

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 who elects to be exempt
24 from this chapter by filing a written notice of the election
25 with the department as provided in s. 440.05 is not an
26 employee.

27
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 who elects to be exempt from this
30 chapter. Such officer is not an employee for any reason under
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1 this 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, establishments primarily
20 engaged in supplying temporary or continuing help on a
21 contract or fee basis where the help supplied is always on the
22 payroll of the supplying establishment but under the direct or
23 general supervision of the business to which the help is
24 furnished ~~and similar agents who provide employees to other~~
25 ~~persons~~. If the employer is a corporation, parties in actual
26 control of the corporation, including, but not limited to, the
27 president, officers who exercise broad corporate powers,
28 directors, and all shareholders who directly or indirectly own
29 a controlling interest in the corporation, are considered the
30 employer for the purposes of ss. 440.105, 440.106, and
31 440.107.

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

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

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

14 440.05 Election of exemption; revocation of election;
15 notice; certification.--

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

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

1 the request for exemption. A new certificate of election must
2 be obtained each time the person is employed by a new or
3 different corporation or limited liability company that is not
4 listed on the certificate of election. A copy of the
5 certificate of election must be sent to each workers'
6 compensation carrier identified in the request for exemption.
7 Upon filing a notice of revocation of election, an officer or
8 member who is a subcontractor or an officer or member of a
9 corporate or limited liability company subcontractor must
10 notify her or his contractor. Upon revocation of a certificate
11 of election of exemption by the department, the department
12 shall notify the workers' compensation carriers identified in
13 the request for exemption.

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

1 expiration date and an application for renewal to the
2 certificateholder at the address on the certificate.

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

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

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

28 ~~(12)(13)~~ Notices of election to be exempt and
29 certificates of election to be exempt shall be subject to
30 revocation if, at any time after the filing of the notice or
31 the issuance of the certificate, the person named on the

1 notice or certificate no longer meets the requirements of this
2 section for issuance of a certificate. The department shall
3 revoke a certificate at any time for failure of the person
4 named on the certificate to meet the requirements of this
5 section.

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

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

- 23 (a) The spouse of such other person;
- 24 (b) Any person who directly or indirectly owns or
25 controls, or holds with the power to vote, 10 percent or more
26 of the outstanding voting securities of such other person;
- 27 (c) Any person who directly or indirectly owns 10
28 percent or more of the outstanding voting securities that are
29 directly or indirectly owned, controlled, or held with the
30 power to vote by such other person;

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1 (d) Any person or group of persons who directly or
2 indirectly control, are controlled by, or are under common
3 control with such other person;

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

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

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

12 Section 3. Section 440.077, Florida Statutes, is
13 amended to read:

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

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

22 440.093 Mental and nervous injuries.--

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

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

6 440.105 Prohibited activities; reports; penalties;
7 limitations.--

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

11 (a) It shall be unlawful for any employer to
12 knowingly:

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

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

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

24 ~~4. Violate a stop work order issued by the department~~
25 ~~pursuant to s. 440.107.~~

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

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

4 (a) It shall be unlawful for any employer to knowingly
5 fail to update applications for coverage as required by s.
6 440.381(1) and department rules within 7 days after the
7 reporting date for any change in the required information, or
8 to post notice of coverage pursuant to s. 440.40.

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

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

23 (4) Whoever violates any provision of this subsection
24 commits insurance fraud, punishable as provided in paragraph
25 (f).

26 (a) It shall be unlawful for any employer to
27 knowingly:

28 1. Present or cause to be presented any false,
29 fraudulent, or misleading oral or written statement to any
30 person as evidence of compliance with s. 440.38.
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1 2. Make a deduction from the pay of any employee
2 entitled to the benefits of this chapter for the purpose of
3 requiring the employee to pay any portion of premium paid by
4 the employer to a carrier or to contribute to a benefit fund
5 or department maintained by such employer for the purpose of
6 providing compensation or medical services and supplies as
7 required by this chapter.

8 3. Fail to secure payment of compensation if required
9 to do so by this chapter.

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

11 1. To knowingly make, or cause to be made, any false,
12 fraudulent, or misleading oral or written statement for the
13 purpose of obtaining or denying any benefit or payment under
14 this chapter.

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

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

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

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1 5. To knowingly make any false, fraudulent, or
2 misleading oral or written statement, or to knowingly omit or
3 conceal material information, required by s. 440.185 or s.
4 440.381, for the purpose of obtaining workers' compensation
5 coverage or for the purpose of avoiding, delaying, or
6 diminishing the amount of payment of any workers' compensation
7 premiums.

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

14 7. To knowingly present or cause to be presented any
15 false, fraudulent, or misleading oral or written statement to
16 any person as evidence of compliance with s. 440.38, as
17 evidence of eligibility for a certificate of exemption under
18 s. 440.05.

