

By the Committee on Banking and Insurance

311-2125-04

1 A bill to be entitled
2 An act relating to workers' compensation;
3 amending s. 440.02, F.S.; redefining the terms
4 "corporate officer," "employee," and
5 "employer"; providing members of limited
6 liability companies similar authority to elect
7 exemption from workers' compensation coverage
8 as corporate officers; amending ss. 440.05,
9 440.077, F.S.; providing technical and
10 conforming changes relating to exemptions from
11 coverage requirements; amending s. 440.093,
12 F.S.; providing exceptions for limitations on
13 benefits for mental and nervous injuries;
14 amending s. 440.105, F.S.; deleting the
15 prohibition against specified acts; providing
16 for carriers and self-insured employers to
17 verify whether benefit recipients are
18 concurrently listed as employees of an
19 employing unit; amending s. 440.106, F.S.;
20 providing a technical and conforming change
21 relating to notification requirements; amending
22 s. 440.107, F.S.; providing technical and
23 conforming changes relating to exemptions from
24 coverage requirements; amending s. 440.13,
25 F.S.; revising method of calculating the value
26 of attendant care services; revising provisions
27 relating to penalties with respect to payment
28 of medical bills; revising practice parameters
29 applicable to medical care; amending ss.
30 440.14, 440.15, F.S.; correcting
31 cross-references; amending s. 440.20, F.S.;

1 providing duties of the Department of Financial
2 Services in ensuring timely payment of
3 benefits; deleting provisions that require an
4 ongoing examination of certain claims files and
5 provide for imposition of fines, that prohibit
6 recoupment of penalties through rate filings,
7 and that authorize rules for audit and
8 standards of the Automated Carrier Performance
9 System; amending s. 440.381, F.S.; revising
10 penalties relating to applications for
11 coverage; amending s. 440.525, F.S.; providing
12 for examination of certain entities and
13 reports; providing for the department to
14 examine claims files for questionable claims
15 handling practices or a pattern of unreasonably
16 controverted claims; providing for interviews
17 of certain witnesses; prohibiting recoupment of
18 a penalty through a rate base, premium, or rate
19 filing; amending s. 921.0022, F.S.; revising
20 criminal offense severity ranking chart with
21 respect to specified offenses involving
22 workers' compensation; providing an effective
23 date.

24

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

26

27 Section 1. Subsections (9), (15), and (16) of section
28 440.02, Florida Statutes, are amended to read:

29 440.02 Definitions.--When used in this chapter, unless
30 the context clearly requires otherwise, the following terms
31 shall have the following meanings:

1 (9) "Corporate officer" or "officer of a corporation"
2 means any person who fills an office provided for in the
3 corporate charter or articles of incorporation filed with the
4 Division of Corporations of the Department of State or as
5 permitted or required by chapter 607. ~~As to persons engaged in
6 the construction industry, the term "officer of a corporation"
7 includes a member owning at least 10 percent of a limited
8 liability company created and approved under chapter 608.~~

9 (15)(a) "Employee" means any person who receives
10 remuneration from an employer for the performance of any work
11 or service while engaged in any employment under any
12 appointment or contract for hire or apprenticeship, express or
13 implied, oral or written, whether lawfully or unlawfully
14 employed, and includes, but is not limited to, aliens and
15 minors.

16 (b) "Employee" includes any person who is an officer
17 of a corporation and who performs services for remuneration
18 for such corporation within this state, whether or not such
19 services are continuous.

20 1. Any officer of a corporation may elect to be exempt
21 from this chapter by filing written notice of the election
22 with the department as provided in s. 440.05.

23 2. As to officers of a corporation or members of a
24 limited liability company who are engaged in the construction
25 industry, no more than three officers of a corporation or
26 members of a limited liability company or of any group of
27 affiliated corporations or limited liability companies may
28 elect to be exempt from this chapter by filing written notice
29 of the election with the department as provided in s. 440.05.
30 Officers must be shareholders, each owning at least 10 percent
31 of the stock of such corporation and listed as an officer of

1 such corporation with the Division of Corporations of the
2 Department of State, in order to elect exemptions under this
3 chapter. Members must each own at least a 10-percent interest
4 of such limited liability company created under chapter 608
5 and the company must be listed with the Division of
6 Corporations of the Department of State in order to elect
7 exemption under this chapter.For purposes of this
8 subparagraph, the term "affiliated" means and includes one or
9 more corporations or limited liability companies or entities,
10 any one of which is a corporation or limited liability company
11 engaged in the construction industry, under the same or
12 substantially the same control of a group of business entities
13 which are connected or associated so that one entity controls
14 or has the power to control each of the other business
15 entities. The term "affiliated" includes, but is not limited
16 to, the members, officers, directors, executives, shareholders
17 active in management, employees, and agents of the affiliated
18 corporation or limited liability company. The ownership by one
19 business entity of a controlling interest in another business
20 entity or a pooling of equipment or income among business
21 entities shall be prima facie evidence that one business is
22 affiliated with the other.

23 3. An officer of a corporation or a member of a
24 limited liability company who elects to be exempt from this
25 chapter by filing a written notice of the election with the
26 department as provided in s. 440.05 is not an employee.

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28 Services are presumed to have been rendered to the corporation
29 if the officer is compensated by other than dividends upon
30 shares of stock of the corporation which the officer owns.

31 (c) "Employee" includes:

1 1. A sole proprietor, a member of a limited liability
2 company, or a partner who is not engaged in the construction
3 industry, devotes full time to the proprietorship or
4 partnership, and elects to be included in the definition of
5 employee by filing notice thereof as provided in s. 440.05.

6 2. All persons who are being paid by a construction
7 contractor as a subcontractor, unless the subcontractor has
8 validly elected an exemption as permitted by this chapter, or
9 has otherwise secured the payment of compensation coverage as
10 a subcontractor, consistent with s. 440.10, for work performed
11 by or as a subcontractor.

12 3. An independent contractor working or performing
13 services in the construction industry.

14 4. A sole proprietor who engages in the construction
15 industry and a partner or partnership that is engaged in the
16 construction industry.

17 5. A volunteer worker for the state or a county,
18 municipality, or other governmental entity.

19 (d) "Employee" does not include:

20 1. An independent contractor who is not engaged in the
21 construction industry.

22 a. In order to meet the definition of independent
23 contractor, at least four of the following criteria must be
24 met:

25 (I) The independent contractor maintains a separate
26 business with his or her own work facility, truck, equipment,
27 materials, or similar accommodations;

28 (II) The independent contractor holds or has applied
29 for a federal employer identification number, unless the
30 independent contractor is a sole proprietor who is not
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1 required to obtain a federal employer identification number
2 under state or federal regulations;

3 (III) The independent contractor receives compensation
4 for services rendered or work performed and such compensation
5 is paid to a business rather than to an individual;

6 (IV) The independent contractor holds one or more bank
7 accounts in the name of the business entity for purposes of
8 paying business expenses or other expenses related to services
9 rendered or work performed for compensation;

10 (V) The independent contractor performs work or is
11 able to perform work for any entity in addition to or besides
12 the employer at his or her own election without the necessity
13 of completing an employment application or process; or

14 (VI) The independent contractor receives compensation
15 for work or services rendered on a competitive-bid basis or
16 completion of a task or a set of tasks as defined by a
17 contractual agreement, unless such contractual agreement
18 expressly states that an employment relationship exists.

19 b. If four of the criteria listed in sub-subparagraph
20 a. do not exist, an individual may still be presumed to be an
21 independent contractor and not an employee based on full
22 consideration of the nature of the individual situation with
23 regard to satisfying any of the following conditions:

24 (I) The independent contractor performs or agrees to
25 perform specific services or work for a specific amount of
26 money and controls the means of performing the services or
27 work.

28 (II) The independent contractor incurs the principal
29 expenses related to the service or work that he or she
30 performs or agrees to perform.

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1 (III) The independent contractor is responsible for
2 the satisfactory completion of the work or services that he or
3 she performs or agrees to perform.

4 (IV) The independent contractor receives compensation
5 for work or services performed for a commission or on a
6 per-job basis and not on any other basis.

7 (V) The independent contractor may realize a profit or
8 suffer a loss in connection with performing work or services.

9 (VI) The independent contractor has continuing or
10 recurring business liabilities or obligations.

11 (VII) The success or failure of the independent
12 contractor's business depends on the relationship of business
13 receipts to expenditures.

14 c. Notwithstanding anything to the contrary in this
15 subparagraph, an individual claiming to be an independent
16 contractor has the burden of proving that he or she is an
17 independent contractor for purposes of this chapter.

