

CHAMBER ACTION

1 The Commerce 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.; prohibiting medical directors
17 from referring specified patients to certain clinics for
18 specified medical examinations and tests; providing a
19 definition; providing criminal penalties; requiring health
20 care clinics to display signs containing certain
21 information relating to insurance fraud; authorizing
22 compliance inspections by the Division of Insurance Fraud;
23 requiring clinics to allow inspection access; amending s.

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24 440.105, F.S.; deleting the provision that a violation of
25 a stop-work order is a misdemeanor of the first degree;
26 making unlawful a failure to secure required workers'
27 compensation insurance coverage; providing criminal
28 penalties; amending s. 456.054, F.S.; revising the
29 definition of the term "kickback" for criminal prosecution
30 purposes; amending s. 624.15, F.S.; specifying violations
31 of rules of the Department of Financial Services, Office
32 of Insurance Regulation, or Financial Services Commission
33 as misdemeanors; specifying a violation of emergency rules
34 or orders as a felony of the third degree; providing
35 penalties; providing for nonapplication to certain
36 persons; amending s. 624.4094, F.S.; applying bail bond
37 insurer reporting requirements to foreign and alien
38 insurers; amending s. 626.112, F.S.; providing a criminal
39 penalty for knowingly transacting insurance without a
40 license; amending s. 626.938, F.S.; revising provisions
41 requiring a report and taxation of independently procured
42 coverages; specifying nonauthorization of independent
43 procurement of workers' compensation, life, or health
44 insurance; amending s. 626.9891, F.S.; expanding
45 authorization to impose administrative fines on insurers
46 for failure to comply with certain anti-fraud plan or
47 anti-fraud investigative unit description requirements;
48 specifying as not discoverable or admissible in certain
49 proceedings certain information relating to certain
50 insurer reporting requirements; creating s. 626.9893,
51 F.S.; authorizing the division to deposit certain revenues

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52 | into the Insurance Regulatory Trust Fund; specifying
53 | accounting and uses of such revenues; providing for
54 | appropriation and use of such revenues; amending s.
55 | 627.06501, F.S.; specifying a minimum percentage reduction
56 | in certain insurance premium charges upon successful
57 | completion of certain driver improvement courses;
58 | requiring the Department of Highway Safety and Motor
59 | Vehicles to require certain persons to pass a specified
60 | written test given by a certain organization; amending s.
61 | 627.736, F.S.; specifying certain damages and awards of
62 | attorney's fees in certain cases involving specified
63 | insurer unfair trade practices; requiring the Attorney
64 | General to investigate and initiate certain actions;
65 | providing specific authorizations for the Attorney
66 | General; requiring insurers to provide certain persons
67 | with notice of the department's Anti-Fraud Reward Program
68 | and the criminal violations that may be reported in
69 | pursuit of a reward; amending s. 627.7401, F.S.;

70 | specifying additional requirements for Financial Services
71 | Commission notification of an insured's rights; amending
72 | s. 817.234, F.S.; revising provisions specifying material
73 | omission and insurance fraud; prohibiting scheming to
74 | create documentation of a motor vehicle crash that did not
75 | occur; providing a criminal penalty; amending s. 817.2361,
76 | F.S.; providing that creating, marketing, or presenting
77 | fraudulent proof of motor vehicle insurance is a felony of
78 | the third degree; amending s. 817.50, F.S.; specifying
79 | nonapplication of provisions specifying evidence of intent

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80 to defraud to certain investigative actions taken by law
 81 enforcement officers; amending s. 817.505, F.S.; providing
 82 an additional patient brokering prohibition, to which
 83 penalties apply; revising a definition; amending s.
 84 843.08, F.S.; providing a criminal penalty for falsely
 85 assuming or pretending to be an officer of the Department
 86 of Financial Services; amending s. 932.7055, F.S.;
 87 requiring certain proceeds seized by the division under
 88 the Florida Contraband Forfeiture Act to be deposited into
 89 certain trust funds; providing severability; providing an
 90 effective date.