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

21 ~~9. To knowingly present or cause to be presented any~~
22 ~~false, fraudulent, or misleading oral or written statement to~~
23 ~~any person as evidence of identity for the purpose of~~
24 ~~obtaining employment or filing or supporting a claim for~~
25 ~~workers' compensation benefits.~~

26 (c) It shall be unlawful for any physician licensed
27 under chapter 458, osteopathic physician licensed under
28 chapter 459, chiropractic physician licensed under chapter
29 460, podiatric physician licensed under chapter 461,
30 optometric physician licensed under chapter 463, or any other
31 practitioner licensed under the laws of this state to

1 knowingly and willfully assist, conspire with, or urge any
2 person to fraudulently violate any of the provisions of this
3 chapter.

4 (d) It shall be unlawful for any person or
5 governmental entity licensed under chapter 395 to maintain or
6 operate a hospital in such a manner so that such person or
7 governmental entity knowingly and willfully allows the use of
8 the facilities of such hospital by any person, in a scheme or
9 conspiracy to fraudulently violate any of the provisions of
10 this chapter.

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

17 (f) If the monetary value of any violation of this
18 subsection:

19 1. Is less than \$20,000, the offender commits a felony
20 of the third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

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

25 3. Is \$100,000 or more, the offender commits a felony
26 of the first degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (8) As a condition of receiving compensation as
29 provided in this chapter, an employee must execute a waiver
30 authorizing the carrier to verify or determine through the
31 Agency for Workforce Innovation whether an employing unit is

1 reporting such an employee as an employee while the carrier is
 2 concurrently paying workers' compensation benefits to the
 3 employee.

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

6 440.106 Civil remedies; administrative penalties.--

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

11 Section 7. Paragraph (b) of subsection (7) of section
 12 440.107, Florida Statutes, is amended to read:

13 440.107 Department powers to enforce employer
 14 compliance with coverage requirements.--

15 (7)

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

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

28 440.13 Medical services and supplies; penalty for
 29 violations; limitations.--

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

31

1 (b) The employer shall provide appropriate
2 professional or nonprofessional attendant care performed only
3 at the direction and control of a physician when such care is
4 medically necessary. The physician shall prescribe such care
5 in writing. The employer or carrier shall not be responsible
6 for such care until the prescription for attendant care is
7 received by the employer and carrier, which shall specify the
8 time periods for such care, the level of care required, and
9 the type of assistance required. A prescription for attendant
10 care shall not prescribe such care retroactively. The value of
11 nonprofessional attendant care provided by a family member
12 must be determined as follows:

13 1. If the family member is not employed ~~or if the~~
14 ~~family member is employed and is providing attendant care~~
15 ~~services during hours that he or she is not engaged in~~
16 ~~employment~~, the per-hour value equals the federal minimum
17 hourly wage.

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

27 3. If the family member remains employed while
28 providing attendant or custodial care, the per-hour value of
29 that care equals the per-hour value of the family member's
30 employment, not to exceed the per-hour value of such care
31 available in the community at large.

1
2 Failure of the carrier to timely comply with this subsection
3 shall be a violation of this chapter and the carrier shall be
4 subject to penalties as provided for in s. 440.525.

5 (11) AUDITS.--

6 (a) The Agency for Health Care Administration may
7 investigate health care providers to determine whether
8 providers are complying with this chapter and with rules
9 adopted by the agency, whether the providers are engaging in
10 overutilization, whether providers are engaging in improper
11 billing practices, and whether providers are adhering to
12 practice parameters and protocols established in accordance
13 with this chapter. If the agency finds that a health care
14 provider has improperly billed, overutilized, or failed to
15 comply with agency rules or the requirements of this chapter,
16 including, but not limited to, practice parameters and
17 protocols established in accordance with this chapter, it must
18 notify the provider of its findings and may determine that the
19 health care provider may not receive payment from the carrier
20 or may impose penalties as set forth in subsection (8) or
21 other sections of this chapter. If the health care provider
22 has received payment from a carrier for services that were
23 improperly billed, that constitute overutilization, or that
24 were outside practice parameters or protocols established in
25 accordance with this chapter, it must return those payments to
26 the carrier. The agency may assess a penalty not to exceed
27 \$500 for each overpayment that is not refunded within 30 days
28 after notification of overpayment by the agency or carrier.