18 2. A real estate licensee, if that person agrees, in
19 writing, to perform for remuneration solely by way of
20 commission.

21 3. Bands, orchestras, and musical and theatrical
22 performers, including disk jockeys, performing in licensed
23 premises as defined in chapter 562, if a written contract
24 evidencing an independent contractor relationship is entered
25 into before the commencement of such entertainment.

26 4. An owner-operator of a motor vehicle who transports
27 property under a written contract with a motor carrier which
28 evidences a relationship by which the owner-operator assumes
29 the responsibility of an employer for the performance of the
30 contract, if the owner-operator is required to furnish the
31 necessary motor vehicle equipment and all costs incidental to

1 the performance of the contract, including, but not limited
2 to, fuel, taxes, licenses, repairs, and hired help; and the
3 owner-operator is paid a commission for transportation service
4 and is not paid by the hour or on some other time-measured
5 basis.

6 5. A person whose employment is both casual and not in
7 the course of the trade, business, profession, or occupation
8 of the employer.

9 6. A volunteer other than, ~~except~~ a volunteer worker
10 for the state or a county, municipality, or other governmental
11 entity. A person who does not receive monetary remuneration
12 for services is presumed to be a volunteer unless there is
13 substantial evidence that a valuable consideration was
14 intended by both employer and employee. For purposes of this
15 chapter, the term "volunteer" includes, but is not limited to:

16 a. Persons who serve in private nonprofit agencies and
17 who receive no compensation other than expenses in an amount
18 less than or equivalent to the standard mileage and per diem
19 expenses provided to salaried employees in the same agency or,
20 if such agency does not have salaried employees who receive
21 mileage and per diem, then such volunteers who receive no
22 compensation other than expenses in an amount less than or
23 equivalent to the customary mileage and per diem paid to
24 salaried workers in the community as determined by the
25 department; and

26 b. Volunteers participating in federal programs
27 established under Pub. L. No. 93-113.

28 7. Unless otherwise prohibited by this chapter, any
29 officer of a corporation or member of a limited liability
30 company who elects to be exempt from this chapter. Such
31 officer or member is not an employee for any reason under this

1 chapter until the notice of revocation of election filed
2 pursuant to s. 440.05 is effective.

3 8. An officer of a corporation or member of a limited
4 liability company that is engaged in the construction industry
5 who elects to be exempt from the provisions of this chapter,
6 as otherwise permitted by this chapter. Such officer or member
7 is not an employee for any reason until the notice of
8 revocation of election filed pursuant to s. 440.05 is
9 effective.

10 9. An exercise rider who does not work for a single
11 horse farm or breeder, and who is compensated for riding on a
12 case-by-case basis, provided a written contract is entered
13 into prior to the commencement of such activity which
14 evidences that an employee/employer relationship does not
15 exist.

16 10. A taxicab, limousine, or other passenger
17 vehicle-for-hire driver who operates said vehicles pursuant to
18 a written agreement with a company which provides any
19 dispatch, marketing, insurance, communications, or other
20 services under which the driver and any fees or charges paid
21 by the driver to the company for such services are not
22 conditioned upon, or expressed as a proportion of, fare
23 revenues.

24 11. A person who performs services as a sports
25 official for an entity sponsoring an interscholastic sports
26 event or for a public entity or private, nonprofit
27 organization that sponsors an amateur sports event. For
28 purposes of this subparagraph, such a person is an independent
29 contractor. For purposes of this subparagraph, the term
30 "sports official" means any person who is a neutral
31 participant in a sports event, including, but not limited to,

1 umpires, referees, judges, linespersons, scorekeepers, or
2 timekeepers. This subparagraph does not apply to any person
3 employed by a district school board who serves as a sports
4 official as required by the employing school board or who
5 serves as a sports official as part of his or her
6 responsibilities during normal school hours.

7 12. Medicaid-enrolled clients under chapter 393 who
8 are excluded from the definition of employment under s.
9 443.036(21)(d)5. and served by Adult Day Training Services
10 under the Home and Community-Based Medicaid Waiver program in
11 a sheltered workshop setting licensed by the United States
12 Department of Labor for the purpose of training and earning
13 less than the federal hourly minimum wage.

14 (16)(a) "Employer" means the state and all political
15 subdivisions thereof, all public and quasi-public corporations
16 therein, every person carrying on any employment, and the
17 legal representative of a deceased person or the receiver or
18 trustees of any person. ~~"Employer" also includes employment~~
19 ~~agencies, employee leasing companies, and similar agents who~~
20 ~~provide employees to other persons.~~ If the employer is a
21 corporation, parties in actual control of the corporation,
22 including, but not limited to, the president, officers who
23 exercise broad corporate powers, directors, and all
24 shareholders who directly or indirectly own a controlling
25 interest in the corporation, are considered the employer for
26 the purposes of ss. 440.105, 440.106, and 440.107.

27 (b) A homeowner shall not be considered the employer
28 of persons hired by the homeowner to carry out construction on
29 the homeowner's own premises if those premises are not
30 intended for immediate lease, sale, or resale.

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1 (c) Facilities serving individuals under subparagraph
2 (15)(d)12. shall be considered agents of the Agency for Health
3 Care Administration as it relates to providing Adult Day
4 Training Services under the Home and Community-Based Medicaid
5 Waiver program and not employers or third parties for the
6 purpose of limiting or denying Medicaid benefits.

7 Section 2. Subsections (3), (6), (10), (11), (12),
8 (13), (14), and (15) of section 440.05, Florida Statutes, are
9 amended to read:

10 440.05 Election of exemption; revocation of election;
11 notice; certification.--

12 (3) Each officer of a corporation or member of a
13 limited liability company who is engaged in the construction
14 industry and who elects an exemption from this chapter or who,
15 after electing such exemption, revokes that exemption, must
16 mail a written notice to such effect to the department on a
17 form prescribed by the department. The notice of election to
18 be exempt from the provisions of this chapter must be
19 notarized and under oath. The notice of election to be exempt
20 which is submitted to the department by the officer of a
21 corporation or member of a limited liability company who is
22 allowed to claim an exemption as provided by this chapter must
23 list the name, federal tax identification number, social
24 security number, all certified or registered licenses issued
25 pursuant to chapter 489 held by the person seeking the
26 exemption, a copy of relevant documentation as to employment
27 status filed with the Internal Revenue Service as specified by
28 the department, a copy of the relevant occupational license in
29 the primary jurisdiction of the business, and the registration
30 number of the corporation or limited liability company filed
31 with the Division of Corporations of the Department of State

1 along with a copy of the stock certificate or certificate of
2 membership interest evidencing the required ownership or
3 interest under this chapter. The notice of election to be
4 exempt must identify each corporation or limited liability
5 company that employs the person electing the exemption and
6 must list the social security number or federal tax
7 identification number of each such employer and the additional
8 documentation required by this section. In addition, the
9 notice of election to be exempt must provide that the officer
10 or member electing an exemption is not entitled to benefits
11 under this chapter, must provide that the election does not
12 exceed exemption limits for officers or members provided in s.
13 440.02, and must certify that any employees of the corporation
14 or limited liability company whose officer or member elects an
15 exemption are covered by workers' compensation insurance. Upon
16 receipt of the notice of the election to be exempt, receipt of
17 all application fees, and a determination by the department
18 that the notice meets the requirements of this subsection, the
19 department shall issue a certification of the election to the
20 officer or member, unless the department determines that the
21 information contained in the notice is invalid. The department
22 shall revoke a certificate of election to be exempt from
23 coverage upon a determination by the department that the
24 person does not meet the requirements for exemption or that
25 the information contained in the notice of election to be
26 exempt is invalid. The certificate of election must list the
27 name of the corporation or limited liability company listed in
28 the request for exemption. A new certificate of election must
29 be obtained each time the person is employed by a new or
30 different corporation or limited liability company that is not
31 listed on the certificate of election. A copy of the

1 certificate of election must be sent to each workers'
2 compensation carrier identified in the request for exemption.
3 Upon filing a notice of revocation of election, an officer or
4 member who is a subcontractor or an officer or member of a
5 corporate or limited liability company subcontractor must
6 notify her or his contractor. Upon revocation of a certificate
7 of election of exemption by the department, the department
8 shall notify the workers' compensation carriers identified in
9 the request for exemption.

