

Bill No. SB 2118

Barcode 742232

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Campbell) recommended the following amendment:

Senate Amendment (with title amendment)

On page 6, between lines 12 and 13,

insert:

Section 2. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 440.105, Florida Statutes, are amended to read:

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

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

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

An employer or carrier who, when the employment relationship was created, knew or should have known that the person being

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1 employed was using identification that was not correct may not
2 deny benefits to such person.

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

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

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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
22 (Redesignate subsequent sections.)

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 6, after the semicolon,

28
29 insert:

30 amending s. 440.105, F.S.; prohibiting an
31 employer hiring a person the employer knew or

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1 should have known was using incorrect
2 identification from denying benefits to that
3 person; removing provision that made furnishing
4 certain false or misleading identity
5 information a 1st degree misdemeanor;

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