29 ~~(b) The department shall monitor carriers as provided~~
30 ~~in this chapter and the Office of Insurance Regulation shall~~
31 ~~audit insurers and group self insurance funds as provided in~~

1 ~~s. 624.3161, to determine if medical bills are paid in~~
2 ~~accordance with this section and rules of the department and~~
3 ~~Financial Services Commission, respectively. Any employer, if~~
4 ~~self insured, or carrier found by the department or Office of~~
5 ~~Insurance Regulation not to be within 90 percent compliance as~~
6 ~~to the payment of medical bills after July 1, 1994, must be~~
7 ~~assessed a fine not to exceed 1 percent of the prior year's~~
8 ~~assessment levied against such entity under s. 440.51 for~~
9 ~~every quarter in which the entity fails to attain 90 percent~~
10 ~~compliance. The department shall fine or otherwise discipline~~
11 ~~an employer or carrier, pursuant to this chapter or rules~~
12 ~~adopted by the department, and the Office of Insurance~~
13 ~~Regulation shall fine or otherwise discipline an insurer or~~
14 ~~group self insurance fund pursuant to the insurance code or~~
15 ~~rules adopted by the Financial Services Commission, for each~~
16 ~~late payment of compensation that is below the minimum~~
17 ~~95 percent performance standard. Any carrier that is found to~~
18 ~~be not in compliance in subsequent consecutive quarters must~~
19 ~~implement a medical bill review program approved by the~~
20 ~~department or office, and an insurer or group self insurance~~
21 ~~fund is subject to disciplinary action by the Office of~~
22 ~~Insurance Regulation.~~

23 (b)(e) The agency has exclusive jurisdiction to decide
24 any matters concerning reimbursement, to resolve any
25 overutilization dispute under subsection (7), and to decide
26 any question concerning overutilization under subsection (8),
27 which question or dispute arises after January 1, 1994.

28 (c)(d) The following agency actions do not constitute
29 agency action subject to review under ss. 120.569 and 120.57
30 and do not constitute actions subject to s. 120.56: referral
31 by the entity responsible for utilization review; a decision

1 by the agency to refer a matter to a peer review committee;
2 establishment by a health care provider or entity of
3 procedures by which a peer review committee reviews the
4 rendering of health care services; and the review proceedings,
5 report, and recommendation of the peer review committee.

6 (15) PRACTICE PARAMETERS.--The practice parameters and
7 protocols mandated under this chapter shall be the practice
8 parameters and protocols of the National Guideline
9 Clearinghouse, as of May 1, 2004, sponsored ~~adopted~~ by the
10 United States Agency for Healthcare Research and Quality in
11 partnership with the American Medical Association and the
12 American Association of Health Plans, or any other nationally
13 recognized organization that, in conjunction with appropriate
14 medical societies or organizations, makes available practice
15 parameters or clinical practice guidelines ~~effect on January~~
16 ~~1, 2003.~~

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

19 440.14 Determination of pay.--

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

27 Section 10. Paragraphs (b) and (e) of subsection (1)
28 and subsection (6) of section 440.15, Florida Statutes, are
29 amended to read:

30
31

1 440.15 Compensation for disability.--Compensation for
2 disability shall be paid to the employee, subject to the
3 limits provided in s. 440.12(2), as follows:

4 (1) PERMANENT TOTAL DISABILITY.--

5 (b) In the following cases, an injured employee is
6 presumed to be permanently and totally disabled unless the
7 employer or carrier establishes that the employee is
8 physically capable of engaging in at least sedentary
9 employment within a 50-mile radius of the employee's
10 residence:

11 1. Spinal cord injury involving severe paralysis of an
12 arm, a leg, or the trunk;

13 2. Amputation of an arm, a hand, a foot, or a leg
14 involving the effective loss of use of that appendage;

15 3. Severe brain or closed-head injury as evidenced by:

16 a. Severe sensory or motor disturbances;

17 b. Severe communication disturbances;

18 c. Severe complex integrated disturbances of cerebral
19 function;

20 d. Severe episodic neurological disorders; or

21 e. Other severe brain and closed-head injury
22 conditions at least as severe in nature as any condition
23 provided in sub-subparagraphs a.-d.;

24 4. Second-degree or third-degree burns of 25 percent
25 or more of the total body surface or third-degree burns of 5
26 percent or more to the face and hands; or

27 5. Total or industrial blindness.

28
29 In all other cases, in order to obtain permanent total
30 disability benefits, the employee must establish that he or
31 she is not able to engage in at least sedentary employment,

1 within a 50-mile radius of the employee's residence, due to
2 his or her physical limitation. Entitlement to such benefits
3 shall cease when the employee reaches age 75, unless the
4 employee is not eligible for social security benefits under 42
5 U.S.C. s. 402 or s. 423 because the employee's compensable
6 injury has prevented the employee from working sufficient
7 quarters to be eligible for such benefits, notwithstanding any
8 age limits. If the accident occurred on or after the employee
9 reaches age 70, benefits shall be payable during the
10 continuance of permanent total disability, not to exceed 5
11 years following the determination of permanent total
12 disability. Only claimants ~~with catastrophic injuries or~~
13 ~~claimants~~ who are incapable of engaging in employment, as
14 described in this paragraph, are eligible for permanent total
15 benefits. In no other case may permanent total disability be
16 awarded.