10 (6) A construction industry certificate of election to
11 be exempt which is issued in accordance with this section
12 shall be valid for 2 years after the effective date stated
13 thereon. Both the effective date and the expiration date must
14 be listed on the face of the certificate by the department.
15 The construction industry certificate must expire at midnight,
16 2 years from its issue date, as noted on the face of the
17 exemption certificate. ~~Any person who has received from the~~
18 ~~department a construction industry certificate of election to~~
19 ~~be exempt which is in effect on December 31, 1998, shall file~~
20 ~~a new notice of election to be exempt by the last day in his~~
21 ~~or her birth month following December 1, 1998.~~ A construction
22 industry certificate of election to be exempt may be revoked
23 before its expiration by the officer or member for whom it was
24 issued or by the department for the reasons stated in this
25 section. At least 60 days prior to the expiration date of a
26 construction industry certificate of exemption issued after
27 December 1, 1998, the department shall send notice of the
28 expiration date and an application for renewal to the
29 certificateholder at the address on the certificate.

30 (10) Each officer of a corporation or member of a
31 limited liability company who is actively engaged in the

1 construction industry and who elects an exemption from this
2 chapter shall maintain business records as specified by the
3 department by rule, which rules must include the provision
4 that any corporation with exempt officers or any limited
5 liability company with exempt members engaged in the
6 construction industry must maintain written statements of
7 those exempted persons affirmatively acknowledging each such
8 individual's exempt status.

9 ~~(11) Any corporate officer permitted by this chapter~~
10 ~~to claim an exemption must be listed on the records of this~~
11 ~~state's Secretary of State, Division of Corporations, as a~~
12 ~~corporate officer. The department shall issue a stop-work~~
13 ~~order under s. 440.107(1) to any corporation who employs a~~
14 ~~person who claims to be exempt as a corporate officer but who~~
15 ~~fails or refuses to produce the documents required under this~~
16 ~~subsection to the department within 3 business days after the~~
17 ~~request is made.~~

18 (11)~~(12)~~ Certificates of election to be exempt issued
19 under subsection (3) shall apply only to the corporate officer
20 or member of a limited liability company named on the notice
21 of election to be exempt and apply only within the scope of
22 the business or trade listed on the notice of election to be
23 exempt.

24 (12)~~(13)~~ Notices of election to be exempt and
25 certificates of election to be exempt shall be subject to
26 revocation if, at any time after the filing of the notice or
27 the issuance of the certificate, the person named on the
28 notice or certificate no longer meets the requirements of this
29 section for issuance of a certificate. The department shall
30 revoke a certificate at any time for failure of the person
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1 named on the certificate to meet the requirements of this
2 section.

3 ~~(13)~~(14) An officer of a corporation or member of a
4 limited liability company who elects exemption from this
5 chapter by filing a certificate of election under this section
6 may not recover benefits or compensation under this chapter.
7 For purposes of determining the appropriate premium for
8 workers' compensation coverage, carriers may not consider any
9 officer of a corporation or member of a limited liability
10 company who validly meets the requirements of this section to
11 be an employee.

12 ~~(14)~~(15) Any corporate officer or member of a limited
13 liability company who is an affiliated person of a person who
14 is delinquent in paying a stop-work order and penalty
15 assessment order issued pursuant to s. 440.107, or owed
16 pursuant to a court order, is ineligible for an election of
17 exemption. The stop-work order and penalty assessment shall be
18 in effect against any such affiliated person. As used in this
19 subsection, the term "affiliated person" means:

20 (a) The spouse of such other person;

21 (b) Any person who directly or indirectly owns or
22 controls, or holds with the power to vote, 10 percent or more
23 of the outstanding voting securities of such other person;

24 (c) Any person who directly or indirectly owns 10
25 percent or more of the outstanding voting securities that are
26 directly or indirectly owned, controlled, or held with the
27 power to vote by such other person;

28 (d) Any person or group of persons who directly or
29 indirectly control, are controlled by, or are under common
30 control with such other person;

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1 (e) Any person who directly or indirectly acquires all
2 or substantially all of the other assets of such other person;

3 (f) Any officer, director, trustee, partner, owner,
4 manager, joint venturer, or employee of such other person or a
5 person performing duties similar to persons in such positions;
6 or

7 (g) Any person who has an officer, director, trustee,
8 partner, or joint venturer in common with such person.

9 Section 3. Section 440.077, Florida Statutes, is
10 amended to read:

11 440.077 When a corporate officer or member of a
12 limited liability company rejects chapter, effect.--An officer
13 of a corporation or member of a limited liability company who
14 is permitted to elect an exemption under this chapter and who
15 elects to be exempt from the provisions of this chapter may
16 not recover benefits under this chapter.

17 Section 4. Subsection (1) of section 440.093, Florida
18 Statutes, is amended to read:

19 440.093 Mental and nervous injuries.--

20 (1) A mental or nervous injury due to stress, fright,
21 or excitement only is not an injury by accident arising out of
22 the employment. Nothing in this section shall be construed to
23 allow for the payment of benefits under this chapter for
24 mental or nervous injuries without an accompanying physical
25 injury requiring medical treatment, except in instances of
26 sexual battery or robbery which arise out of and in the course
27 of employment. A physical injury resulting from mental or
28 nervous injuries unaccompanied by physical trauma requiring
29 medical treatment shall not be compensable under this chapter.

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1 Section 5. Subsections (2), (3), and (4) of section
2 440.105, Florida Statutes, are amended, and subsection (8) is
3 added to that section, to read:

4 440.105 Prohibited activities; reports; penalties;
5 limitations.--

6 (2) Whoever violates any provision of this subsection
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083.

9 (a) It shall be unlawful for any employer to
10 knowingly:

11 1. Coerce or attempt to coerce, as a precondition to
12 employment or otherwise, an employee to obtain a certificate
13 of election of exemption pursuant to s. 440.05.

14 2. Discharge or refuse to hire an employee or job
15 applicant because the employee or applicant has filed a claim
16 for benefits under this chapter.

17 3. Discharge, discipline, or take any other adverse
18 personnel action against any employee for disclosing
19 information to the department or any law enforcement agency
20 relating to any violation or suspected violation of any of the
21 provisions of this chapter or rules promulgated hereunder.

22 ~~4. Violate a stop-work order issued by the department~~
23 ~~pursuant to s. 440.107.~~

24 (b) It shall be unlawful for any insurance entity to
25 revoke or cancel a workers' compensation insurance policy or
26 membership because an employer has returned an employee to
27 work or hired an employee who has filed a workers'
28 compensation claim.

29 (3) Whoever violates any provision of this subsection
30 commits a misdemeanor of the first degree, punishable as
31 provided in s. 775.082 or s. 775.083.

1 (a) It shall be unlawful for any employer to knowingly
2 fail to update applications for coverage as required by s.
3 440.381(1) and department rules within 7 days after the
4 reporting date for any change in the required information, or
5 to post notice of coverage pursuant to s. 440.40.

6 ~~(b) It shall be unlawful for any employer to knowingly~~
7 ~~participate in the creation of the employment relationship in~~
8 ~~which the employee has used any false, fraudulent, or~~
9 ~~misleading oral or written statement as evidence of identity.~~

10 (b)(c) It is unlawful for any attorney or other
11 person, in his or her individual capacity or in his or her
12 capacity as a public or private employee, or for any firm,
13 corporation, partnership, or association to receive any fee or
14 other consideration or any gratuity from a person on account
15 of services rendered for a person in connection with any
16 proceedings arising under this chapter, unless such fee,
17 consideration, or gratuity is approved by a judge of
18 compensation claims or by the Deputy Chief Judge of
19 Compensation Claims.

20 (4) Whoever violates any provision of this subsection
21 commits insurance fraud, punishable as provided in paragraph
22 (f).

23 (a) It shall be unlawful for any employer to
24 knowingly:

25 1. Present or cause to be presented any false,
26 fraudulent, or misleading oral or written statement to any
27 person as evidence of compliance with s. 440.38.

28 2. Make a deduction from the pay of any employee
29 entitled to the benefits of this chapter for the purpose of
30 requiring the employee to pay any portion of premium paid by
31 the employer to a carrier or to contribute to a benefit fund

1 or department maintained by such employer for the purpose of
2 providing compensation or medical services and supplies as
3 required by this chapter.

4 3. Fail to secure payment of compensation if required
5 to do so by this chapter.

6 (b) It shall be unlawful for any person:

7 1. To knowingly make, or cause to be made, any false,
8 fraudulent, or misleading oral or written statement for the
9 purpose of obtaining or denying any benefit or payment under
10 this chapter.

