

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to offenses involving insurance; amending
7 s. 316.068, F.S.; specifying information to be included in
8 a crash report; creating a rebuttable presumption relating
9 to the absence of certain information in such reports;
10 amending s. 322.21, F.S.; providing an additional fee for
11 certain offenses relating to insurance crimes; providing
12 for deposit of the fee into the Highway Safety Operating
13 Trust Fund; amending s. 322.26, F.S.; providing an
14 additional circumstance relating to insurance crimes for
15 mandatory revocation of a person's driver's license;
16 amending s. 400.9935, F.S.; requiring health care clinics
17 to display signs containing certain information relating
18 to insurance fraud; authorizing compliance inspections by
19 the Division of Insurance Fraud; requiring clinics to
20 allow inspection access; amending s. 440.105, F.S.;
21 deleting the provision that a violation of a stop-work
22 order is a misdemeanor of the first degree; making
23 unlawful a failure to secure required workers'

HB 561 CS

2006
CS

24 compensation insurance coverage; providing criminal
25 penalties; amending s. 456.054, F.S.; revising the
26 definition of the term "kickback" for criminal prosecution
27 purposes; amending s. 624.15, F.S.; specifying violations
28 of rules of the Department of Financial Services, Office
29 of Insurance Regulation, or Financial Services Commission
30 as misdemeanors; specifying a violation of emergency rules
31 or orders as a felony of the third degree; providing
32 penalties; providing for nonapplication to certain
33 persons; amending s. 626.112, F.S.; providing a criminal
34 penalty for knowingly transacting insurance without a
35 license; amending s. 626.938, F.S.; revising provisions
36 requiring a report and taxation of independently procured
37 coverages; specifying nonauthorization of independent
38 procurement of workers' compensation, life, or health
39 insurance; amending s. 626.9891, F.S.; expanding
40 authorization to impose administrative fines on insurers
41 for failure to comply with certain anti-fraud plan or
42 anti-fraud investigative unit description requirements;
43 creating s. 626.9893, F.S.; authorizing the division to
44 deposit certain revenues into the Insurance Regulatory
45 Trust Fund; specifying accounting and uses of such
46 revenues; providing for appropriation and use of such
47 revenues; amending s. 627.736, F.S.; requiring insurers to
48 provide certain persons with notice of the department's
49 Anti-Fraud Reward Program and the criminal violations that
50 may be reported in pursuit of a reward; amending s.
51 627.7401, F.S.; specifying additional requirements for

Page 2 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0561-02-c2

HB 561 CS

2006
CS

52 Financial Services Commission notification of an insured's
 53 rights; amending s. 817.234, F.S.; revising provisions
 54 specifying material omission and insurance fraud;
 55 prohibiting scheming to create documentation of a motor
 56 vehicle crash that did not occur; providing a criminal
 57 penalty; amending s. 817.2361, F.S.; providing that
 58 creating, marketing, or presenting fraudulent proof of
 59 motor vehicle insurance is a felony of the third degree;
 60 amending s. 817.50, F.S.; specifying nonapplication of
 61 provisions specifying evidence of intent to defraud to
 62 certain investigative actions taken by law enforcement
 63 officers; amending s. 817.505, F.S.; providing an
 64 additional patient brokering prohibition, to which
 65 penalties apply; revising a definition; amending s.
 66 843.08, F.S.; providing a criminal penalty for falsely
 67 assuming or pretending to be an officer of the Department
 68 of Financial Services; amending s. 932.7055, F.S.;
 69 requiring certain proceeds seized by the division under
 70 the Florida Contraband Forfeiture Act to be deposited into
 71 certain trust funds; providing severability; providing an
 72 effective date.