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

31

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

6 3. The employer or carrier may withhold payment of
7 benefits for permanent total disability or supplements for any
8 period during which the employee willfully fails or refuses to
9 appear without good cause for the scheduled vocational
10 evaluation or testing.

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

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

24 440.20 Time for payment of compensation and medical
25 bills; penalties for late payment.--

26 (6)

27 (b) For medical services provided on or after January
28 1, 2004, the department shall require that all medical,
29 hospital, pharmacy, or dental bills properly submitted by the
30 provider, except for bills that are disallowed or denied by
31 the carrier or its authorized vendor in accordance with

1 department rule, are timely paid within 45 calendar days after
2 the carrier's receipt of the bill. Any carrier that is found
3 to be in noncompliance in the subsequent, consecutive 3-month
4 period must implement a medical-bill review program approved
5 by the department, and an insurer or group self-insurance fund
6 is subject to disciplinary action by the Office of Insurance
7 Regulation. The department shall impose penalties for late
8 payments or disallowances or denials of medical, hospital,
9 pharmacy, or dental bills that are below a minimum 95 percent
10 timely performance standard. The carrier shall pay to the
11 Workers' Compensation Administration Trust Fund a penalty of:
12 1. Twenty-five dollars for each bill below the 95
13 percent timely performance standard, but meeting a 90 percent
14 timely standard.
15 2. Fifty dollars for each bill below a 90 percent
16 timely performance standard.
17 (8)
18 (b) ~~In order to ensure carrier compliance under this~~
19 ~~chapter, the office shall monitor, audit, and investigate the~~
20 ~~performance of carriers.~~ The department office shall require
21 that all compensation benefits are timely paid in accordance
22 with this section. The department office shall impose
23 penalties for late payments of compensation that are below a
24 minimum 95 percent timely payment performance standard. The
25 carrier shall pay to the Workers' Compensation Administration
26 Trust Fund a penalty of:
27 1. Fifty dollars per number of installments of
28 compensation below the 95 percent timely payment performance
29 standard and equal to or greater than a 90 percent timely
30 payment performance standard.
31

1 2. One hundred dollars per number of installments of
2 compensation below a 90 percent timely payment performance
3 standard.

4
5 This section does not affect the imposition of any penalties
6 or interest due to the claimant. If a carrier contracts with a
7 servicing agent to fulfill its administrative responsibilities
8 under this chapter, the payment practices of the servicing
9 agent are deemed the payment practices of the carrier for the
10 purpose of assessing penalties against the carrier.

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

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

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

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

7 ~~(c) If any person refuses to comply with any such~~
8 ~~subpoena or to testify as to any matter concerning which she~~
9 ~~or he may be lawfully interrogated, the Circuit Court of Leon~~
10 ~~County or of the county wherein such examination,~~
11 ~~investigation, or hearing is being conducted, or of the county~~
12 ~~wherein such person resides, may, on the application of the~~
13 ~~department or the office, issue an order requiring such person~~
14 ~~to comply with the subpoena and to testify.~~

15 ~~(d) Subpoenas shall be served, and proof of such~~
16 ~~service made, in the same manner as if issued by a circuit~~
17 ~~court. Witness fees, costs, and reasonable travel expenses, if~~
18 ~~claimed, shall be allowed the same as for testimony in a~~
19 ~~circuit court.~~

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

31

1 ~~(f) The Financial Services Commission, in consultation~~
2 ~~with the department, shall adopt rules providing guidelines to~~
3 ~~carriers, as defined in s. 440.02, self insurers, and~~
4 ~~employers to indicate behavior that may be construed as~~
5 ~~questionable claims handling techniques, questionable patterns~~
6 ~~of claims, repeated unreasonably controverted claims, or poor~~
7 ~~payment practices.~~

8 ~~(16) No penalty assessed under this section may be~~
9 ~~recouped by any carrier or self insurer in the rate base, the~~
10 ~~premium, or any rate filing. The office shall enforce this~~
11 ~~subsection.~~

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

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

17 440.381 Application for coverage; reporting payroll;
18 payroll audit procedures; penalties.--

19 ~~(2) Submission of an application that contains false,~~
20 ~~misleading, or incomplete information provided with the~~
21 ~~purpose of avoiding or reducing the amount of premiums for~~
22 ~~workers' compensation coverage is a felony of the second~~
23 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
24 ~~s. 775.084. The application must contain a statement that the~~
25 ~~filing of an application containing false, misleading, or~~
26 ~~incomplete information provided with the purpose of avoiding~~
27 ~~or reducing the amount of premiums for workers' compensation~~
28 ~~coverage is a felony of the third degree, punishable as~~
29 ~~provided in s. 775.082, s. 775.083, or s. 775.084. The~~
30 application must contain a sworn statement by the employer
31 attesting to the accuracy of the information submitted and

1 acknowledging the provisions of former s. 440.37(4). The
2 application must contain a sworn statement by the agent
3 attesting that the agent explained to the employer or officer
4 the classification codes that are used for premium
5 calculations.