11 2. To present or cause to be presented any written or
12 oral statement as part of, or in support of, a claim for
13 payment or other benefit pursuant to any provision of this
14 chapter, knowing that such statement contains any false,
15 incomplete, or misleading information concerning any fact or
16 thing material to such claim.

17 3. To prepare or cause to be prepared any written or
18 oral statement that is intended to be presented to any
19 employer, insurance company, or self-insured program in
20 connection with, or in support of, any claim for payment or
21 other benefit pursuant to any provision of this chapter,
22 knowing that such statement contains any false, incomplete, or
23 misleading information concerning any fact or thing material
24 to such claim.

25 4. To knowingly assist, conspire with, or urge any
26 person to engage in activity prohibited by this section.

27 5. To knowingly make any false, fraudulent, or
28 misleading oral or written statement, or to knowingly omit or
29 conceal material information, required by s. 440.185 or s.
30 440.381, for the purpose of obtaining workers' compensation
31 coverage or for the purpose of avoiding, delaying, or

1 diminishing the amount of payment of any workers' compensation
2 premiums.

3 6. To knowingly misrepresent or conceal payroll,
4 classification of workers, or information regarding an
5 employer's loss history which would be material to the
6 computation and application of an experience rating
7 modification factor for the purpose of avoiding or diminishing
8 the amount of payment of any workers' compensation premiums.

9 7. To knowingly present or cause to be presented any
10 false, fraudulent, or misleading oral or written statement to
11 any person as evidence of compliance with s. 440.38, as
12 evidence of eligibility for a certificate of exemption under
13 s. 440.05.

14 8. To knowingly violate a stop-work order issued by
15 the department pursuant to s. 440.107.

16 ~~9. To knowingly present or cause to be presented any~~
17 ~~false, fraudulent, or misleading oral or written statement to~~
18 ~~any person as evidence of identity for the purpose of~~
19 ~~obtaining employment or filing or supporting a claim for~~
20 ~~workers' compensation benefits.~~

21 (c) It shall be unlawful for any physician licensed
22 under chapter 458, osteopathic physician licensed under
23 chapter 459, chiropractic physician licensed under chapter
24 460, podiatric physician licensed under chapter 461,
25 optometric physician licensed under chapter 463, or any other
26 practitioner licensed under the laws of this state to
27 knowingly and willfully assist, conspire with, or urge any
28 person to fraudulently violate any of the provisions of this
29 chapter.

30 (d) It shall be unlawful for any person or
31 governmental entity licensed under chapter 395 to maintain or

1 operate a hospital in such a manner so that such person or
2 governmental entity knowingly and willfully allows the use of
3 the facilities of such hospital by any person, in a scheme or
4 conspiracy to fraudulently violate any of the provisions of
5 this chapter.

6 (e) It shall be unlawful for any attorney or other
7 person, in his or her individual capacity or in his or her
8 capacity as a public or private employee, or any firm,
9 corporation, partnership, or association, to knowingly assist,
10 conspire with, or urge any person to fraudulently violate any
11 of the provisions of this chapter.

12 (f) If the monetary value of any violation of this
13 subsection:

14 1. Is less than \$20,000, the offender commits a felony
15 of the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 2. Is \$20,000 or more, but less than \$100,000, the
18 offender commits a felony of the second degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 3. Is \$100,000 or more, the offender commits a felony
21 of the first degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (8) As a condition of receiving compensation as
24 provided in this chapter, an employee must execute a waiver
25 authorizing the carrier to verify or determine through the
26 Agency for Workforce Innovation whether an employing unit is
27 reporting such an employee as an employee while the carrier is
28 concurrently paying workers' compensation benefits to the
29 employee.

30 Section 6. Subsection (4) of section 440.106, Florida
31 Statutes, is amended to read:

1 440.106 Civil remedies; administrative penalties.--

2 (4) The department ~~or the Office of Insurance~~
3 ~~Regulation~~ shall report any contractor determined in violation
4 of requirements of this chapter to the appropriate state
5 licensing board for disciplinary action.

6 Section 7. Paragraph (b) of subsection (7) of section
7 440.107, Florida Statutes, is amended to read:

8 440.107 Department powers to enforce employer
9 compliance with coverage requirements.--

10 (7)

11 (b) Stop-work orders and penalty assessment orders
12 issued under this section against a corporation, limited
13 liability company, partnership, or sole proprietorship shall
14 be in effect against any successor corporation or business
15 entity that has one or more of the same principals, or
16 officers, or members as the corporation, or partnership, or
17 limited liability company against which the stop-work order
18 was issued and are engaged in the same or equivalent trade or
19 activity.

20 Section 8. Paragraph (b) of subsection (2) and
21 subsections (11) and (15) of section 440.13, Florida Statutes,
22 are amended to read:

23 440.13 Medical services and supplies; penalty for
24 violations; limitations.--

25 (2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.--

26 (b) The employer shall provide appropriate
27 professional or nonprofessional attendant care performed only
28 at the direction and control of a physician when such care is
29 medically necessary. The physician shall prescribe such care
30 in writing. The employer or carrier shall not be responsible
31 for such care until the prescription for attendant care is

1 received by the employer and carrier, which shall specify the
2 time periods for such care, the level of care required, and
3 the type of assistance required. A prescription for attendant
4 care shall not prescribe such care retroactively. The value of
5 nonprofessional attendant care provided by a family member
6 must be determined as follows:

7 1. If the family member is not employed ~~or if the~~
8 ~~family member is employed and is providing attendant care~~
9 ~~services during hours that he or she is not engaged in~~
10 ~~employment~~, the per-hour value equals the federal minimum
11 hourly wage.

12 2. If the family member is employed and elects to
13 leave that employment to provide attendant or custodial care,
14 the per-hour value of that care equals the per-hour value of
15 the family member's former employment, not to exceed the
16 per-hour value of such care available in the community at
17 large. A family member or a combination of family members
18 providing nonprofessional attendant care under this paragraph
19 may not be compensated for more than a total of 12 hours per
20 day.

21 3. If the family member remains employed while
22 providing attendant or custodial care, the per-hour value of
23 that care equals the per-hour value of the family member's
24 employment, not to exceed the per-hour value of such care
25 available in the community at large.

26
27 Failure of the carrier to timely comply with this subsection
28 shall be a violation of this chapter and the carrier shall be
29 subject to penalties as provided for in s. 440.525.

30 (11) AUDITS.--

31

1 (a) The Agency for Health Care Administration may
2 investigate health care providers to determine whether
3 providers are complying with this chapter and with rules
4 adopted by the agency, whether the providers are engaging in
5 overutilization, whether providers are engaging in improper
6 billing practices, and whether providers are adhering to
7 practice parameters and protocols established in accordance
8 with this chapter. If the agency finds that a health care
9 provider has improperly billed, overutilized, or failed to
10 comply with agency rules or the requirements of this chapter,
11 including, but not limited to, practice parameters and
12 protocols established in accordance with this chapter, it must
13 notify the provider of its findings and may determine that the
14 health care provider may not receive payment from the carrier
15 or may impose penalties as set forth in subsection (8) or
16 other sections of this chapter. If the health care provider
17 has received payment from a carrier for services that were
18 improperly billed, that constitute overutilization, or that
19 were outside practice parameters or protocols established in
20 accordance with this chapter, it must return those payments to
21 the carrier. The agency may assess a penalty not to exceed
22 \$500 for each overpayment that is not refunded within 30 days
23 after notification of overpayment by the agency or carrier.

24 ~~(b) The department shall monitor carriers as provided~~
25 ~~in this chapter and the Office of Insurance Regulation shall~~
26 ~~audit insurers and group self-insurance funds as provided in~~
27 ~~s. 624.3161, to determine if medical bills are paid in~~
28 ~~accordance with this section and rules of the department and~~
29 ~~Financial Services Commission, respectively. Any employer, if~~
30 ~~self-insured, or carrier found by the department or Office of~~
31 ~~Insurance Regulation not to be within 90 percent compliance as~~

1 ~~to the payment of medical bills after July 1, 1994, must be~~
2 ~~assessed a fine not to exceed 1 percent of the prior year's~~
3 ~~assessment levied against such entity under s. 440.51 for~~
4 ~~every quarter in which the entity fails to attain 90-percent~~
5 ~~compliance. The department shall fine or otherwise discipline~~
6 ~~an employer or carrier, pursuant to this chapter or rules~~
7 ~~adopted by the department, and the Office of Insurance~~
8 ~~Regulation shall fine or otherwise discipline an insurer or~~
9 ~~group self-insurance fund pursuant to the insurance code or~~
10 ~~rules adopted by the Financial Services Commission, for each~~
11 ~~late payment of compensation that is below the minimum~~
12 ~~95-percent performance standard. Any carrier that is found to~~
13 ~~be not in compliance in subsequent consecutive quarters must~~
14 ~~implement a medical bill review program approved by the~~
15 ~~department or office, and an insurer or group self-insurance~~
16 ~~fund is subject to disciplinary action by the Office of~~
17 ~~Insurance Regulation.~~

18 **(b)**~~(c)~~ The agency has exclusive jurisdiction to decide
19 any matters concerning reimbursement, to resolve any
20 overutilization dispute under subsection (7), and to decide
21 any question concerning overutilization under subsection (8),
22 which question or dispute arises after January 1, 1994.

