settlements  
25 under other portions of the insurance policy coverage.

26

27 Notwithstanding the provisions of the above to the contrary, a  
28 person pursuing a remedy under this section need not prove  
29 that such act was committed or performed with such frequency  
30 as to indicate a general business practice.

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1           (2) Any party may bring a civil action against an  
2 unauthorized insurer if such party is damaged by a violation  
3 of s. 624.401 by the unauthorized insurer.

4           ~~(3)(2)~~(a) As a condition precedent to bringing an  
5 action under this section, the department and the authorized  
6 insurer must have been given 60 days' written notice of the  
7 violation. If the department returns a notice for lack of  
8 specificity, the 60-day time period shall not begin until a  
9 proper notice is filed.

10           (b) The notice shall be on a form provided by the  
11 department and shall state with specificity the following  
12 information, and such other information as the department may  
13 require:

14           1. The statutory provision, including the specific  
15 language of the statute, which the authorized insurer  
16 allegedly violated.

17           2. The facts and circumstances giving rise to the  
18 violation.

19           3. The name of any individual involved in the  
20 violation.

21           4. Reference to specific policy language that is  
22 relevant to the violation, if any. If the person bringing the  
23 civil action is a third party claimant, she or he shall not be  
24 required to reference the specific policy language if the  
25 authorized insurer has not provided a copy of the policy to  
26 the third party claimant pursuant to written request.

27           5. A statement that the notice is given in order to  
28 perfect the right to pursue the civil remedy authorized by  
29 this section.

30           (c) Within 20 days of receipt of the notice, the  
31 department may return any notice that does not provide the

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1 specific information required by this section, and the  
2 department shall indicate the specific deficiencies contained  
3 in the notice. A determination by the department to return a  
4 notice for lack of specificity shall be exempt from the  
5 requirements of chapter 120.

6 (d) No action shall lie if, within 60 days after  
7 filing notice, the damages are paid or the circumstances  
8 giving rise to the violation are corrected.

9 (e) The authorized insurer that is the recipient of a  
10 notice filed pursuant to this section shall report to the  
11 department on the disposition of the alleged violation.

12 (f) The applicable statute of limitations for an  
13 action under this section shall be tolled for a period of 65  
14 days by the mailing of the notice required by this subsection  
15 or the mailing of a subsequent notice required by this  
16 subsection.

17 ~~(4)(3)~~ Upon adverse adjudication at trial or upon  
18 appeal, the authorized insurer shall be liable for damages,  
19 together with court costs and reasonable attorney's fees  
20 incurred by the plaintiff.

21 ~~(5)(4)~~ No punitive damages shall be awarded under this  
22 section unless the acts giving rise to the violation occur  
23 with such frequency as to indicate a general business practice  
24 and these acts are:

25 (a) Willful, wanton, and malicious;

26 (b) In reckless disregard for the rights of any  
27 insured; or

28 (c) In reckless disregard for the rights of a  
29 beneficiary under a life insurance contract.

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1 Any person who pursues a claim under this subsection shall  
2 post in advance the costs of discovery. Such costs shall be  
3 awarded to the authorized insurer if no punitive damages are  
4 awarded to the plaintiff.

5 ~~(6)(5)~~ This section shall not be construed to  
6 authorize a class action suit against an authorized insurer or  
7 a civil action against the department, its employees, or the  
8 Insurance Commissioner, or to create a cause of action when an  
9 authorized ~~a~~ health insurer refuses to pay a claim for  
10 reimbursement on the ground that the charge for a service was  
11 unreasonably high or that the service provided was not  
12 medically necessary.

13 ~~(7)(6)~~ In the absence of expressed language to the  
14 contrary, this section shall not be construed to authorize a  
15 civil action or create a cause of action against an authorized  
16 insurer or its employees who, in good faith, release  
17 information about an insured or an insurance policy to a law  
18 enforcement agency in furtherance of an investigation of a  
19 criminal or fraudulent act relating to a motor vehicle theft  
20 or a motor vehicle insurance claim.