91

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

93

94 Section 1. Subsection (2) of section 316.068, Florida
 95 Statutes, is amended to read:

96 316.068 Crash report forms.--

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

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

101 (b) A description of the vehicles involved;

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

103 (d) The names and addresses of all drivers and passengers
 104 in the vehicles involved;

105 (e) The names and addresses of witnesses;

106 (f) The name, badge number, and law enforcement agency of
 107 the officer investigating the crash; and

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108 (g) The names of the insurance companies for the
109 respective parties involved in the crash,
110
111 unless not available. The absence of information in such written
112 crash reports regarding the existence of passengers in the
113 vehicles involved in the crash constitutes a rebuttable
114 presumption that no such passengers were involved in the
115 reported crash. Notwithstanding any other provisions of this
116 section, a crash report produced electronically by a law
117 enforcement officer must, at a minimum, contain the same
118 information as is called for on those forms approved by the
119 department.

120 Section 2. Subsection (8) of section 322.21, Florida
121 Statutes, is amended to read:

122 322.21 License fees; procedure for handling and collecting
123 fees.--

124 (8) Any person who applies for reinstatement following the
125 suspension or revocation of the person's driver's license shall
126 pay a service fee of \$35 following a suspension, and \$60
127 following a revocation, which is in addition to the fee for a
128 license. Any person who applies for reinstatement of a
129 commercial driver's license following the disqualification of
130 the person's privilege to operate a commercial motor vehicle
131 shall pay a service fee of \$60, which is in addition to the fee
132 for a license. The department shall collect all of these fees at
133 the time of reinstatement. The department shall issue proper
134 receipts for such fees and shall promptly transmit all funds
135 received by it as follows:

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

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

144
 145 If the revocation or suspension of the driver's license was for
 146 a violation of s. 316.193, or for refusal to submit to a lawful
 147 breath, blood, or urine test, an additional fee of \$115 must be
 148 charged. However, only one \$115 fee may be collected from one
 149 person convicted of violations arising out of the same incident.
 150 The department shall collect the \$115 fee and deposit the fee
 151 into the Highway Safety Operating Trust Fund at the time of
 152 reinstatement of the person's driver's license, but the fee may
 153 not be collected if the suspension or revocation is overturned.
 154 If the revocation or suspension of the driver's license was for
 155 a conviction for a violation of s. 817.234(8) or (9) or s.
 156 817.505, an additional fee of \$180 is imposed for each offense.
 157 The department shall collect and deposit the additional fee into
 158 the Highway Safety Operating Trust Fund at the time of
 159 reinstatement of the person's driver's license.

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

162 322.26 Mandatory revocation of license by department.--The
 163 department shall forthwith revoke the license or driving

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164 privilege of any person upon receiving a record of such person's
165 conviction of any of the following offenses:

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

168 Section 4. Paragraph (h) is added to subsection (1) of
169 section 400.9935, Florida Statutes, and subsection (13) is added
170 to that section, to read:

171 400.9935 Clinic responsibilities.--

172 (1) Each clinic shall appoint a medical director or clinic
173 director who shall agree in writing to accept legal
174 responsibility for the following activities on behalf of the
175 clinic. The medical director or the clinic director shall:

176 (h) Not refer a patient to the clinic if the clinic
177 performs magnetic resonance imaging, static radiographs,
178 computed tomography, or positron emission tomography. The term
179 "refer a patient" means the referral of one or more patients of
180 the medical or clinical director or a member of the medical or
181 clinical director's group practice to the clinic for magnetic
182 resonance imaging, static radiographs, computed tomography, or
183 positron emission tomography. A medical director who is found to
184 violate this paragraph commits a felony of the third degree,
185 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

186 (13) The clinic shall display a sign in a conspicuous
187 location within the clinic readily visible to all patients
188 indicating that, pursuant to s. 626.9892, the Department of
189 Financial Services may pay rewards of up to \$25,000 to persons
190 providing information leading to the arrest and conviction of
191 persons committing crimes investigated by the Division of

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192 Insurance Fraud arising from violations of s. 440.105, s.
 193 624.15, s. 626.9541, s. 626.989, or s. 817.234. An authorized
 194 employee of the Division of Insurance Fraud may make unannounced
 195 inspections of a clinic licensed under this part as necessary to
 196 determine whether the clinic is in compliance with this
 197 subsection. A licensed clinic shall allow full and complete
 198 access to the premises to such authorized employee of the
 199 division who makes an inspection to determine compliance with
 200 this subsection.