6 Section 13. Subsections (1), (2), and (3) of section
7 440.525, Florida Statutes, are amended, and subsection (5) is
8 added to that section, to read:

9 440.525 Examination and investigation of carriers and
10 claims-handling entities.--

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

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

29 Examinations or investigations by the department may address,
30 but are not limited to addressing, patterns or practices of
31 unreasonable delay in claims handling; timeliness and accuracy

1 of payments and reports under ss. 440.13, 440.16, ~~and~~ 440.185,
2 and 440.20; examination of claims files to determine whether
3 there are questionable claims handling practices or a pattern
4 of unreasonably controverted claims; or patterns or practices
5 of harassment, coercion, or intimidation of claimants. The
6 department may also specify by rule the documentation to be
7 maintained for each claim file.

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

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

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

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

6 921.0022 Criminal Punishment Code; offense severity
7 ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

9	10 Florida	11 Felony	
12	13 Statute	14 Degree	15 Description
16			(c) LEVEL 3
17	119.10(3)	3rd	Unlawful use of confidential information from police reports.
18	316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
19	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
20	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
21	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
22	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
23	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
24			
25			
26			
27			
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29			
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31			

1	319.33(4)	3rd	With intent to defraud, possess,
2			sell, etc., a blank, forged, or
3			unlawfully obtained title or
4			registration.
5	327.35(2)(b)	3rd	Felony BUI.
6	328.05(2)	3rd	Possess, sell, or counterfeit
7			fictitious, stolen, or fraudulent
8			titles or bills of sale of
9			vessels.
10	328.07(4)	3rd	Manufacture, exchange, or possess
11			vessel with counterfeit or wrong
12			ID number.
13	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
14			destroying, causing to be
15			destroyed, transferring, selling,
16			offering to sell, molesting, or
17			harassing marine turtles, marine
18			turtle eggs, or marine turtle
19			nests in violation of the Marine
20			Turtle Protection Act.
21	370.12(1)(e)6.	3rd	Soliciting to commit or
22			conspiring to commit a violation
23			of the Marine Turtle Protection
24			Act.
25	376.302(5)	3rd	Fraud related to reimbursement
26			for cleanup expenses under the
27			Inland Protection Trust Fund.
28	400.903(3)	3rd	Operating a clinic without a
29			license or filing false license
30			application or other required
31			information.

1	440.105(3)(b)	3rd	Receipt of fee or consideration
2			without approval by judge of
3			compensation claims.
4	<u>440.105(4)(f)1.</u>	<u>3rd</u>	<u>Workers' compensation insurance</u>
5			<u>fraud; property value less than</u>
6			<u>\$20,000.</u>
7	440.1051(3)	3rd	False report of workers'
8			compensation fraud or retaliation
9			for making such a report.
10	501.001(2)(b)	2nd	Tampers with a consumer product
11			or the container using materially
12			false/misleading information.
13	624.401(4)(a)	3rd	Transacting insurance without a
14			certificate of authority.
15	624.401(4)(b)1.	3rd	Transacting insurance without a
16			certificate of authority; premium
17			collected less than \$20,000.
18	626.902(1)(a) & (b)	3rd	Representing an unauthorized
19			insurer.
20	697.08	3rd	Equity skimming.
21	790.15(3)	3rd	Person directs another to
22			discharge firearm from a vehicle.
23	796.05(1)	3rd	Live on earnings of a prostitute.
24	806.10(1)	3rd	Maliciously injure, destroy, or
25			interfere with vehicles or
26			equipment used in firefighting.
27	806.10(2)	3rd	Interferes with or assaults
28			firefighter in performance of
29			duty.
30			
31			