21 ~~(8)(7)~~ The civil remedy specified in this section does  
22 not preempt any other remedy or cause of action provided for  
23 pursuant to any other statute or pursuant to the common law of  
24 this state. Any person may obtain a judgment under either the  
25 common-law remedy of bad faith or this statutory remedy, but  
26 shall not be entitled to a judgment under both remedies. This  
27 section shall not be construed to create a common-law cause of  
28 action. The damages recoverable pursuant to this section  
29 shall include those damages which are a reasonably foreseeable  
30 result of a specified violation of this section by the

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1 authorized insurer and may include an award or judgment in an  
2 amount that exceeds the policy limits.

3 Section 3. Subsection (8) is added to section 624.310,  
4 Florida Statutes, to read:

5 624.310 Enforcement; cease and desist orders; removal  
6 of certain persons; fines.--

7 (8) CRIMINAL ENFORCEMENT.--It is unlawful for any  
8 affiliated party who is removed or prohibited from  
9 participation in the affairs of a licensee pursuant to this  
10 section, or for any licensee whose rights or privileges under  
11 such license have been suspended or revoked pursuant to the  
12 Florida Insurance Code, to knowingly act as an affiliated  
13 party as defined in this section or to knowingly transact  
14 insurance as defined in s. 624.10 until expressly authorized  
15 to do so by the department or office. Such authorization by  
16 the department or office may not be provided unless the  
17 affiliated party or the licensee has made restitution, if  
18 applicable, to all parties damaged by the actions of the  
19 affiliated party or the licensee which served as the basis for  
20 the removal or prohibition of the affiliated party or the  
21 suspension or revocation of the rights and privileges of the  
22 licensee. Any person who violates the provisions of this  
23 subsection commits a felony of the third degree, punishable as  
24 provided in s. 775.082, s. 775.083 or s. 775.084.

25 Section 4. Section 624.401, Florida Statutes, is  
26 amended to read:

27 624.401 Certificate of authority required.--

28 (1) No person shall act as an insurer, and no insurer  
29 or its agents, attorneys, subscribers, or representatives  
30 shall directly or indirectly transact insurance, in this state  
31 except as authorized by a subsisting certificate of authority

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1 issued to the insurer by the department, except as to such  
2 transactions as are expressly otherwise provided for in this  
3 code.

4 (2) No insurer shall from offices or by personnel or  
5 facilities located in this state solicit insurance  
6 applications or otherwise transact insurance in another state  
7 or country unless it holds a subsisting certificate of  
8 authority issued to it by the department authorizing it to  
9 transact the same kind or kinds of insurance in this state.

10 (3) This state hereby preempts the field of regulating  
11 insurers and their agents and representatives; and no county,  
12 city, municipality, district, school district, or political  
13 subdivision shall require of any insurer, agent, or  
14 representative regulated under this code any authorization,  
15 permit, or registration of any kind for conducting  
16 transactions lawful under the authority granted by the state  
17 under this code.

18 (4)(a) Any person who acts as an insurer, transacts  
19 insurance, or otherwise engages in insurance activities in  
20 this state without a certificate of authority in violation of  
21 this section commits a felony of the third degree, punishable  
22 as provided in s. 775.082, s. 775.083, or s. 775.084.

23 (b) However, any person acting as an insurer without a  
24 valid certificate of authority, who violates this section  
25 commits insurance fraud, punishable as provided in this  
26 paragraph. If the amount of any insurance premium collected  
27 with respect to any violation of this section:

28 1. Is less than \$20,000, the offender commits a felony  
29 of the third degree, punishable as provided in s. 775.082, s.  
30 775.083, or s. 775.084, and the offender shall be sentenced to  
31 a minimum term of imprisonment of 1 year.

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1           2. Is \$20,000 or more, but less than \$100,000, the  
2 offender commits a felony of the second degree, punishable as  
3 provided in s. 775.082, s. 775.083, or s. 775.084, and the  
4 offender shall be sentenced to a minimum term of imprisonment  
5 of 18 months.

