

1 favor of the employee on the one hand or of the employer on
2 the other hand, and the laws pertaining to workers'
3 compensation are to be construed in accordance with the basic
4 principles of statutory construction and not liberally in
5 favor of either employee or employer. It is the intent of the
6 Legislature to ensure the prompt delivery of benefits to the
7 injured worker. Therefore, an efficient and self-executing
8 system must be created which is not an economic or
9 administrative burden. The department, agency, the Office of
10 Insurance Regulation, the Department of Education, and the
11 Division of Administrative Hearings shall administer the
12 Workers' Compensation Law in a manner which facilitates the
13 self-execution of the system and the process of ensuring a
14 prompt and cost-effective delivery of payments. To further
15 protect employees, employers, and the workers' compensation
16 system, it is the intent of the Legislature that the state
17 aggressively pursue the prosecution of cases involving
18 workers' compensation fraud.

19 Section 2. Paragraph (a) of subsection (1) of section
20 440.105, Florida Statutes, is amended to read:

21 440.105 Prohibited activities; reports; penalties;
22 limitations.--

23 (1)(a) Any insurance carrier, any individual
24 self-insured, any commercial or group self-insurance fund, any
25 professional practitioner licensed or regulated by the
26 Department of Health, except as otherwise provided by law, any
27 medical review committee as defined in s. 766.101, any private
28 medical review committee, and any insurer, agent, or other
29 person licensed under the insurance code, or any employee
30 thereof, having knowledge or who believes that a fraudulent
31 act or any other act or practice which, upon conviction,

1 | constitutes a felony or misdemeanor under this chapter is
2 | being or has been committed shall send to the Division of
3 | Insurance Fraud, Bureau of Workers' Compensation Fraud, a
4 | report or information pertinent to such knowledge or belief
5 | and such additional information relative thereto as the bureau
6 | may require. The bureau shall review such information or
7 | reports and select such information or reports as, in its
8 | judgment, may require further investigation. It shall then
9 | cause an independent examination of the facts surrounding such
10 | information or report to be made to determine the extent, if
11 | any, to which a fraudulent act or any other act or practice
12 | which, upon conviction, constitutes a felony or a misdemeanor
13 | under this chapter is being committed. The bureau shall report
14 | any alleged violations of law which its investigations
15 | disclose to the appropriate licensing agency and state
16 | attorney or other prosecuting agency having jurisdiction with
17 | respect to any such violations of this chapter. If prosecution
18 | by the state attorney or other prosecuting agency having
19 | jurisdiction with respect to such violation is not begun
20 | within 60 days of the bureau's report, the state attorney or
21 | other prosecuting agency having jurisdiction with respect to
22 | such violation shall inform the bureau of the reasons for the
23 | lack of prosecution. The Legislature shall annually
24 | appropriate funds sufficient to provide for one assistant
25 | state attorney position each in the Eleventh, Fifteenth, and
26 | Seventeenth Judicial Circuits and funds sufficient to fund
27 | one-half of an assistant state attorney position in the state
28 | attorney's office in each of the remaining judicial circuits
29 | for the purpose of aggressively investigating and prosecuting
30 | violations of this section.
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1 Section 3. This act shall take effect upon becoming a
2 law.

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5 SENATE SUMMARY

6 Declares legislative intent that the offense of workers'
7 compensation fraud be prosecuted more aggressively.
8 Directs the Legislature to appropriate funds for an
9 assistant state attorney in the Eleventh, Fifteenth, and
10 Seventeenth, and for half of an assistant state attorney
11 position in each of the other circuits, to investigate
12 and prosecute workers' compensation fraud cases.
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