73
 74 Be It Enacted by the Legislature of the State of Florida:

75
 76 Section 1. Subsection (2) of section 316.068, Florida
 77 Statutes, is amended to read:

78 316.068 Crash report forms.--

HB 561 CS

2006
CS

79 | (2) Every crash report required to be made in writing must
80 | be made on the appropriate form approved by the department and
81 | must contain all the information required therein, including:

82 | (a) The date, time, and location of the crash;

83 | (b) A description of the vehicles involved;

84 | (c) The names and addresses of the parties involved;

85 | (d) The names and addresses of all drivers and passengers
86 | in the vehicles involved;

87 | (e) The names and addresses of witnesses;

88 | (f) The name, badge number, and law enforcement agency of
89 | the officer investigating the crash; and

90 | (g) The names of the insurance companies for the
91 | respective parties involved in the crash,

92 |
93 | unless not available. The absence of information in such written
94 | crash reports regarding the existence of passengers in the
95 | vehicles involved in the crash constitutes a rebuttable
96 | presumption that no such passengers were involved in the
97 | reported crash. Notwithstanding any other provisions of this
98 | section, a crash report produced electronically by a law
99 | enforcement officer must, at a minimum, contain the same
100 | information as is called for on those forms approved by the
101 | department.

102 | Section 2. Subsection (8) of section 322.21, Florida
103 | Statutes, is amended to read:

104 | 322.21 License fees; procedure for handling and collecting
105 | fees.--

HB 561 CS

2006
CS

106 (8) Any person who applies for reinstatement following the
107 suspension or revocation of the person's driver's license shall
108 pay a service fee of \$35 following a suspension, and \$60
109 following a revocation, which is in addition to the fee for a
110 license. Any person who applies for reinstatement of a
111 commercial driver's license following the disqualification of
112 the person's privilege to operate a commercial motor vehicle
113 shall pay a service fee of \$60, which is in addition to the fee
114 for a license. The department shall collect all of these fees at
115 the time of reinstatement. The department shall issue proper
116 receipts for such fees and shall promptly transmit all funds
117 received by it as follows:

118 (a) Of the \$35 fee received from a licensee for
119 reinstatement following a suspension, the department shall
120 deposit \$15 in the General Revenue Fund and \$20 in the Highway
121 Safety Operating Trust Fund.

122 (b) Of the \$60 fee received from a licensee for
123 reinstatement following a revocation or disqualification, the
124 department shall deposit \$35 in the General Revenue Fund and \$25
125 in the Highway Safety Operating Trust Fund.

126
127 If the revocation or suspension of the driver's license was for
128 a violation of s. 316.193, or for refusal to submit to a lawful
129 breath, blood, or urine test, an additional fee of \$115 must be
130 charged. However, only one \$115 fee may be collected from one
131 person convicted of violations arising out of the same incident.
132 The department shall collect the \$115 fee and deposit the fee
133 into the Highway Safety Operating Trust Fund at the time of

HB 561 CS

2006
CS

134 reinstatement of the person's driver's license, but the fee may
135 not be collected if the suspension or revocation is overturned.
136 If the revocation or suspension of the driver's license was for
137 a conviction for a violation of s. 817.234(8) or (9) or s.
138 817.505, an additional fee of \$180 is imposed for each offense.
139 The department shall collect and deposit the additional fee into
140 the Highway Safety Operating Trust Fund at the time of
141 reinstatement of the person's driver's license.

142 Section 3. Subsection (9) is added to section 322.26,
143 Florida Statutes, to read:

144 322.26 Mandatory revocation of license by department.--The
145 department shall forthwith revoke the license or driving
146 privilege of any person upon receiving a record of such person's
147 conviction of any of the following offenses:

148 (9) Conviction in any court having jurisdiction over
149 offenses committed under s. 817.234(8) or (9) or s. 817.505.