6           3. Is \$100,000 or more, the offender commits a felony  
7 of the first degree, punishable as provided in s. 775.082, s.  
8 775.083, or s. 775.084, and the offender shall be sentenced to  
9 a minimum term of imprisonment of 2 years.

10           Section 5. Subsection (7) of section 626.989, Florida  
11 Statutes, is amended to read:

12           626.989 Investigation by department or Division of  
13 Insurance Fraud; compliance; immunity; confidential  
14 information; reports to division; division investigator's  
15 power of arrest.--

16           (7) Division investigators shall have the power to  
17 make arrests for criminal violations established as a result  
18 of investigations ~~only. The general laws applicable to arrests~~  
19 ~~by law enforcement officers of this state shall also be~~  
20 ~~applicable to such investigators.~~ Such investigators shall  
21 also be considered state law enforcement officers for all  
22 purposes and shall have the power to execute arrest warrants  
23 and search warrants ~~for the same criminal violations~~; to serve  
24 subpoenas issued for the examination, investigation, and trial  
25 of all offenses ~~determined by their investigations~~; and to  
26 arrest upon probable cause without warrant any person found in  
27 the act of violating any of the provisions of applicable laws.  
28 Investigators empowered to make arrests under this section  
29 shall be empowered to bear arms in the performance of their  
30 duties. In such a situation, the investigator must be  
31 certified in compliance with the provisions of s. 943.1395 or



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1 must meet the temporary employment or appointment exemption  
2 requirements of s. 943.131 until certified.

3 Section 6. Section 817.413, Florida Statutes, is  
4 created to read:

5 817.413 Sale of used motor vehicle goods as new;  
6 penalty.--

7 (1) With respect to a transaction for which any  
8 charges will be paid from the proceeds of a motor vehicle  
9 insurance policy, and in which the purchase price of motor  
10 vehicle goods exceeds \$100, it is unlawful for the seller to  
11 knowingly misrepresent orally, in writing, or by failure to  
12 speak, that the goods are new or original when they are used  
13 or repossessed or have been used for sales demonstration.

14 (2) A person who violates the provisions of this  
15 section commits a felony of the third degree, punishable as  
16 provided in s. 775.082, s. 775.083, or s. 775.084.

17 Section 7. Subsection (3) is added to section 860.15,  
18 Florida Statutes, to read:

19 860.15 Overcharging for repairs and parts; penalty.--

20 (3) If the charges referred to in subsection (1) will  
21 be paid from the proceeds of a motor vehicle insurance policy,  
22 a person willfully violating the provisions of this section  
23 commits a felony of the third degree, punishable as provided  
24 in s. 775.082, s. 775.083, or s. 775.084.

25 Section 8. Paragraphs (c), (e), and (g) of subsection  
26 (3) of section 921.0022, Florida Statutes, are amended to  
27 read:

28 921.0022 Criminal Punishment Code; offense severity  
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART

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	Florida Statute	Felony Degree	Description
3			
4			
5			(c) LEVEL 3
6	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
7	316.1935(2)	3rd	Fleeing or attempting to elude
8			law enforcement officer in marked
9			patrol vehicle with siren and
10			lights activated.
11	319.30(4)	3rd	Possession by junkyard of motor
12			vehicle with identification
13			number plate removed.
14	319.33(1)(a)	3rd	Alter or forge any certificate of
15			title to a motor vehicle or
16			mobile home.
17	319.33(1)(c)	3rd	Procure or pass title on stolen
18			vehicle.
19	319.33(4)	3rd	With intent to defraud, possess,
20			sell, etc., a blank, forged, or
21			unlawfully obtained title or
22			registration.
23	327.35(2)(b)	3rd	Felony BUI.
24	328.05(2)	3rd	Possess, sell, or counterfeit
25			fictitious, stolen, or fraudulent
26			titles or bills of sale of
27			vessels.
28	328.07(4)	3rd	Manufacture, exchange, or possess
29			vessel with counterfeit or wrong
30			ID number.
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1	376.302(5)	3rd	Fraud related to reimbursement
2			for cleanup expenses under the
3			Inland Protection Trust Fund.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	<u>624.401(4)(a)</u>	<u>3rd</u>	<u>Transacting insurance without a</u>
8			<u>certificate of authority.</u>
9	<u>624.401(4)(b)1.</u>	<u>3rd</u>	<u>Transacting insurance without a</u>
10			<u>certificate of authority; premium</u>
11			<u>collected less than \$20,000.</u>
12	<u>626.902(1)(a)&amp;(b)</u>	<u>3rd</u>	<u>Representing an unauthorized</u>
13			<u>insurer.</u>
14	697.08	3rd	Equity skimming.
15	790.15(3)	3rd	Person directs another to
16			discharge firearm from a vehicle.
17	796.05(1)	3rd	Live on earnings of a prostitute.
18	806.10(1)	3rd	Maliciously injure, destroy, or
19			interfere with vehicles or
20			equipment used in firefighting.
21	806.10(2)	3rd	Interferes with or assaults
22			firefighter in performance of
23			duty.
24	810.09(2)(c)	3rd	Trespass on property other than
25			structure or conveyance armed
26			with firearm or dangerous weapon.
27	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
28			less than \$10,000.
29	812.0145(2)(c)	3rd	Theft from person 65 years of age
30			or older; \$300 or more but less
31			than \$10,000.

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1	815.04(4)(b)	2nd	Computer offense devised to
2			defraud or obtain property.
3	817.034(4)(a)3.	3rd	Engages in scheme to defraud
4			(Florida Communications Fraud
5			Act), property valued at less
6			than \$20,000.
7	817.233	3rd	Burning to defraud insurer.
8	817.234(8)&(9)	3rd	Unlawful solicitation of persons
9			involved in motor vehicle
10			accidents.
11	817.234(11)(a)	3rd	Insurance fraud; property value
12			less than \$20,000.
13	<u>817.413(2)</u>	<u>3rd</u>	<u>Sale of used goods as new.</u>
14	817.505(4)	3rd	Patient brokering.
15	828.12(2)	3rd	Tortures any animal with intent
16			to inflict intense pain, serious
17			physical injury, or death.
18	831.28(2)(a)	3rd	Counterfeiting a payment
19			instrument with intent to defraud
20			or possessing a counterfeit
21			payment instrument.
22	831.29	2nd	Possession of instruments for
23			counterfeiting drivers' licenses
24			or identification cards.
25	838.021(3)(b)	3rd	Threatens unlawful harm to public
26			servant.
27	843.19	3rd	Injure, disable, or kill police
28			dog or horse.
29	<u>860.15(3)</u>	<u>3rd</u>	<u>Overcharging for repairs and</u>
30			<u>parts.</u>
31	870.01(2)	3rd	Riot; inciting or encouraging.

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1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs).
7	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of university or public park.
13	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs within 200 feet
18			of public housing facility.
19	893.13(6)(a)	3rd	Possession of any controlled
20			substance other than felony
21			possession of cannabis.
22	893.13(7)(a)8.	3rd	Withhold information from
23			practitioner regarding previous
24			receipt of or prescription for a
25			controlled substance.
26	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
27			controlled substance by fraud,
28			forgery, misrepresentation, etc.
29	893.13(7)(a)10.	3rd	Affix false or forged label to
30			package of controlled substance.
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1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
6			person, or owner of an animal in
7			obtaining a controlled substance
8			through deceptive, untrue, or
9			fraudulent representations in or
10			related to the practitioner's
11			practice.
12	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
13			practitioner's practice to assist
14			a patient, other person, or owner
15			of an animal in obtaining a
16			controlled substance.
17	893.13(8)(a)3.	3rd	Knowingly write a prescription
18			for a controlled substance for a
19			fictitious person.
20	893.13(8)(a)4.	3rd	Write a prescription for a
21			controlled substance for a
22			patient, other person, or an
23			animal if the sole purpose of
24			writing the prescription is a
25			monetary benefit for the
26			practitioner.
27	918.13(1)(a)	3rd	Alter, destroy, or conceal
28			investigation evidence.
29	944.47		
30	(1)(a)1.-2.	3rd	Introduce contraband to
31			correctional facility.