1	810.09(2)(c)	3rd	Trespass on property other than
2			structure or conveyance armed
3			with firearm or dangerous weapon.
4	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
5			less than \$10,000.
6	812.0145(2)(c)	3rd	Theft from person 65 years of age
7			or older; \$300 or more but less
8			than \$10,000.
9	815.04(4)(b)	2nd	Computer offense devised to
10			defraud or obtain property.
11	817.034(4)(a)3.	3rd	Engages in scheme to defraud
12			(Florida Communications Fraud
13			Act), property valued at less
14			than \$20,000.
15	817.233	3rd	Burning to defraud insurer.
16	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons
17			involved in motor vehicle
18			accidents.
19	817.234(11)(a)	3rd	Insurance fraud; property value
20			less than \$20,000.
21	817.236	3rd	Filing a false motor vehicle
22			insurance application.
23	817.2361	3rd	Creating, marketing, or
24			presenting a false or fraudulent
25			motor vehicle insurance card.
26	817.413(2)	3rd	Sale of used goods as new.
27	817.505(4)	3rd	Patient brokering.
28	828.12(2)	3rd	Tortures any animal with intent
29			to inflict intense pain, serious
30			physical injury, or death.
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1	831.28(2)(a)	3rd	Counterfeiting a payment
2			instrument with intent to defraud
3			or possessing a counterfeit
4			payment instrument.
5	831.29	2nd	Possession of instruments for
6			counterfeiting drivers' licenses
7			or identification cards.
8	838.021(3)(b)	3rd	Threatens unlawful harm to public
9			servant.
10	843.19	3rd	Injure, disable, or kill police
11			dog or horse.
12	860.15(3)	3rd	Overcharging for repairs and
13			parts.
14	870.01(2)	3rd	Riot; inciting or encouraging.
15	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
16			cannabis (or other 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).
21	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
22			893.03(1)(c), (2)(c)1., (2)(c)2.,
23			(2)(c)3., (2)(c)5., (2)(c)6.,
24			(2)(c)7., (2)(c)8., (2)(c)9.,
25			(3), or (4) drugs within 1,000
26			feet of university.
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1	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 1,000
6			feet of public housing facility.
7	893.13(6)(a)	3rd	Possession of any controlled
8			substance other than felony
9			possession of cannabis.
10	893.13(7)(a)8.	3rd	Withhold information from
11			practitioner regarding previous
12			receipt of or prescription for a
13			controlled substance.
14	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
15			controlled substance by fraud,
16			forgery, misrepresentation, etc.
17	893.13(7)(a)10.	3rd	Affix false or forged label to
18			package of controlled substance.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
24			person, or owner of an animal in
25			obtaining a controlled substance
26			through deceptive, untrue, or
27			fraudulent representations in or
28			related to the practitioner's
29			practice.
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1	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
2			practitioner's practice to assist
3			a patient, other person, or owner
4			of an animal in obtaining a
5			controlled substance.
6	893.13(8)(a)3.	3rd	Knowingly write a prescription
7			for a controlled substance for a
8			fictitious person.
9	893.13(8)(a)4.	3rd	Write a prescription for a
10			controlled substance for a
11			patient, other person, or an
12			animal if the sole purpose of
13			writing the prescription is a
14			monetary benefit for the
15			practitioner.
16	918.13(1)(a)	3rd	Alter, destroy, or conceal
17			investigation evidence.
18	944.47(1)(a)1.-2.	3rd	Introduce contraband to
19			correctional facility.
20	944.47(1)(c)	2nd	Possess contraband while upon the
21			grounds of a correctional
22			institution.
23	985.3141	3rd	Escapes from a juvenile facility
24			(secure detention or residential
25			commitment facility).
26			(e) LEVEL 5
27	316.027(1)(a)	3rd	Accidents involving personal
28			injuries, failure to stop;
29			leaving scene.
30	316.1935(4)	2nd	Aggravated fleeing or eluding.
31			