201 Section 5. Paragraph (a) of subsection (2) and paragraph
 202 (a) of subsection (4) of section 440.105, Florida Statutes, are
 203 amended to read:

204 440.105 Prohibited activities; reports; penalties;
 205 limitations.--

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

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

210 1. Coerce or attempt to coerce, as a precondition to
 211 employment or otherwise, an employee to obtain a certificate of
 212 election of exemption pursuant to s. 440.05.

213 2. Discharge or refuse to hire an employee or job
 214 applicant because the employee or applicant has filed a claim
 215 for benefits under this chapter.

216 3. Discharge, discipline, or take any other adverse
 217 personnel action against any employee for disclosing information
 218 to the department or any law enforcement agency relating to any

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219 violation or suspected violation of any of the provisions of
220 this chapter or rules promulgated hereunder.

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

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

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

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

230 2. Make a deduction from the pay of any employee entitled
231 to the benefits of this chapter for the purpose of requiring the
232 employee to pay any portion of premium paid by the employer to a
233 carrier or to contribute to a benefit fund or department
234 maintained by such employer for the purpose of providing
235 compensation or medical services and supplies as required by
236 this chapter.

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

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

241 456.054 Kickbacks prohibited.--

242 (1) As used in this section, the term "kickback" means a
243 remuneration or payment ~~back pursuant to an investment interest,~~
244 ~~compensation arrangement, or otherwise,~~ by or on behalf of a
245 provider of health care services or items, ~~of a portion of the~~
246 ~~charges for services rendered to any person~~ a referring health

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247 ~~care provider~~ as an incentive or inducement to refer patients
248 for past or future services or items, when the payment is not
249 tax deductible as an ordinary and necessary expense.

250 Section 7. Section 624.15, Florida Statutes, is amended to
251 read:

252 624.15 General penalty.--

253 (1) Each willful violation of this code or rule of the
254 department, office, or commission as to which a greater penalty
255 is not provided by another provision of this code or rule of the
256 department, office, or commission or by other applicable laws of
257 this state is a misdemeanor of the second degree and is, in
258 addition to any prescribed applicable denial, suspension, or
259 revocation of certificate of authority, license, or permit,
260 punishable as provided in s. 775.082 or s. 775.083. Each
261 instance of such violation shall be considered a separate
262 offense.

263 (2) Each willful violation of an emergency rule or order
264 of the department, office, or commission by a person who is not
265 licensed, authorized, or eligible to engage in business in
266 accordance with the Florida Insurance Code is a felony of the
267 third degree, punishable as provided in s. 775.082, s. 775.083,
268 or s. 775.084. Each instance of such violation is a separate
269 offense. This subsection does not apply to licensees or
270 affiliated parties of licensees.

271 Section 8. Section 624.4094, Florida Statutes, is amended
272 to read:

273 624.4094 Bail bond premiums.--

274 (1) The Legislature finds that a significant portion of
 275 bail bond premiums is retained by the licensed bail bond agents
 276 or licensed managing general agents. For purposes of reporting
 277 in financial statements required to be filed with the office
 278 pursuant to s. 624.424, direct written premiums for bail bonds
 279 by a domestic, foreign, or alien insurer in this state shall be
 280 reported net of any amounts retained by licensed bail bond
 281 agents or licensed managing general agents. However, in no case
 282 shall the direct written premiums for bail bonds be less than
 283 6.5 percent of the total consideration received by the agent for
 284 all bail bonds written by the agent. This subsection also
 285 applies to any determination of compliance with s. 624.4095.

286 (2) Premiums assumed by a domestic, foreign, or alien
 287 insurer shall be reported consistent with subsections (1) and
 288 (4) for purposes of filing financial statements with the office.

289 (3) Each domestic, foreign, or alien bail bond insurer
 290 shall keep complete and accurate records of the total
 291 consideration paid for all bail bonds written by such insurer.

292 (4) Each domestic, foreign, or alien bail bond insurer
 293 shall disclose the following information in the notes to the
 294 financial statement in the insurer's annual statement filed with
 295 the office.

296 (a) The gross bail bond premiums written in each state by
 297 agents for the company.

298 (b) The amount of premium taxes incurred by the company in
 299 each state.

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300 (c) Total consideration withheld by agents and not
301 reported as an expense by the insurer in financial statements
302 filed with the office.

303 (d) The amount of bail bond premium included on the surety
304 line of the annual statement filed with the office.