23 **(c)**~~(d)~~ The following agency actions do not constitute
24 agency action subject to review under ss. 120.569 and 120.57
25 and do not constitute actions subject to s. 120.56: referral
26 by the entity responsible for utilization review; a decision
27 by the agency to refer a matter to a peer review committee;
28 establishment by a health care provider or entity of
29 procedures by which a peer review committee reviews the
30 rendering of health care services; and the review proceedings,
31 report, and recommendation of the peer review committee.

1 (15) PRACTICE PARAMETERS.--The practice parameters and
2 protocols mandated under this chapter shall be the practice
3 parameters and protocols of the National Guideline
4 Clearinghouse, as of May 1, 2004, sponsored ~~adopted~~ by the
5 United States Agency for Healthcare Research and Quality in
6 partnership with the American Medical Association and the
7 American Association of Health Plans, or any other nationally
8 recognized organization that, in conjunction with appropriate
9 medical societies or organizations, makes available practice
10 parameters or clinical practice guidelines ~~effect on January~~
11 ~~1, 2003.~~

12 Section 9. Subsection (4) of section 440.14, Florida
13 Statutes, is amended to read:

14 440.14 Determination of pay.--

15 (4) Upon termination of the employee or upon
16 termination of the payment of fringe benefits of any employee
17 who is collecting indemnity benefits pursuant to s. 440.15(2)
18 or (3), the employer shall within 7 days of such termination
19 file a corrected 13-week wage statement reflecting the wages
20 paid and the fringe benefits that had been paid to the injured
21 employee, as provided in s. 440.02(28)~~s. 440.02(27)~~.

22 Section 10. Paragraphs (b) and (e) of subsection (1)
23 and subsection (6) of section 440.15, Florida Statutes, are
24 amended to read:

25 440.15 Compensation for disability.--Compensation for
26 disability shall be paid to the employee, subject to the
27 limits provided in s. 440.12(2), as follows:

28 (1) PERMANENT TOTAL DISABILITY.--

29 (b) In the following cases, an injured employee is
30 presumed to be permanently and totally disabled unless the
31 employer or carrier establishes that the employee is

- 1 physically capable of engaging in at least sedentary
2 employment within a 50-mile radius of the employee's
3 residence:
- 4 1. Spinal cord injury involving severe paralysis of an
5 arm, a leg, or the trunk;
 - 6 2. Amputation of an arm, a hand, a foot, or a leg
7 involving the effective loss of use of that appendage;
 - 8 3. Severe brain or closed-head injury as evidenced by:
9 a. Severe sensory or motor disturbances;
10 b. Severe communication disturbances;
11 c. Severe complex integrated disturbances of cerebral
12 function;
 - 13 d. Severe episodic neurological disorders; or
14 e. Other severe brain and closed-head injury
15 conditions at least as severe in nature as any condition
16 provided in sub-subparagraphs a.-d.;
 - 17 4. Second-degree or third-degree burns of 25 percent
18 or more of the total body surface or third-degree burns of 5
19 percent or more to the face and hands; or
 - 20 5. Total or industrial blindness.

21
22 In all other cases, in order to obtain permanent total
23 disability benefits, the employee must establish that he or
24 she is not able to engage in at least sedentary employment,
25 within a 50-mile radius of the employee's residence, due to
26 his or her physical limitation. Entitlement to such benefits
27 shall cease when the employee reaches age 75, unless the
28 employee is not eligible for social security benefits under 42
29 U.S.C. s. 402 or s. 423 because the employee's compensable
30 injury has prevented the employee from working sufficient
31 quarters to be eligible for such benefits, notwithstanding any

1 age limits. If the accident occurred on or after the employee
2 reaches age 70, benefits shall be payable during the
3 continuance of permanent total disability, not to exceed 5
4 years following the determination of permanent total
5 disability. Only claimants ~~with catastrophic injuries or~~
6 ~~claimants~~ who are incapable of engaging in employment, as
7 described in this paragraph, are eligible for permanent total
8 benefits. In no other case may permanent total disability be
9 awarded.

10 (e)1. The employer's or carrier's right to conduct
11 vocational evaluations or testing pursuant to s. 440.491 ~~by~~
12 ~~the employer's or carrier's chosen rehabilitation advisor or~~
13 ~~provider~~ continues even after the employee has been accepted
14 or adjudicated as entitled to compensation under this chapter
15 and costs for such evaluations and testing shall be borne by
16 the employer or carrier, respectively. This right includes,
17 but is not limited to, instances in which such evaluations or
18 tests are recommended by a treating physician or independent
19 medical-examination physician, instances warranted by a change
20 in the employee's medical condition, or instances in which the
21 employee appears to be making appropriate progress in
22 recuperation. This right may not be exercised more than once
23 every calendar year.

24 2. The carrier must confirm the scheduling of the
25 vocational evaluation or testing in writing, and must notify
26 the employee and the employee's counsel, if any, at least 7
27 days before the date on which vocational evaluation or testing
28 is scheduled to occur.

29 3. The employer or carrier may withhold payment of
30 benefits for permanent total disability or supplements for any
31 period during which the employee willfully fails or refuses to

1 appear without good cause for the scheduled vocational
2 evaluation or testing.

3 (6) EMPLOYEE REFUSES EMPLOYMENT.--If an injured
4 employee refuses employment suitable to the capacity thereof,
5 offered to or procured therefor, such employee shall not be
6 entitled to any compensation at any time during the
7 continuance of such refusal unless at any time in the opinion
8 of the judge of compensation claims such refusal is
9 justifiable. Time periods for the payment of benefits in
10 accordance with this section shall be counted in determining
11 the limitation of benefits as provided for in paragraphs
12 (2)(a), (3)(c), and (4)(e)~~(4)(b)~~.

13 Section 11. Paragraph (b) of subsection (6), paragraph
14 (b) of subsection (8), and subsections (15), (16), and (17) of
15 section 440.20, Florida Statutes, are amended to read:

16 440.20 Time for payment of compensation and medical
17 bills; penalties for late payment.--

18 (6)

19 (b) For medical services provided on or after January
20 1, 2004, the department shall require that all medical,
21 hospital, pharmacy, or dental bills properly submitted by the
22 provider, except for bills that are disallowed or denied by
23 the carrier or its authorized vendor in accordance with
24 department rule, are timely paid within 45 calendar days after
25 the carrier's receipt of the bill. Any carrier that is found
26 to be in noncompliance in the subsequent, consecutive 3-month
27 period must implement a medical-bill review program approved
28 by the department, and an insurer or group self-insurance fund
29 is subject to disciplinary action by the Office of Insurance
30 Regulation.The department shall impose penalties for late
31 payments or disallowances or denials of medical, hospital,

1 pharmacy, or dental bills that are below a minimum 95 percent
2 timely performance standard. The carrier shall pay to the
3 Workers' Compensation Administration Trust Fund a penalty of:

4 1. Twenty-five dollars for each bill below the 95
5 percent timely performance standard, but meeting a 90 percent
6 timely standard.

7 2. Fifty dollars for each bill below a 90 percent
8 timely performance standard.

9 (8)

10 (b) ~~In order to ensure carrier compliance under this~~
11 ~~chapter, the office shall monitor, audit, and investigate the~~
12 ~~performance of carriers.~~The department office shall require
13 that all compensation benefits are timely paid in accordance
14 with this section. The department office shall impose
15 penalties for late payments of compensation that are below a
16 minimum 95 percent timely payment performance standard. The
17 carrier shall pay to the Workers' Compensation Administration
18 Trust Fund a penalty of:

19 1. Fifty dollars per number of installments of
20 compensation below the 95 percent timely payment performance
21 standard and equal to or greater than a 90 percent timely
22 payment performance standard.