150 Section 4. Subsection (13) is added to section 400.9935,
151 Florida Statutes, to read:

152 400.9935 Clinic responsibilities.--

153 (13) The clinic shall display a sign in a conspicuous
154 location within the clinic readily visible to all patients
155 indicating that, pursuant to s. 626.9892, the Department of
156 Financial Services may pay rewards of up to \$25,000 to persons
157 providing information leading to the arrest and conviction of
158 persons committing crimes investigated by the Division of
159 Insurance Fraud arising from violations of s. 440.105, s.
160 624.15, s. 626.9541, s. 626.989, or s. 817.234. An authorized
161 employee of the Division of Insurance Fraud may make unannounced

HB 561 CS

2006
CS

162 inspections of a clinic licensed under this part as necessary to
163 determine whether the clinic is in compliance with this
164 subsection. A licensed clinic shall allow full and complete
165 access to the premises to such authorized employee of the
166 division who makes an inspection to determine compliance with
167 this subsection.

168 Section 5. Paragraph (a) of subsection (2) and paragraph
169 (a) of subsection (4) of section 440.105, Florida Statutes, are
170 amended to read:

171 440.105 Prohibited activities; reports; penalties;
172 limitations.--

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

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

177 1. Coerce or attempt to coerce, as a precondition to
178 employment or otherwise, an employee to obtain a certificate of
179 election of exemption pursuant to s. 440.05.

180 2. Discharge or refuse to hire an employee or job
181 applicant because the employee or applicant has filed a claim
182 for benefits under this chapter.

183 3. Discharge, discipline, or take any other adverse
184 personnel action against any employee for disclosing information
185 to the department or any law enforcement agency relating to any
186 violation or suspected violation of any of the provisions of
187 this chapter or rules promulgated hereunder.

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

HB 561 CS

2006
CS

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

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

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

197 2. Make a deduction from the pay of any employee entitled
198 to the benefits of this chapter for the purpose of requiring the
199 employee to pay any portion of premium paid by the employer to a
200 carrier or to contribute to a benefit fund or department
201 maintained by such employer for the purpose of providing
202 compensation or medical services and supplies as required by
203 this chapter.

204 3. Fail to secure workers' payment of compensation
205 insurance coverage if required to do so by this chapter.

206 Section 6. Subsection (1) of section 456.054, Florida
207 Statutes, is amended to read:

208 456.054 Kickbacks prohibited.--

209 (1) As used in this section, the term "kickback" means a
210 remuneration or payment ~~back pursuant to an investment interest,~~
211 ~~compensation arrangement, or otherwise,~~ by or on behalf of a
212 provider of health care services or items, ~~of a portion of the~~
213 ~~charges for services rendered to any person a referring health~~
214 ~~care provider~~ as an incentive or inducement to refer patients
215 for past or future services or items, when the payment is not
216 tax deductible as an ordinary and necessary expense.

HB 561 CS

2006
CS

217 Section 7. Section 624.15, Florida Statutes, is amended to
218 read:

219 624.15 General penalty.--

220 (1) Each willful violation of this code or rule of the
221 department, office, or commission as to which a greater penalty
222 is not provided by another provision of this code or rule of the
223 department, office, or commission or by other applicable laws of
224 this state is a misdemeanor of the second degree and is, in
225 addition to any prescribed applicable denial, suspension, or
226 revocation of certificate of authority, license, or permit,
227 punishable as provided in s. 775.082 or s. 775.083. Each
228 instance of such violation shall be considered a separate
229 offense.

230 (2) Each willful violation of an emergency rule or order
231 of the department, office, or commission by a person who is not
232 licensed, authorized, or eligible to engage in business in
233 accordance with the Florida Insurance Code is a felony of the
234 third degree, punishable as provided in s. 775.082, s. 775.083,
235 or s. 775.084. Each instance of such violation is a separate
236 offense. This subsection does not apply to licensees or
237 affiliated parties of licensees.

238 Section 8. Subsection (9) is added to section 626.112,
239 Florida Statutes, to read:

240 626.112 License and appointment required; agents, customer
241 representatives, adjusters, insurance agencies, service
242 representatives, managing general agents.--

243 (9) Any person who knowingly transacts insurance or
244 otherwise engages in insurance activities in this state without

245 | a license in violation of this section commits a felony of the
 246 | third degree, punishable as provided in s. 775.082, s. 775.083,
 247 | or s. 775.084.