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1	944.47(1)(c)	2nd	Possess contraband while upon the
2			grounds of a correctional
3			institution.
4	985.3141	3rd	Escapes from a juvenile facility
5			(secure detention or residential
6			commitment facility).
7			(e) LEVEL 5
8	316.027(1)(a)	3rd	Accidents involving personal
9			injuries, failure to stop;
10			leaving scene.
11	316.1935(4)	2nd	Aggravated fleeing or eluding.
12	322.34(6)	3rd	Careless operation of motor
13			vehicle with suspended license,
14			resulting in death or serious
15			bodily injury.
16	327.30(5)	3rd	Vessel accidents involving
17			personal injury; leaving scene.
18	381.0041		
19	(11)(b)	3rd	Donate blood, plasma, or organs
20			knowing HIV positive.
21	<u>624.401(4)(b)2</u>	<u>2nd</u>	<u>Transacting insurance without a</u>
22			<u>certificate or authority; premium</u>
23			<u>collected \$20,000 or more but</u>
24			<u>less than \$100,000.</u>
25	<u>626.902(1)(c)</u>	<u>2nd</u>	<u>Representing an unauthorized</u>
26			<u>insurer; repeat offender.</u>
27	790.01(2)	3rd	Carrying a concealed firearm.
28	790.162	2nd	Threat to throw or discharge
29			destructive device.
30	790.163(1)	2nd	False report of deadly explosive
31			or weapon of mass destruction.

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1	790.221(1)	2nd	Possession of short-barreled
2			shotgun or machine gun.
3	790.23	2nd	Felons in possession of firearms
4			or electronic weapons or devices.
5	800.04(6)(c)	3rd	Lewd or lascivious conduct;
6			offender less than 18 years.
7	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
8			offender 18 years or older.
9	806.111(1)	3rd	Possess, manufacture, or dispense
10			fire bomb with intent to damage
11			any structure or property.
12	812.0145(2)(b)	2nd	Theft from person 65 years of age
13			or older; \$10,000 or more but
14			less than \$50,000.
15	812.015(8)	3rd	Retail theft; property stolen is
16			valued at \$300 or more and one or
17			more specified acts.
18	812.019(1)	2nd	Stolen property; dealing in or
19			trafficking in.
20	812.131(2)(b)	3rd	Robbery by sudden snatching.
21	812.16(2)	3rd	Owning, operating, or conducting
22			a chop shop.
23	817.034(4)(a)2.	2nd	Communications fraud, value
24			\$20,000 to \$50,000.
25	817.234(11)(b)	2nd	Insurance fraud; property value
26			\$20,000 or more but less than
27			\$100,000.
28	<u>817.2341(1)</u>		
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1	<u>(2)(a)&amp;(3)(a)</u>	<u>3rd</u>	<u>Filing false financial</u>
2			<u>statements, making false entries</u>
3			<u>of material fact or false</u>
4			<u>statements regarding property</u>
5			<u>values relating to the solvency</u>
6			<u>of an insuring entity</u>
7	817.568(2)(b)	2nd	Fraudulent use of personal
8			identification information; value
9			of benefit, services received,
10			payment avoided, or amount of
11			injury or fraud, \$75,000 or more.
12	817.625(2)(b)	2nd	Second or subsequent fraudulent
13			use of scanning device or
14			reencoder.
15	825.1025(4)	3rd	Lewd or lascivious exhibition in
16			the presence of an elderly person
17			or disabled adult.
18	827.071(4)	2nd	Possess with intent to promote
19			any photographic material, motion
20			picture, etc., which includes
21			sexual conduct by a child.
22	839.13(2)(b)	2nd	Falsifying records of an
23			individual in the care and
24			custody of a state agency
25			involving great bodily harm or
26			death.
27	843.01	3rd	Resist officer with violence to
28			person; resist arrest with
29			violence.
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1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs).
9	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
10			cannabis (or other s.
11			893.03(1)(c), (2)(c)1., (2)(c)2.,
12			(2)(c)3., (2)(c)5., (2)(c)6.,
13			(2)(c)7., (2)(c)8., (2)(c)9.,
14			(3), or (4) drugs) within 1,000
15			feet of a child care facility or
16			school.
17	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), (2)(b), or (2)(c)4.
21			drugs) within 200 feet of
22			university or public park.
23	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
24			cannabis or other drug prohibited
25			under s. 893.03(1)(c), (2)(c)1.,
26			(2)(c)2., (2)(c)3., (2)(c)5.,
27			(2)(c)6., (2)(c)7., (2)(c)8.,
28			(2)(c)9., (3), or (4) within
29			1,000 feet of property used for
30			religious services or a specified
31			business site.