1	322.34(6)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
8			knowing HIV positive.
9	440.10(1)(g)	2nd	Failure to obtain workers'
10			compensation coverage.
11	<u>440.105(4)(f)2.</u>	<u>2nd</u>	<u>Workers' compensation insurance</u>
12			<u>fraud; property value \$20,000 or</u>
13			<u>more but less than \$100,000.</u>
14	440.105(5)	2nd	Unlawful solicitation for the
15			purpose of making workers'
16			compensation claims.
17	440.381(2)	2nd	Submission of false, misleading,
18			or incomplete information with
19			the purpose of avoiding or
20			reducing workers' compensation
21			premiums.
22	624.401(4)(b)2.	2nd	Transacting insurance without a
23			certificate or authority; premium
24			collected \$20,000 or more but
25			less than \$100,000.
26	626.902(1)(c)	2nd	Representing an unauthorized
27			insurer; repeat offender.
28	790.01(2)	3rd	Carrying a concealed firearm.
29	790.162	2nd	Threat to throw or discharge
30			destructive device.
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1	790.163(1)	2nd	False report of deadly explosive
2			or weapon of mass destruction.
3	790.221(1)	2nd	Possession of short-barreled
4			shotgun or machine gun.
5	790.23	2nd	Felons in possession of firearms
6			or electronic weapons or devices.
7	800.04(6)(c)	3rd	Lewd or lascivious conduct;
8			offender less than 18 years.
9	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
10			offender 18 years or older.
11	806.111(1)	3rd	Possess, manufacture, or dispense
12			fire bomb with intent to damage
13			any structure or property.
14	812.0145(2)(b)	2nd	Theft from person 65 years of age
15			or older; \$10,000 or more but
16			less than \$50,000.
17	812.015(8)	3rd	Retail theft; property stolen is
18			valued at \$300 or more and one or
19			more specified acts.
20	812.019(1)	2nd	Stolen property; dealing in or
21			trafficking in.
22	812.131(2)(b)	3rd	Robbery by sudden snatching.
23	812.16(2)	3rd	Owning, operating, or conducting
24			a chop shop.
25	817.034(4)(a)2.	2nd	Communications fraud, value
26			\$20,000 to \$50,000.
27	817.234(11)(b)	2nd	Insurance fraud; property value
28			\$20,000 or more but less than
29			\$100,000.
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1	817.2341(1),		
2	(2)(a)&(3)(a)	3rd	Filing false financial
3			statements, making false entries
4			of material fact or false
5			statements regarding property
6			values relating to the solvency
7			of an insuring entity.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$5,000 or more
13			or use of personal identification
14			information of 10 or more
15			individuals.
16	817.625(2)(b)	2nd	Second or subsequent fraudulent
17			use of scanning device or
18			reencoder.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	839.13(2)(b)	2nd	Falsifying records of an
27			individual in the care and
28			custody of a state agency
29			involving great bodily harm or
30			death.
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1	843.01	3rd	Resist officer with violence to
2			person; resist arrest with
3			violence.
4	874.05(2)	2nd	Encouraging or recruiting another
5			to join a criminal street gang;
6			second or subsequent offense.
7	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
8			cocaine (or other s.
9			893.03(1)(a), (1)(b), (1)(d),
10			(2)(a), (2)(b), or (2)(c)4.
11			drugs).
12	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
13			cannabis (or other 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 1,000
18			feet of a child care facility,
19			school, or state, county, or
20			municipal park or publicly owned
21			recreational facility or
22			community center.
23	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other s.
25			893.03(1)(a), (1)(b), (1)(d),
26			(2)(a), (2)(b), or (2)(c)4.
27			drugs) within 1,000 feet of
28			university.
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1	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
2			cannabis or other drug prohibited
3			under s. 893.03(1)(c), (2)(c)1.,
4			(2)(c)2., (2)(c)3., (2)(c)5.,
5			(2)(c)6., (2)(c)7., (2)(c)8.,
6			(2)(c)9., (3), or (4) within
7			1,000 feet of property used for
8			religious services or a specified
9			business site.
10	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other s.
12			893.03(1)(a), (1)(b), (1)(d), or
13			(2)(a), (2)(b), or (2)(c)4.
14			drugs) within 1,000 feet of
15			public housing facility.
16	893.13(4)(b)	2nd	Deliver to minor cannabis (or
17			other s. 893.03(1)(c), (2)(c)1.,
18			(2)(c)2., (2)(c)3., (2)(c)5.,
19			(2)(c)6., (2)(c)7., (2)(c)8.,
20			(2)(c)9., (3), or (4) drugs).
21			(g) LEVEL 7
22	316.027(1)(b)	2nd	Accident involving death, failure
23			to stop; leaving scene.
24	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
25			injury.
26	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
27			bodily injury.
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1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	<u>440.105(4)(f)3.</u>	<u>1st</u>	<u>Workers' compensation insurance</u>
8			<u>fraud, the amount of the claim or</u>
9			<u>premium \$100,000 or more.</u>
10	456.065(2)	3rd	Practicing a health care
11			profession without a license.
12	456.065(2)	2nd	Practicing a health care
13			profession without a license
14			which results in serious bodily
15			injury.
16	458.327(1)	3rd	Practicing medicine without a
17			license.
18	459.013(1)	3rd	Practicing osteopathic medicine
19			without a license.
20	460.411(1)	3rd	Practicing chiropractic medicine
21			without a license.
22	461.012(1)	3rd	Practicing podiatric medicine
23			without a license.
24	462.17	3rd	Practicing naturopathy without a
25			license.
26	463.015(1)	3rd	Practicing optometry without a
27			license.
28	464.016(1)	3rd	Practicing nursing without a
29			license.
30	465.015(2)	3rd	Practicing pharmacy without a
31			license.

1	466.026(1)	3rd	Practicing dentistry or dental
2			hygiene without a license.
3	467.201	3rd	Practicing midwifery without a
4			license.
5	468.366	3rd	Delivering respiratory care
6			services without a license.
7	483.828(1)	3rd	Practicing as clinical laboratory
8			personnel without a license.
9	483.901(9)	3rd	Practicing medical physics
10			without a license.
11	484.013(1)(c)	3rd	Preparing or dispensing optical
12			devices without a prescription.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	560.123(8)(b)1.	3rd	Failure to report currency or
22			payment instruments exceeding
23			\$300 but less than \$20,000 by
24			money transmitter.
25	560.125(5)(a)	3rd	Money transmitter business by
26			unauthorized person, currency or
27			payment instruments exceeding
28			\$300 but less than \$20,000.
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1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.07(2)(d)	1st	Aggravated battery on law
31			enforcement officer.