248 | Section 9. Subsections (1), (2), and (9) of section
 249 | 626.938, Florida Statutes, are amended to read:

250 | 626.938 Report and tax of independently procured
 251 | coverages.--

252 | (1) Every insured who in this state procures or causes to
 253 | be procured or continues or renews insurance from another state
 254 | or country with an unauthorized foreign or alien insurer
 255 | legitimately licensed in that jurisdiction, or any self-insurer
 256 | who in this state so procures or continues excess loss,
 257 | catastrophe, or other insurance, upon a subject of insurance
 258 | resident, located, or to be performed within this state, other
 259 | than insurance procured through a surplus lines agent pursuant
 260 | to the Surplus Lines Law of this state or exempted from tax
 261 | under s. 626.932(4), shall, within 30 days after the date such
 262 | insurance was so procured, continued, or renewed, file a report
 263 | of the same with the Florida Surplus Lines Service Office in
 264 | writing and upon forms designated by the Florida Surplus Lines
 265 | Service Office and furnished to such an insured upon request, or
 266 | in a computer readable format as determined by the Florida
 267 | Surplus Lines Service Office. The report shall show the name and
 268 | address of the insured or insureds, the name and address of the
 269 | insurer, the subject of the insurance, a general description of
 270 | the coverage, the amount of premium currently charged therefor,
 271 | and such additional pertinent information as is reasonably
 272 | requested by the Florida Surplus Lines Service Office.

HB 561 CS

2006
CS

273 (2) Any insurance on a risk located in this state in an
 274 unauthorized insurer legitimately licensed in another state or
 275 country procured through solicitations, negotiations, or an
 276 application, ~~in whole or in part~~ occurring or made outside
 277 ~~within or from within this state, or for which premiums in whole~~
 278 ~~or in part are remitted directly or indirectly from within this~~
 279 ~~state~~, shall be deemed to be insurance procured, continued, or
 280 renewed in this state within the intent of subsection (1).

281 (9) This section does not authorize independent
 282 procurement of workers' compensation insurance, ~~apply as to~~ life
 283 insurance, or health insurance.

284 Section 10. Subsection (7) of section 626.9891, Florida
 285 Statutes, is amended to read:

286 626.9891 Insurer anti-fraud investigative units; reporting
 287 requirements; penalties for noncompliance.--

288 (7) If an insurer fails to timely submit a final
 289 acceptable anti-fraud plan or anti-fraud investigative unit
 290 description ~~otherwise fails to submit a plan~~, fails to implement
 291 the provisions of a plan or an anti-fraud investigative unit
 292 description, or otherwise refuses to comply with the provisions
 293 of this section, the department, office, or commission may:

294 (a) Impose an administrative fine of not more than \$2,000
 295 per day for such failure by an insurer to submit an acceptable
 296 anti-fraud plan or anti-fraud investigative unit description,
 297 until the department, office, or commission deems the insurer to
 298 be in compliance;

299 (b) Impose an administrative fine for failure by an ~~upon~~
 300 ~~the insurer~~ to implement or follow the provisions of an anti-

HB 561 CS

2006
CS

301 fraud plan or anti-fraud investigative unit description ~~a fraud~~
 302 ~~detection and prevention plan that is deemed to be appropriate~~
 303 ~~by the department and that must be implemented by the insurer;~~
 304 or

305 (c) Impose the provisions of both paragraphs (a) and (b).
 306 Section 11. Section 626.9893, Florida Statutes, is created
 307 to read:

308 626.9893 Disposition of revenues; criminal or forfeiture
 309 proceedings.--

310 (1) The Division of Insurance Fraud of the Department of
 311 Financial Services may deposit revenues received as a result of
 312 criminal proceedings or forfeiture proceedings, other than
 313 revenues deposited into the Department of Financial Services'
 314 Federal Equitable Sharing Trust Fund under s. 17.43, into the
 315 Insurance Regulatory Trust Fund. Moneys deposited pursuant to
 316 this section shall be separately accounted for and shall be used
 317 solely for the division to carry out its duties and
 318 responsibilities.