23 2. One hundred dollars per number of installments of
24 compensation below a 90 percent timely payment performance
25 standard.

26

27 This section does not affect the imposition of any penalties
28 or interest due to the claimant. If a carrier contracts with a
29 servicing agent to fulfill its administrative responsibilities
30 under this chapter, the payment practices of the servicing
31

1 agent are deemed the payment practices of the carrier for the
2 purpose of assessing penalties against the carrier.

3 ~~(15)(a) The office shall examine on an ongoing basis~~
4 ~~claims files in accordance with s. 624.3161 and may impose~~
5 ~~finest pursuant to s. 624.310(5) and this chapter in order to~~
6 ~~identify questionable claims-handling techniques, questionable~~
7 ~~patterns or practices of claims, or a pattern of repeated~~
8 ~~unreasonably controverted claims by carriers, as defined in s.~~
9 ~~440.02, providing services to employees pursuant to this~~
10 ~~chapter. If the office finds such questionable techniques,~~
11 ~~patterns, or repeated unreasonably controverted claims as~~
12 ~~constitute a general business practice of a carrier, as~~
13 ~~defined in s. 440.02, the office shall take appropriate action~~
14 ~~so as to bring such general business practices to a halt~~
15 ~~pursuant to s. 440.38(3) or may impose penalties pursuant to~~
16 ~~s. 624.4211. The department and office may initiate~~
17 ~~investigations of questionable techniques, patterns,~~
18 ~~practices, or repeated unreasonably controverted claims. The~~
19 ~~Financial Services Commission may by rule establish forms and~~
20 ~~procedures for corrective action plans and for auditing~~
21 ~~carriers.~~

22 ~~(b) As to any examination, investigation, or hearing~~
23 ~~being conducted under this chapter, the department and office:~~

24 ~~1. May administer oaths, examine and cross-examine~~
25 ~~witnesses, receive oral and documentary evidence; and~~

26 ~~2. Shall have the power to subpoena witnesses, compel~~
27 ~~their attendance and testimony, and require by subpoena the~~
28 ~~production of books, papers, records, files, correspondence,~~
29 ~~documents, or other evidence which is relevant to the inquiry.~~

30 ~~(c) If any person refuses to comply with any such~~
31 ~~subpoena or to testify as to any matter concerning which she~~

1 ~~or he may be lawfully interrogated, the Circuit Court of Leon~~
2 ~~County or of the county wherein such examination,~~
3 ~~investigation, or hearing is being conducted, or of the county~~
4 ~~wherein such person resides, may, on the application of the~~
5 ~~department or the office, issue an order requiring such person~~
6 ~~to comply with the subpoena and to testify.~~

7 ~~(d) Subpoenas shall be served, and proof of such~~
8 ~~service made, in the same manner as if issued by a circuit~~
9 ~~court. Witness fees, costs, and reasonable travel expenses, if~~
10 ~~claimed, shall be allowed the same as for testimony in a~~
11 ~~circuit court.~~

12 ~~(e) The department shall publish annually a report~~
13 ~~which indicates the promptness of first payment of~~
14 ~~compensation records of each carrier or self-insurer so as to~~
15 ~~focus attention on those carriers or self-insurers with poor~~
16 ~~payment records for the preceding year. The department and the~~
17 ~~office shall take appropriate steps so as to cause such poor~~
18 ~~carrier payment practices to halt pursuant to s. 440.38(3). In~~
19 ~~addition, the department shall take appropriate action so as~~
20 ~~to halt such poor payment practices of self-insurers. "Poor~~
21 ~~payment practice" means a practice of late payment sufficient~~
22 ~~to constitute a general business practice.~~

23 ~~(f) The Financial Services Commission, in consultation~~
24 ~~with the department, shall adopt rules providing guidelines to~~
25 ~~carriers, as defined in s. 440.02, self-insurers, and~~
26 ~~employers to indicate behavior that may be construed as~~
27 ~~questionable claims-handling techniques, questionable patterns~~
28 ~~of claims, repeated unreasonably controverted claims, or poor~~
29 ~~payment practices.~~

30 ~~(16) No penalty assessed under this section may be~~
31 ~~recouped by any carrier or self-insurer in the rate base, the~~

1 ~~premium, or any rate filing. The office shall enforce this~~
2 ~~subsection.~~

3 ~~(17) The Financial Services Commission may by rule~~
4 ~~establish audit procedures and set standards for the Automated~~
5 ~~Carrier Performance System.~~

6 Section 12. Subsection (2) of section 440.381, Florida
7 Statutes, is amended to read:

8 440.381 Application for coverage; reporting payroll;
9 payroll audit procedures; penalties.--

10 (2) ~~Submission of an application that contains false,~~
11 ~~misleading, or incomplete information provided with the~~
12 ~~purpose of avoiding or reducing the amount of premiums for~~
13 ~~workers' compensation coverage is a felony of the second~~
14 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
15 ~~s. 775.084.~~The application must contain a statement that the
16 filing of an application containing false, misleading, or
17 incomplete information provided with the purpose of avoiding
18 or reducing the amount of premiums for workers' compensation
19 coverage is a felony ~~of the third degree, punishable as~~
20 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~ The
21 application must contain a sworn statement by the employer
22 attesting to the accuracy of the information submitted and
23 acknowledging the provisions of former s. 440.37(4). The
24 application must contain a sworn statement by the agent
25 attesting that the agent explained to the employer or officer
26 the classification codes that are used for premium
27 calculations.

28 Section 13. Subsections (1), (2), and (3) of section
29 440.525, Florida Statutes, are amended, and subsection (5) is
30 added to that section, to read:

31

1 440.525 Examination and investigation of carriers and
2 claims-handling entities.--

3 (1) The department ~~and office~~ may examine, or
4 investigate any carrier, third-party administrator, servicing
5 agent, or other claims-handling entity as often as is
6 warranted to ensure that it is fulfilling its obligations
7 under this chapter.

8 (2) An examination may cover any period of the
9 carrier's, third-party administrator's, servicing agent's, or
10 other claims-handling entity's operations since the last
11 previous examination. An investigation based upon a reasonable
12 belief by the department that a material violation of this
13 chapter has occurred may cover any time period, but may not
14 predate the last examination by more than 5 years. The
15 department may by rule establish procedures, standards, and
16 protocols for examinations and investigations. If the
17 department finds any violation of this chapter, it may impose
18 administrative penalties pursuant to this chapter. If the
19 department finds any self-insurer in violation of this
20 chapter, it may take action pursuant s. 440.38(3).

21 Examinations or investigations by the department may address,
22 but are not limited to addressing, patterns or practices of
23 unreasonable delay in claims handling; timeliness and accuracy
24 of payments and reports under ss. 440.13, 440.16, ~~and~~ 440.185,
25 and 440.20; examination of claims files to determine whether
26 there are questionable claims handling practices or a pattern
27 of unreasonably controverted claims; or patterns or practices
28 of harassment, coercion, or intimidation of claimants. The
29 department may also specify by rule the documentation to be
30 maintained for each claim file.

31

1 (3) As to any examination or investigation conducted
2 under this chapter, the department shall have the power to
3 conduct onsite inspections of claims records and documentation
4 of a carrier, third-party administrator, servicing agent, or
5 other claims-handling entity, and conduct interviews, both
6 sworn and unsworn, of claims-handling personnel or other
7 witness. Carriers, third-party administrators, servicing
8 agents, and other claims-handling entities shall make all
9 claims records, documentation, communication, and
10 correspondence available to department personnel during
11 regular business hours. If any person fails to comply with a
12 request for production of records or documents or fails to
13 produce an employee or other witness for interview, the
14 department may compel production or attendance by subpoena.
15 The results of an examination or investigation shall be
16 provided to the carrier, third-party administrator, servicing
17 agent, or other claims-handling entity in a written report
18 setting forth the basis for any violations that are asserted.
19 Such report is agency action for purposes of chapter 120, and
20 the aggrieved party may request a proceeding under s. 120.57
21 with regard to the findings and conclusion of the report.

22 (5) No penalty assessed under this section may be
23 recouped by any carrier or self-insurer in the rate base, the
24 premium, or any rate filing. The office shall enforce this
25 subsection.