1	784.074(1)(a)	1st	Aggravated battery on sexually
2			violent predators facility staff.
3	784.08(2)(a)	1st	Aggravated battery on a person 65
4			years of age or older.
5	784.081(1)	1st	Aggravated battery on specified
6			official or employee.
7	784.082(1)	1st	Aggravated battery by detained
8			person on visitor or other
9			detainee.
10	784.083(1)	1st	Aggravated battery on code
11			inspector.
12	790.07(4)	1st	Specified weapons violation
13			subsequent to previous conviction
14			of s. 790.07(1) or (2).
15	790.16(1)	1st	Discharge of a machine gun under
16			specified circumstances.
17	790.165(2)	2nd	Manufacture, sell, possess, or
18			deliver hoax bomb.
19	790.165(3)	2nd	Possessing, displaying, or
20			threatening to use any hoax bomb
21			while committing or attempting to
22			commit a felony.
23	790.166(3)	2nd	Possessing, selling, using, or
24			attempting to use a hoax weapon
25			of mass destruction.
26	790.166(4)	2nd	Possessing, displaying, or
27			threatening to use a hoax weapon
28			of mass destruction while
29			committing or attempting to
30			commit a felony.
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1	796.03	2nd	Procuring any person under 16
2			years for prostitution.
3	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
4			victim less than 12 years of age;
5			offender less than 18 years.
6	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			18 years or older.
10	806.01(2)	2nd	Maliciously damage structure by
11			fire or explosive.
12	810.02(3)(a)	2nd	Burglary of occupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(d)	2nd	Burglary of occupied conveyance;
17			unarmed; no assault or battery.
18	812.014(2)(a)	1st	Property stolen, valued at
19			\$100,000 or more; cargo stolen
20			valued at \$50,000 or more;
21			property stolen while causing
22			other property damage; 1st degree
23			grand theft.
24	812.014(2)(b)3.	2nd	Property stolen, emergency
25			medical equipment; 2nd degree
26			grand theft.
27	812.0145(2)(a)	1st	Theft from person 65 years of age
28			or older; \$50,000 or more.
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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(8)(a)	2nd	Solicitation of motor vehicle
9			accident victims with intent to
10			defraud.
11	817.234(9)	2nd	Organizing, planning, or
12			participating in an intentional
13			motor vehicle collision.
14	817.234(11)(c)	1st	Insurance fraud; property value
15			\$100,000 or more.
16	817.2341(2)(b)&		
17	(3)(b)	1st	Making false entries of material
18			fact or false statements
19			regarding property values
20			relating to the solvency of an
21			insuring entity which are a
22			significant cause of the
23			insolvency of that entity.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.103(2)(b)	2nd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at \$20,000 or more, but
31			less than \$100,000.

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	838.015	2nd	Bribery.
11	838.016	2nd	Unlawful compensation or reward
12			for official behavior.
13	838.021(3)(a)	2nd	Unlawful harm to a public
14			servant.
15	838.22	2nd	Bid tampering.
16	872.06	2nd	Abuse of a dead human body.
17	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4.) within 1,000 feet of a
22			child care facility, school, or
23			state, county, or municipal park
24			or publicly owned recreational
25			facility or community center.
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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(1)(b)1.a.	1st	Trafficking in cocaine, more than
17			28 grams, less than 200 grams.
18	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
22			more than 28 grams, less than 200
23			grams.
24	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
25			than 200 grams, less than 5
26			kilograms.
27	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
28			than 14 grams, less than 28
29			grams.
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1 | 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4
2 | grams or more, less than 14
3 | grams.
4 | 893.135(1)(h)1.a. 1st Trafficking in
5 | gamma-hydroxybutyric acid (GHB),
6 | 1 kilogram or more, less than 5
7 | kilograms.
8 | 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
9 | kilogram or more, less than 5
10 | kilograms.
11 | 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines,
12 | 10 grams or more, less than 200
13 | grams.
14 | 896.101(5)(a) 3rd Money laundering, financial
15 | transactions exceeding \$300 but
16 | less than \$20,000.
17 | 896.104(4)(a)1. 3rd Structuring transactions to evade
18 | reporting or registration
19 | requirements, financial
20 | transactions exceeding \$300 but
21 | less than \$20,000.

22 | Section 15. This act shall take effect upon becoming a
23 | law.

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