305 (5) This section does not affect the reporting or payment
306 of insurance premium taxes under ss. 624.509, 624.5091, and
307 624.5092, and the insurance premium tax and related excise taxes
308 shall continue to be calculated using gross bail bond premiums.

309 Section 9. Subsection (9) is added to section 626.112,
310 Florida Statutes, to read:

311 626.112 License and appointment required; agents, customer
312 representatives, adjusters, insurance agencies, service
313 representatives, managing general agents.--

314 (9) Any person who knowingly transacts insurance or
315 otherwise engages in insurance activities in this state without
316 a license in violation of this section commits a felony of the
317 third degree, punishable as provided in s. 775.082, s. 775.083,
318 or s. 775.084.

319 Section 10. Subsections (1), (2), and (9) of section
320 626.938, Florida Statutes, are amended to read:

321 626.938 Report and tax of independently procured
322 coverages.--

323 (1) Every insured who in this state procures or causes to
324 be procured or continues or renews insurance from another state
325 or country with an unauthorized foreign or alien insurer
326 legitimately licensed in that jurisdiction, or any self-insurer
327 who in this state so procures or continues excess loss,

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328 catastrophe, or other insurance, upon a subject of insurance
329 resident, located, or to be performed within this state, other
330 than insurance procured through a surplus lines agent pursuant
331 to the Surplus Lines Law of this state or exempted from tax
332 under s. 626.932(4), shall, within 30 days after the date such
333 insurance was so procured, continued, or renewed, file a report
334 of the same with the Florida Surplus Lines Service Office in
335 writing and upon forms designated by the Florida Surplus Lines
336 Service Office and furnished to such an insured upon request, or
337 in a computer readable format as determined by the Florida
338 Surplus Lines Service Office. The report shall show the name and
339 address of the insured or insureds, the name and address of the
340 insurer, the subject of the insurance, a general description of
341 the coverage, the amount of premium currently charged therefor,
342 and such additional pertinent information as is reasonably
343 requested by the Florida Surplus Lines Service Office.

344 (2) Any insurance on a risk located in this state in an
345 unauthorized insurer legitimately licensed in another state or
346 country procured through solicitations, negotiations, or an
347 application, ~~in whole or in part~~ occurring or made outside
348 ~~within or from within~~ this state, ~~or for which premiums in whole~~
349 ~~or in part are remitted directly or indirectly from within this~~
350 ~~state~~, shall be deemed to be insurance procured, continued, or
351 renewed in this state within the intent of subsection (1).

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

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355 Section 11. Subsection (7) of section 626.9891, Florida
356 Statutes, is amended, subsection (8) of that section is
357 renumbered as subsection (9), and new subsection (8) is added to
358 that section, to read:

359 626.9891 Insurer anti-fraud investigative units; reporting
360 requirements; penalties for noncompliance.--

361 (7) If an insurer fails to timely submit a final
362 acceptable anti-fraud plan or anti-fraud investigative unit
363 description ~~otherwise fails to submit a plan~~, fails to implement
364 the provisions of a plan or an anti-fraud investigative unit
365 description, or otherwise refuses to comply with the provisions
366 of this section, the department, office, or commission may:

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

372 (b) Impose an administrative fine for failure by an ~~upon~~
373 ~~the insurer~~ to implement or follow the provisions of an anti-
374 fraud plan or anti-fraud investigative unit description ~~a fraud~~
375 ~~detection and prevention plan that is deemed to be appropriate~~
376 ~~by the department and that must be implemented by the insurer;~~
377 or

378 (c) Impose the provisions of both paragraphs (a) and (b).

379 (8)(a) Information furnished by an insurance company or
380 entity required to furnish information pursuant to this section
381 is not discoverable or admissible in any civil proceeding, other

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382 than administrative proceedings as provided by law, against the
383 reporting insurance company or entity.

384 (b) In addition to paragraph (a), any findings,
385 statements, discussions, reports, or documentation generated by
386 the department or the office relating to the reporting
387 requirements of this section are not discoverable or admissible
388 in any civil proceeding, other than administrative proceedings
389 as provided by law, against the insurance company or entity so
390 required to furnish this information.