26 Section 14. Paragraphs (c), (e), and (g) of subsection
27 (3) of section 921.0022, Florida Statutes, are amended to
28 read:

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

31 (3) OFFENSE SEVERITY RANKING CHART

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31				

Statute	Degree	Description
		(c) LEVEL 3
119.10(3)	3rd	Unlawful use of confidential information from police reports.
316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

1	328.07(4)	3rd	Manufacture, exchange, or possess
2			vessel with counterfeit or wrong
3			ID number.
4	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
5			destroying, causing to be
6			destroyed, transferring, selling,
7			offering to sell, molesting, or
8			harassing marine turtles, marine
9			turtle eggs, or marine turtle
10			nests in violation of the Marine
11			Turtle Protection Act.
12	370.12(1)(e)6.	3rd	Soliciting to commit or
13			conspiring to commit a violation
14			of the Marine Turtle Protection
15			Act.
16	376.302(5)	3rd	Fraud related to reimbursement
17			for cleanup expenses under the
18			Inland Protection Trust Fund.
19	400.903(3)	3rd	Operating a clinic without a
20			license or filing false license
21			application or other required
22			information.
23	440.105(3)(b)	3rd	Receipt of fee or consideration
24			without approval by judge of
25			compensation claims.
26	<u>440.105(4)(f)1.</u>	<u>3rd</u>	<u>Workers' compensation insurance</u>
27			<u>fraud; property value less than</u>
28			<u>\$20,000.</u>
29	440.1051(3)	3rd	False report of workers'
30			compensation fraud or retaliation
31			for making such a report.

1	501.001(2)(b)	2nd	Tampers with a consumer product
2			or the container using materially
3			false/misleading information.
4	624.401(4)(a)	3rd	Transacting insurance without a
5			certificate of authority.
6	624.401(4)(b)1.	3rd	Transacting insurance without a
7			certificate of authority; premium
8			collected less than \$20,000.
9	626.902(1)(a) & (b)	3rd	Representing an unauthorized
10			insurer.
11	697.08	3rd	Equity skimming.
12	790.15(3)	3rd	Person directs another to
13			discharge firearm from a vehicle.
14	796.05(1)	3rd	Live on earnings of a prostitute.
15	806.10(1)	3rd	Maliciously injure, destroy, or
16			interfere with vehicles or
17			equipment used in firefighting.
18	806.10(2)	3rd	Interferes with or assaults
19			firefighter in performance of
20			duty.
21	810.09(2)(c)	3rd	Trespass on property other than
22			structure or conveyance armed
23			with firearm or dangerous weapon.
24	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
25			less than \$10,000.
26	812.0145(2)(c)	3rd	Theft from person 65 years of age
27			or older; \$300 or more but less
28			than \$10,000.
29	815.04(4)(b)	2nd	Computer offense devised to
30			defraud or obtain property.
31			

1	817.034(4)(a)3.	3rd	Engages in scheme to defraud
2			(Florida Communications Fraud
3			Act), property valued at less
4			than \$20,000.
5	817.233	3rd	Burning to defraud insurer.
6	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons
7			involved in motor vehicle
8			accidents.
9	817.234(11)(a)	3rd	Insurance fraud; property value
10			less than \$20,000.
11	817.236	3rd	Filing a false motor vehicle
12			insurance application.
13	817.2361	3rd	Creating, marketing, or
14			presenting a false or fraudulent
15			motor vehicle insurance card.
16	817.413(2)	3rd	Sale of used goods as new.
17	817.505(4)	3rd	Patient brokering.
18	828.12(2)	3rd	Tortures any animal with intent
19			to inflict intense pain, serious
20			physical injury, or death.
21	831.28(2)(a)	3rd	Counterfeiting a payment
22			instrument with intent to defraud
23			or possessing a counterfeit
24			payment instrument.
25	831.29	2nd	Possession of instruments for
26			counterfeiting drivers' licenses
27			or identification cards.
28	838.021(3)(b)	3rd	Threatens unlawful harm to public
29			servant.
30	843.19	3rd	Injure, disable, or kill police
31			dog or horse.

1	860.15(3)	3rd	Overcharging for repairs and
2			parts.
3	870.01(2)	3rd	Riot; inciting or encouraging.
4	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
5			cannabis (or other s.
6			893.03(1)(c), (2)(c)1., (2)(c)2.,
7			(2)(c)3., (2)(c)5., (2)(c)6.,
8			(2)(c)7., (2)(c)8., (2)(c)9.,
9			(3), or (4) drugs).
10	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver 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 university.
16	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
17			893.03(1)(c), (2)(c)1., (2)(c)2.,
18			(2)(c)3., (2)(c)5., (2)(c)6.,
19			(2)(c)7., (2)(c)8., (2)(c)9.,
20			(3), or (4) drugs within 1,000
21			feet of public housing facility.
22	893.13(6)(a)	3rd	Possession of any controlled
23			substance other than felony
24			possession of cannabis.
25	893.13(7)(a)8.	3rd	Withhold information from
26			practitioner regarding previous
27			receipt of or prescription for a
28			controlled substance.
29	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
30			controlled substance by fraud,
31			forgery, misrepresentation, etc.

1	893.13(7)(a)10.	3rd	Affix false or forged label to
2			package of controlled substance.
3	893.13(7)(a)11.	3rd	Furnish false or fraudulent
4			material information on any
5			document or record required by
6			chapter 893.
7	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
8			person, or owner of an animal in
9			obtaining a controlled substance
10			through deceptive, untrue, or
11			fraudulent representations in or
12			related to the practitioner's
13			practice.
14	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
15			practitioner's practice to assist
16			a patient, other person, or owner
17			of an animal in obtaining a
18			controlled substance.
19	893.13(8)(a)3.	3rd	Knowingly write a prescription
20			for a controlled substance for a
21			fictitious person.
22	893.13(8)(a)4.	3rd	Write a prescription for a
23			controlled substance for a
24			patient, other person, or an
25			animal if the sole purpose of
26			writing the prescription is a
27			monetary benefit for the
28			practitioner.
29	918.13(1)(a)	3rd	Alter, destroy, or conceal
30			investigation evidence.
31			

1	944.47(1)(a)1.-2.	3rd	Introduce contraband to
2			correctional facility.
3	944.47(1)(c)	2nd	Possess contraband while upon the
4			grounds of a correctional
5			institution.
6	985.3141	3rd	Escapes from a juvenile facility
7			(secure detention or residential
8			commitment facility).
9			(e) LEVEL 5
10	316.027(1)(a)	3rd	Accidents involving personal
11			injuries, failure to stop;
12			leaving scene.
13	316.1935(4)	2nd	Aggravated fleeing or eluding.
14	322.34(6)	3rd	Careless operation of motor
15			vehicle with suspended license,
16			resulting in death or serious
17			bodily injury.
18	327.30(5)	3rd	Vessel accidents involving
19			personal injury; leaving scene.
20	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
21			knowing HIV positive.
22	440.10(1)(g)	2nd	Failure to obtain workers'
23			compensation coverage.
24	<u>440.105(4)(f)2.</u>	<u>2nd</u>	<u>Workers' compensation insurance</u>
25			<u>fraud; property value \$20,000 or</u>
26			<u>more but less than \$100,000.</u>
27	440.105(5)	2nd	Unlawful solicitation for the
28			purpose of making workers'
29			compensation claims.
30			
31			

1	440.381(2)	2nd	Submission of false, misleading,
2			or incomplete information with
3			the purpose of avoiding or
4			reducing workers' compensation
5			premiums.
6	624.401(4)(b)2.	2nd	Transacting insurance without a
7			certificate or authority; premium
8			collected \$20,000 or more but
9			less than \$100,000.
10	626.902(1)(c)	2nd	Representing an unauthorized
11			insurer; repeat offender.
12	790.01(2)	3rd	Carrying a concealed firearm.
13	790.162	2nd	Threat to throw or discharge
14			destructive device.
15	790.163(1)	2nd	False report of deadly explosive
16			or weapon of mass destruction.
17	790.221(1)	2nd	Possession of short-barreled
18			shotgun or machine gun.
19	790.23	2nd	Felons in possession of firearms
20			or electronic weapons or devices.
21	800.04(6)(c)	3rd	Lewd or lascivious conduct;
22			offender less than 18 years.
23	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
24			offender 18 years or older.
25	806.111(1)	3rd	Possess, manufacture, or dispense
26			fire bomb with intent to damage
27			any structure or property.
28	812.0145(2)(b)	2nd	Theft from person 65 years of age
29			or older; \$10,000 or more but
30			less than \$50,000.
31			

1	812.015(8)	3rd	Retail theft; property stolen is
2			valued at \$300 or more and one or
3			more specified acts.
4	812.019(1)	2nd	Stolen property; dealing in or
5			trafficking in.
6	812.131(2)(b)	3rd	Robbery by sudden snatching.
7	812.16(2)	3rd	Owning, operating, or conducting
8			a chop shop.
9	817.034(4)(a)2.	2nd	Communications fraud, value
10			\$20,000 to \$50,000.
11	817.234(11)(b)	2nd	Insurance fraud; property value
12			\$20,000 or more but less than
13			\$100,000.
14	817.2341(1),		
15	(2)(a)&(3)(a)	3rd	Filing false financial
16			statements, making false entries
17			of material fact or false
18			statements regarding property
19			values relating to the solvency
20			of an insuring entity.
21	817.568(2)(b)	2nd	Fraudulent use of personal
22			identification information; value
23			of benefit, services received,
24			payment avoided, or amount of
25			injury or fraud, \$5,000 or more
26			or use of personal identification
27			information of 10 or more
28			individuals.
29	817.625(2)(b)	2nd	Second or subsequent fraudulent
30			use of scanning device or
31			reencoder.