319 (2) Moneys deposited into the Insurance Regulatory Trust
 320 Fund pursuant to this section shall be appropriated by the
 321 Legislature, pursuant to the provisions of chapter 216, for the
 322 sole purpose of enabling the division to carry out its duties
 323 and responsibilities.

324 (3) Notwithstanding the provisions of s. 216.301 and
 325 pursuant to s. 216.351, any balance of moneys deposited into the
 326 Insurance Regulatory Trust Fund pursuant to this section
 327 remaining at the end of any fiscal year shall remain in the

HB 561 CS

2006
CS

328 | trust fund at the end of that year and shall be available for
329 | carrying out the duties and responsibilities of the division.

330 | Section 12. Subsection (14) is added to section 627.736,
331 | Florida Statutes, to read:

332 | 627.736 Required personal injury protection benefits;
333 | exclusions; priority; claims.--

334 | (14) FRAUD ADVISORY NOTICE.--Upon receiving notice of a
335 | claim under this section, an insurer shall provide a notice to
336 | the insured or to a person for whom a claim for reimbursement
337 | for diagnosis or treatment of injuries has been filed, advising
338 | that:

339 | (a) Pursuant to s. 626.9892, the Department of Financial
340 | Services may pay rewards of up to \$25,000 to persons providing
341 | information leading to the arrest and conviction of persons
342 | committing crimes investigated by the Division of Insurance
343 | Fraud arising from violations of s. 440.105, s. 624.15, s.
344 | 626.9541, s. 626.989, or s. 817.234.

345 | (b) Solicitation of a person injured in a motor vehicle
346 | crash for purposes of filing personal injury protection or tort
347 | claims could be a violation of s. 817.234, s. 817.505, or the
348 | rules regulating The Florida Bar and should be immediately
349 | reported to the Division of Insurance Fraud if such conduct has
350 | taken place.

351 | Section 13. Subsection (1) of section 627.7401, Florida
352 | Statutes, is amended to read:

353 | 627.7401 Notification of insured's rights.--

354 | (1) The commission, by rule, shall adopt a form for the
355 | notification of insureds of their right to receive personal

HB 561 CS

2006
CS

356 injury protection benefits under the Florida Motor Vehicle No-
357 Fault Law. Such notice shall include:

358 (a) A description of the benefits provided by personal
359 injury protection, including, but not limited to, the specific
360 types of services for which medical benefits are paid,
361 disability benefits, death benefits, significant exclusions from
362 and limitations on personal injury protection benefits, when
363 payments are due, how benefits are coordinated with other
364 insurance benefits that the insured may have, penalties and
365 interest that may be imposed on insurers for failure to make
366 timely payments of benefits, and rights of parties regarding
367 disputes as to benefits.

368 (b) An advisory informing insureds that:

369 1. Pursuant to s. 626.9892, the Department of Financial
370 Services may pay rewards of up to \$25,000 to persons providing
371 information leading to the arrest and conviction of persons
372 committing crimes investigated by the Division of Insurance
373 Fraud arising from violations of s. 440.105, s. 624.15, s.
374 626.9541, s. 626.989, or s. 817.234.

375 2. Pursuant to s. 627.736(5)(e)1., if the insured notifies
376 the insurer of a billing error, the insured may be entitled to a
377 certain percentage of a reduction in the amount paid by the
378 insured's motor vehicle insurer.