391 Section 12. Section 626.9893, Florida Statutes, is created
392 to read:

393 626.9893 Disposition of revenues; criminal or forfeiture
394 proceedings.--

395 (1) The Division of Insurance Fraud of the Department of
396 Financial Services may deposit revenues received as a result of
397 criminal proceedings or forfeiture proceedings, other than
398 revenues deposited into the Department of Financial Services'
399 Federal Equitable Sharing Trust Fund under s. 17.43, into the
400 Insurance Regulatory Trust Fund. Moneys deposited pursuant to
401 this section shall be separately accounted for and shall be used
402 solely for the division to carry out its duties and
403 responsibilities.

404 (2) Moneys deposited into the Insurance Regulatory Trust
405 Fund pursuant to this section shall be appropriated by the
406 Legislature, pursuant to the provisions of chapter 216, for the
407 sole purpose of enabling the division to carry out its duties
408 and responsibilities.

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409 (3) Notwithstanding the provisions of s. 216.301 and
 410 pursuant to s. 216.351, any balance of moneys deposited into the
 411 Insurance Regulatory Trust Fund pursuant to this section
 412 remaining at the end of any fiscal year shall remain in the
 413 trust fund at the end of that year and shall be available for
 414 carrying out the duties and responsibilities of the division.

415 Section 13. Subsections (1) and (3) of section 627.06501,
 416 Florida Statutes, are amended to read:

417 627.06501 Insurance discounts for certain persons
 418 completing driver improvement course.--

419 (1) Any rate, rating schedule, or rating manual for the
 420 liability, personal injury protection, and collision coverages
 421 of a motor vehicle insurance policy filed with the office may
 422 provide for a minimum 10-percent ~~an appropriate~~ reduction in
 423 premium charges as to such coverages when the principal operator
 424 on the covered vehicle has successfully completed a driver
 425 improvement course approved and certified by the Department of
 426 Highway Safety and Motor Vehicles which is effective in reducing
 427 crash or violation rates, or both, as determined pursuant to s.
 428 318.1451(5). ~~Any discount, not to exceed 10 percent, used by an~~
 429 ~~insurer is presumed to be appropriate unless credible data~~
 430 ~~demonstrates otherwise.~~

431 (3) The organization offering the course shall, upon a
 432 person's successful completion of the course, issue the person a
 433 certificate that the person may use to qualify for the premium
 434 discount authorized by this section. The Department of Highway
 435 Safety and Motor Vehicles shall require each person completing
 436 the course for purposes of this section to pass a written test

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437 given by the organization evaluating the person's knowledge of
438 the content of the course.

439 Section 14. Paragraph (f) of subsection (11) of section
440 627.736, Florida Statutes, is amended, and subsection (14) is
441 added to that section, to read:

442 627.736 Required personal injury protection benefits;
443 exclusions; priority; claims.--

444 (11) DEMAND LETTER.--

445 (f) Any insurer making a general business practice of not
446 paying valid claims until receipt of the notice required by this
447 subsection is engaging in an unfair trade practice under the
448 insurance code and is liable for damages in the amount of three
449 times the amount of benefits due or recovered resulting from
450 failing to pay the claims until receiving the demand letter
451 notices under this subsection. Any attorney who successfully
452 prosecutes an action based upon an insurer's general business
453 practice of not paying valid claims until receipt of the notice
454 required by this subsection may be awarded a lodestar multiplier
455 at the time that the court awards attorney's fees. The Attorney
456 General shall investigate and initiate actions for any violation
457 of this paragraph. In carrying out the duties and
458 responsibilities under this paragraph, the Attorney General may:

- 459 1. Administer oaths and affirmations.
- 460 2. Subpoena witnesses or materials.
- 461 3. Collect evidence for possible use in civil or criminal
462 judicial proceedings.

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463 4. Request and receive the assistance of any state
464 attorney or law enforcement agency in the investigation and
465 prosecution of any violation of this paragraph.

466 5. Seek any civil remedy provided by law.

467 (14) FRAUD ADVISORY NOTICE.--Upon receiving notice of a
468 claim under this section, an insurer shall provide a notice to
469 the insured or to a person for whom a claim for reimbursement
470 for diagnosis or treatment of injuries has been filed, advising
471 that:

472 (a) Pursuant to s. 626.9892, the Department of Financial
473 Services may pay rewards of up to \$25,000 to persons providing
474 information leading to the arrest and conviction of persons
475 committing crimes investigated by the Division of Insurance
476 Fraud arising from violations of s. 440.105, s. 624.15, s.
477 626.9541, s. 626.989, or s. 817.234.