1	825.1025(4)	3rd	Lewd or lascivious exhibition in
2			the presence of an elderly person
3			or disabled adult.
4	827.071(4)	2nd	Possess with intent to promote
5			any photographic material, motion
6			picture, etc., which includes
7			sexual conduct by a child.
8	839.13(2)(b)	2nd	Falsifying records of an
9			individual in the care and
10			custody of a state agency
11			involving great bodily harm or
12			death.
13	843.01	3rd	Resist officer with violence to
14			person; resist arrest with
15			violence.
16	874.05(2)	2nd	Encouraging or recruiting another
17			to join a criminal street gang;
18			second or subsequent offense.
19	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
20			cocaine (or other s.
21			893.03(1)(a), (1)(b), (1)(d),
22			(2)(a), (2)(b), or (2)(c)4.
23			drugs).
24			
25			
26			
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1	893.13(1)(c)2.	2nd	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) within 1,000
7			feet of a child care facility,
8			school, or state, county, or
9			municipal park or publicly owned
10			recreational facility or
11			community center.
12	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
13			cocaine (or other s.
14			893.03(1)(a), (1)(b), (1)(d),
15			(2)(a), (2)(b), or (2)(c)4.
16			drugs) within 1,000 feet of
17			university.
18	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
19			cannabis or other drug prohibited
20			under s. 893.03(1)(c), (2)(c)1.,
21			(2)(c)2., (2)(c)3., (2)(c)5.,
22			(2)(c)6., (2)(c)7., (2)(c)8.,
23			(2)(c)9., (3), or (4) within
24			1,000 feet of property used for
25			religious services or a specified
26			business site.
27			
28			
29			
30			
31			

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 1,000 feet of
6			public 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	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
16			injury.
17	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
18			bodily injury.
19	402.319(2)	2nd	Misrepresentation and negligence
20			or intentional act resulting in
21			great bodily harm, permanent
22			disfiguration, permanent
23			disability, or death.
24	409.920(2)	3rd	Medicaid provider fraud.
25	<u>440.105(4)(f)3.</u>	<u>1st</u>	<u>Workers' compensation insurance</u>
26			<u>fraud, the amount of the claim or</u>
27			<u>premium \$100,000 or more.</u>
28	456.065(2)	3rd	Practicing a health care
29			profession without a license.
30			
31			

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
31			

1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	782.051(3)	2nd	Attempted felony murder of a
24			person by a person other than the
25			perpetrator or the perpetrator of
26			an attempted felony.
27	782.07(1)	2nd	Killing of a human being by the
28			act, procurement, or culpable
29			negligence of another
30			(manslaughter).
31			

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.074(1)(a)	1st	Aggravated battery on sexually
21			violent predators facility staff.
22	784.08(2)(a)	1st	Aggravated battery on a person 65
23			years of age or older.
24	784.081(1)	1st	Aggravated battery on specified
25			official or employee.
26	784.082(1)	1st	Aggravated battery by detained
27			person on visitor or other
28			detainee.
29	784.083(1)	1st	Aggravated battery on code
30			inspector.
31			

1	790.07(4)	1st	Specified weapons violation
2			subsequent to previous conviction
3			of s. 790.07(1) or (2).
4	790.16(1)	1st	Discharge of a machine gun under
5			specified circumstances.
6	790.165(2)	2nd	Manufacture, sell, possess, or
7			deliver hoax bomb.
8	790.165(3)	2nd	Possessing, displaying, or
9			threatening to use any hoax bomb
10			while committing or attempting to
11			commit a felony.
12	790.166(3)	2nd	Possessing, selling, using, or
13			attempting to use a hoax weapon
14			of mass destruction.
15	790.166(4)	2nd	Possessing, displaying, or
16			threatening to use a hoax weapon
17			of mass destruction while
18			committing or attempting to
19			commit a felony.
20	796.03	2nd	Procuring any person under 16
21			years for prostitution.
22	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
23			victim less than 12 years of age;
24			offender less than 18 years.
25	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
26			victim 12 years of age or older
27			but less than 16 years; offender
28			18 years or older.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
31			

1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; cargo stolen
9			valued at \$50,000 or more;
10			property stolen while causing
11			other property damage; 1st degree
12			grand theft.
13	812.014(2)(b)3.	2nd	Property stolen, emergency
14			medical equipment; 2nd degree
15			grand theft.
16	812.0145(2)(a)	1st	Theft from person 65 years of age
17			or older; \$50,000 or more.
18	812.019(2)	1st	Stolen property; initiates,
19			organizes, plans, etc., the theft
20			of property and traffics in
21			stolen property.
22	812.131(2)(a)	2nd	Robbery by sudden snatching.
23	812.133(2)(b)	1st	Carjacking; no firearm, deadly
24			weapon, or other weapon.
25	817.234(8)(a)	2nd	Solicitation of motor vehicle
26			accident victims with intent to
27			defraud.
28	817.234(9)	2nd	Organizing, planning, or
29			participating in an intentional
30			motor vehicle collision.
31			

1	817.234(11)(c)	1st	Insurance fraud; property value
2			\$100,000 or more.
3	817.2341(2)(b)&		
4	(3)(b)	1st	Making false entries of material
5			fact or false statements
6			regarding property values
7			relating to the solvency of an
8			insuring entity which are a
9			significant cause of the
10			insolvency of that entity.
11	825.102(3)(b)	2nd	Neglecting an elderly person or
12			disabled adult causing great
13			bodily harm, disability, or
14			disfigurement.
15	825.103(2)(b)	2nd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$20,000 or more, but
18			less than \$100,000.
19	827.03(3)(b)	2nd	Neglect of a child causing great
20			bodily harm, disability, or
21			disfigurement.
22	827.04(3)	3rd	Impregnation of a child under 16
23			years of age by person 21 years
24			of age or older.
25	837.05(2)	3rd	Giving false information about
26			alleged capital felony to a law
27			enforcement officer.
28	838.015	2nd	Bribery.
29	838.016	2nd	Unlawful compensation or reward
30			for official behavior.
31			

1	838.021(3)(a)	2nd	Unlawful harm to a public
2			servant.
3	838.22	2nd	Bid tampering.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility, school, or
11			state, county, or municipal park
12			or publicly owned recreational
13			facility or community center.
14	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4., within 1,000 feet of
19			property used for religious
20			services or a specified business
21			site.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4. drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 25 lbs., less than 2,000
28			lbs.
29	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
30			28 grams, less than 200 grams.
31			

1	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
2			more than 4 grams, less than 14
3			grams.
4	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
5			more than 28 grams, less than 200
6			grams.
7	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
8			than 200 grams, less than 5
9			kilograms.
10	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
11			than 14 grams, less than 28
12			grams.
13	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
14			grams or more, less than 14
15			grams.
16	893.135(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
21			kilogram or more, less than 5
22			kilograms.
23	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines,
24			10 grams or more, less than 200
25			grams.
26	896.101(5)(a)	3rd	Money laundering, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
29			
30			
31			

1 896.104(4)(a)1. 3rd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions exceeding \$300 but
5 less than \$20,000.

6 Section 15. This act shall take effect upon becoming a
7 law.

8

9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 2268

12

12 Allows members of a limited liability company engaged in the
13 construction industry to provide proof of interest in the
14 company by submitting a certificate of membership for the
purpose of obtaining an exemption from workers' compensation
coverage.

15 Allows a member of a limited liability company not engaged in
16 the construction industry to elect to be considered an
employee; otherwise, the member would be exempt from coverage
requirements.

17

18 Provides conforming changes relating to exemption from
19 coverage requirements and the examinations and investigations
by the Department of Financial Services.

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