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1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 200 feet of public
6			housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
12			(g) LEVEL 7
13	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
14			injury.
15	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
16			bodily injury.
17	402.319(2)	2nd	Misrepresentation and negligence
18			or intentional act resulting in
19			great bodily harm, permanent
20			disfiguration, permanent
21			disability, or death.
22	409.920(2)	3rd	Medicaid provider fraud.
23	456.065(2)	3rd	Practicing a health care
24			profession without a license.
25	456.065(2)	2nd	Practicing a health care
26			profession without a license
27			which results in serious bodily
28			injury.
29	458.327(1)	3rd	Practicing medicine without a
30			license.
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1	459.013(1)	3rd	Practicing osteopathic medicine
2			without a license.
3	460.411(1)	3rd	Practicing chiropractic medicine
4			without a license.
5	461.012(1)	3rd	Practicing podiatric medicine
6			without a license.
7	462.17	3rd	Practicing naturopathy without a
8			license.
9	463.015(1)	3rd	Practicing optometry without a
10			license.
11	464.016(1)	3rd	Practicing nursing without a
12			license.
13	465.015(2)	3rd	Practicing pharmacy without a
14			license.
15	466.026(1)	3rd	Practicing dentistry or dental
16			hygiene without a license.
17	467.201	3rd	Practicing midwifery without a
18			license.
19	468.366	3rd	Delivering respiratory care
20			services without a license.
21	483.828(1)	3rd	Practicing as clinical laboratory
22			personnel without a license.
23	483.901(9)	3rd	Practicing medical physics
24			without a license.
25	484.013(1)(c)	3rd	Preparing or dispensing optical
26			devices without a prescription.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
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1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.074(1)(a)	1st	Aggravated battery on sexually
17			violent predators facility staff.
18	784.08(2)(a)	1st	Aggravated battery on a person 65
19			years of age or older.
20	784.081(1)	1st	Aggravated battery on specified
21			official or employee.
22	784.082(1)	1st	Aggravated battery by detained
23			person on visitor or other
24			detainee.
25	784.083(1)	1st	Aggravated battery on code
26			inspector.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.

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1	790.165(2)	2nd	Manufacture, sell, possess, or
2			deliver hoax bomb.
3	790.165(3)	2nd	Possessing, displaying, or
4			threatening to use any hoax bomb
5			while committing or attempting to
6			commit a felony.
7	790.166(3)	2nd	Possessing, selling, using, or
8			attempting to use a hoax weapon
9			of mass destruction.
10	790.166(4)	2nd	Possessing, displaying, or
11			threatening to use a hoax weapon
12			of mass destruction while
13			committing or attempting to
14			commit a felony.
15	796.03	2nd	Procuring any person under 16
16			years for prostitution.
17	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
18			victim less than 12 years of age;
19			offender less than 18 years.
20	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
21			victim 12 years of age or older
22			but less than 16 years; offender
23			18 years or older.
24	806.01(2)	2nd	Maliciously damage structure by
25			fire or explosive.
26	810.02(3)(a)	2nd	Burglary of occupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(d)	2nd	Burglary of occupied conveyance;
31			unarmed; no assault or battery.