379 (c) A notice that solicitation of a person injured in a
380 motor vehicle crash for purposes of filing personal injury
381 protection or tort claims could be a violation of s. 817.234, s
382 817.505, or the rules regulating The Florida Bar and should be

HB 561 CS

2006
CS

383 immediately reported to the Division of Insurance Fraud if such
384 conduct has taken place.

385 Section 14. Paragraph (a) of subsection (7) and subsection
386 (9) of section 817.234, Florida Statutes, are amended to read:

387 817.234 False and fraudulent insurance claims.--

388 (7)(a) It shall constitute a material omission and
389 insurance fraud, punishable as provided in subsection (11), for
390 any service ~~physician or other~~ provider, other than a hospital,
391 to engage in a general business practice of billing amounts as
392 its usual and customary charge, if such provider has agreed with
393 the insured ~~patient~~ or intends to waive deductibles or
394 copayments, or does not for any other reason intend to collect
395 the total amount of such charge. With respect to a determination
396 as to whether a service ~~physician or other~~ provider has engaged
397 in such general business practice, consideration shall be given
398 to evidence of whether the physician or other provider made a
399 good faith attempt to collect such deductible or copayment. This
400 paragraph does not apply to physicians or other providers who
401 waive deductibles or copayments or reduce their bills as part of
402 a bodily injury settlement or verdict.

403 (9) A person may not organize, plan, or knowingly
404 participate in an intentional motor vehicle crash or a scheme to
405 create documentation of a motor vehicle crash that did not occur
406 for the purpose of making motor vehicle tort claims or claims
407 for personal injury protection benefits as required by s.
408 627.736. Any person who violates this subsection commits a
409 felony of the second degree, punishable as provided in s.
410 775.082, s. 775.083, or s. 775.084. A person who is convicted of

HB 561 CS

2006
CS

411 a violation of this subsection shall be sentenced to a minimum
412 term of imprisonment of 2 years.

413 Section 15. Section 817.2361, Florida Statutes, is amended
414 to read:

415 817.2361 False or fraudulent proof of motor vehicle
416 insurance ~~card~~.--Any person who, with intent to deceive any
417 other person, creates, markets, or presents a false or
418 fraudulent proof of motor vehicle insurance ~~card~~ commits a
419 felony of the third degree, punishable as provided in s.
420 775.082, s. 775.083, or s. 775.084.

421 Section 16. Subsection (2) of section 817.50, Florida
422 Statutes, is amended to read:

423 817.50 Fraudulently obtaining goods, services, etc., from
424 a health care provider.--

425 (2) If any person gives to any health care provider in
426 this state a false or fictitious name or a false or fictitious
427 address or assigns to any health care provider the proceeds of
428 any health maintenance contract or insurance contract, then
429 knowing that such contract is no longer in force, is invalid, or
430 is void for any reason, such action shall be prima facie
431 evidence of the intent of such person to defraud the health care
432 provider. However, this subsection does not apply to
433 investigative actions taken by law enforcement officers for law
434 enforcement purposes in the course of their official duties.

435 Section 17. Subsection (1) and paragraph (a) of subsection
436 (2) of section 817.505, Florida Statutes, are amended to read:

437 817.505 Patient brokering prohibited; exceptions;
438 penalties.--

HB 561 CS

2006
CS

439 (1) It is unlawful for any person, including any health
440 care provider or health care facility, to:

441 (a) Offer or pay any commission, bonus, rebate, kickback,
442 or bribe, directly or indirectly, in cash or in kind, or engage
443 in any split-fee arrangement, in any form whatsoever, to induce
444 the referral of patients or patronage to or from a health care
445 provider or health care facility;

446 (b) Solicit or receive any commission, bonus, rebate,
447 kickback, or bribe, directly or indirectly, in cash or in kind,
448 or engage in any split-fee arrangement, in any form whatsoever,
449 in return for referring patients or patronage to or from a
450 health care provider or health care facility; ~~or~~

451 (c) Solicit or receive any commission, bonus, rebate,
452 kickback, or bribe, directly or indirectly, in cash or in kind,
453 or engage in any split-fee arrangement, in any form whatsoever,
454 in return for the acceptance or acknowledgement of treatment
455 from a health care provider or health care facility; or

456 (d)(e) Aid, abet, advise, or otherwise participate in the
457 conduct prohibited under paragraph (a), ~~or~~ paragraph (b), or
458 paragraph (c).