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1	812.014(2)(a)	1st	Property stolen, valued at
2			\$100,000 or more; cargo stolen
3			valued at \$50,000 or more;
4			property stolen while causing
5			other property damage; 1st degree
6			grand theft.
7	812.014(2)(b)3.	2nd	Property stolen, emergency
8			medical equipment; 2nd degree
9			grand theft.
10	812.0145(2)(a)	1st	Theft from person 65 years of age
11			or older; \$50,000 or more.
12	812.019(2)	1st	Stolen property; initiates,
13			organizes, plans, etc., the theft
14			of property and traffics in
15			stolen property.
16	812.131(2)(a)	2nd	Robbery by sudden snatching.
17	812.133(2)(b)	1st	Carjacking; no firearm, deadly
18			weapon, or other weapon.
19	817.234(11)(c)	1st	Insurance fraud; property value
20			\$100,000 or more.
21	<u>817.2341(2)(b)&amp;</u>		
22	<u>(3)(b)</u>	<u>1st</u>	<u>Making false entries of material</u>
23			<u>fact or false statements</u>
24			<u>regarding property values</u>
25			<u>relating to the solvency of an</u>
26			<u>insuring entity which are a</u>
27			<u>significant cause of the</u>
28			<u>insolvency of that entity.</u>
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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.103(2)(b)	2nd	Exploiting an elderly person or
6			disabled adult and property is
7			valued at \$20,000 or more, but
8			less than \$100,000.
9	827.03(3)(b)	2nd	Neglect of a child causing great
10			bodily harm, disability, or
11			disfigurement.
12	827.04(3)	3rd	Impregnation of a child under 16
13			years of age by person 21 years
14			of age or older.
15	837.05(2)	3rd	Giving false information about
16			alleged capital felony to a law
17			enforcement officer.
18	872.06	2nd	Abuse of a dead human body.
19	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
20			cocaine (or other drug prohibited
21			under s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), (2)(b), or
23			(2)(c)4.) within 1,000 feet of a
24			child care facility or school.
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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 25 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1 893.135(1)(f)1. 1st Trafficking in amphetamine, more  
 2 than 14 grams, less than 28  
 3 grams.  
 4 893.135  
 5 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4  
 6 grams or more, less than 14  
 7 grams.  
 8 893.135  
 9 (1)(h)1.a. 1st Trafficking in  
 10 gamma-hydroxybutyric acid (GHB),  
 11 1 kilogram or more, less than 5  
 12 kilograms.  
 13 893.135  
 14 (1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1  
 15 kilogram or more, less than 5  
 16 kilograms.  
 17 893.135  
 18 (1)(k)2.a. 1st Trafficking in Phenethylamines,  
 19 10 grams or more, less than 200  
 20 grams.  
 21 896.101(5)(a) 3rd Money laundering, financial  
 22 transactions exceeding \$300 but  
 23 less than \$20,000.  
 24 896.104(4)(a)1. 3rd Structuring transactions to evade  
 25 reporting or registration  
 26 requirements, financial  
 27 transactions exceeding \$300 but  
 28 less than \$20,000.

29 Section 9. If any provision of this act or the  
 30 application thereof to any person or circumstance is held  
 31 invalid, the invalidity does not affect the other provisions

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1 or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the  
3 provisions of this act are declared severable.

4 Section 10. This act shall take effect July 1, 2003.

5  
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7 COMMITTEE SUBSTITUTE FOR  
8 CS/SB 1694

9 Provides that act may be cited as, "Pete Orr Insurance  
10 Anti-Fraud Act." Provides for a civil cause of action against  
11 an unauthorized insurer. Provides that specified affiliate and  
12 licensee violations are 3rd degree felonies. Provides that  
13 Division of Fraud investigators have statutory arrest and  
14 search powers. Ranks specified insurance fraud-related crimes  
15 on the Offense Severity Ranking Chart.

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