459 (2) For the purposes of this section, the term:

460 (a) "Health care provider or health care facility" means
461 any person or entity licensed, certified, or registered;
462 required to be licensed, certified, or registered; or lawfully
463 exempt from being required to be licensed, certified, or
464 registered with the Agency for Health Care Administration or the
465 Department of Health; any person or entity that has contracted
466 with the Agency for Health Care Administration to provide goods

HB 561 CS

2006
CS

467 or services to Medicaid recipients as provided under s. 409.907;
468 a county health department established under part I of chapter
469 154; any community service provider contracting with the
470 Department of Children and Family Services to furnish alcohol,
471 drug abuse, or mental health services under part IV of chapter
472 394; any substance abuse service provider licensed under chapter
473 397; or any federally supported primary care program such as a
474 migrant or community health center authorized under ss. 329 and
475 330 of the United States Public Health Services Act.

476 Section 18. Section 843.08, Florida Statutes, is amended
477 to read:

478 843.08 Falsely personating officer, etc.--A person who
479 falsely assumes or pretends to be a sheriff, officer of the
480 Florida Highway Patrol, officer of the Fish and Wildlife
481 Conservation Commission, officer of the Department of
482 Environmental Protection, officer of the Department of
483 Transportation, officer of the Department of Financial Services,
484 officer of the Department of Corrections, correctional probation
485 officer, deputy sheriff, state attorney or assistant state
486 attorney, statewide prosecutor or assistant statewide
487 prosecutor, state attorney investigator, coroner, police
488 officer, lottery special agent or lottery investigator, beverage
489 enforcement agent, or watchman, or any member of the Parole
490 Commission and any administrative aide or supervisor employed by
491 the commission, or any personnel or representative of the
492 Department of Law Enforcement, and takes upon himself or herself
493 to act as such, or to require any other person to aid or assist
494 him or her in a matter pertaining to the duty of any such

Page 18 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0561-02-c2

HB 561 CS

2006
CS

495 officer, commits a felony of the third degree, punishable as
496 provided in s. 775.082, s. 775.083, or s. 775.084; however, a
497 person who falsely personates any such officer during the course
498 of the commission of a felony commits a felony of the second
499 degree, punishable as provided in s. 775.082, s. 775.083, or s.
500 775.084; except that if the commission of the felony results in
501 the death or personal injury of another human being, the person
502 commits a felony of the first degree, punishable as provided in
503 s. 775.082, s. 775.083, or s. 775.084.

504 Section 19. Paragraph (n) is added to subsection (6) of
505 section 932.7055, Florida Statutes, to read:

506 932.7055 Disposition of liens and forfeited property.--

507 (6) If the seizing agency is a state agency, all remaining
508 proceeds shall be deposited into the General Revenue Fund.

509 However, if the seizing agency is:

510 (n) The Division of Insurance Fraud of the Department of
511 Financial Services, the proceeds accrued pursuant to the
512 provisions of the Florida Contraband Forfeiture Act shall be
513 deposited into the Insurance Regulatory Trust Fund as provided
514 in s. 626.9893 or into the Department of Financial Services'
515 Federal Equitable Sharing Trust Fund as provided in s. 17.43, as
516 applicable.

517 Section 20. If any provision of this act or the
518 application thereof to any person or circumstance is held
519 invalid, the invalidity does not affect other provisions or
520 applications of the act which can be given effect without the
521 invalid provision or application, and, to this end, the
522 provisions of this act are declared severable.

HB 561 CS

2006
CS

523 | Section 21. This act shall take effect July 1, 2006. |