478 (b) Solicitation of a person injured in a motor vehicle
479 crash for purposes of filing personal injury protection or tort
480 claims could be a violation of s. 817.234, s. 817.505, or the
481 rules regulating The Florida Bar and should be immediately
482 reported to the Division of Insurance Fraud if such conduct has
483 taken place.

484 Section 15. Subsection (1) of section 627.7401, Florida
485 Statutes, is amended to read:

486 627.7401 Notification of insured's rights.--

487 (1) The commission, by rule, shall adopt a form for the
488 notification of insureds of their right to receive personal
489 injury protection benefits under the Florida Motor Vehicle No-
490 Fault Law. Such notice shall include:

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491 (a) A description of the benefits provided by personal
492 injury protection, including, but not limited to, the specific
493 types of services for which medical benefits are paid,
494 disability benefits, death benefits, significant exclusions from
495 and limitations on personal injury protection benefits, when
496 payments are due, how benefits are coordinated with other
497 insurance benefits that the insured may have, penalties and
498 interest that may be imposed on insurers for failure to make
499 timely payments of benefits, and rights of parties regarding
500 disputes as to benefits.

501 (b) An advisory informing insureds that:

502 1. Pursuant to s. 626.9892, the Department of Financial
503 Services may pay rewards of up to \$25,000 to persons providing
504 information leading to the arrest and conviction of persons
505 committing crimes investigated by the Division of Insurance
506 Fraud arising from violations of s. 440.105, s. 624.15, s.
507 626.9541, s. 626.989, or s. 817.234.

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

512 (c) A notice that solicitation of a person injured in a
513 motor vehicle crash for purposes of filing personal injury
514 protection or tort claims could be a violation of s. 817.234, s
515 817.505, or the rules regulating The Florida Bar and should be
516 immediately reported to the Division of Insurance Fraud if such
517 conduct has taken place.

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518 Section 16. Paragraph (a) of subsection (7) and subsection
519 (9) of section 817.234, Florida Statutes, are amended to read:

520 817.234 False and fraudulent insurance claims.--

521 (7) (a) It shall constitute a material omission and
522 insurance fraud, punishable as provided in subsection (11), for
523 any service ~~physician or other~~ provider, other than a hospital,
524 to engage in a general business practice of billing amounts as
525 its usual and customary charge, if such provider has agreed with
526 the insured ~~patient~~ or intends to waive deductibles or
527 copayments, or does not for any other reason intend to collect
528 the total amount of such charge. With respect to a determination
529 as to whether a service ~~physician or other~~ provider has engaged
530 in such general business practice, consideration shall be given
531 to evidence of whether the physician or other provider made a
532 good faith attempt to collect such deductible or copayment. This
533 paragraph does not apply to physicians or other providers who
534 waive deductibles or copayments or reduce their bills as part of
535 a bodily injury settlement or verdict.

536 (9) A person may not organize, plan, or knowingly
537 participate in an intentional motor vehicle crash or a scheme to
538 create documentation of a motor vehicle crash that did not occur
539 for the purpose of making motor vehicle tort claims or claims
540 for personal injury protection benefits as required by s.
541 627.736. Any person who violates this subsection commits a
542 felony of the second degree, punishable as provided in s.
543 775.082, s. 775.083, or s. 775.084. A person who is convicted of
544 a violation of this subsection shall be sentenced to a minimum
545 term of imprisonment of 2 years.

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546 Section 17. Section 817.2361, Florida Statutes, is amended
547 to read:

548 817.2361 False or fraudulent proof of motor vehicle
549 insurance ~~card~~.--Any person who, with intent to deceive any
550 other person, creates, markets, or presents a false or
551 fraudulent proof of motor vehicle insurance ~~card~~ commits a
552 felony of the third degree, punishable as provided in s.
553 775.082, s. 775.083, or s. 775.084.

554 Section 18. Subsection (2) of section 817.50, Florida
555 Statutes, is amended to read:

556 817.50 Fraudulently obtaining goods, services, etc., from
557 a health care provider.--

558 (2) If any person gives to any health care provider in
559 this state a false or fictitious name or a false or fictitious
560 address or assigns to any health care provider the proceeds of
561 any health maintenance contract or insurance contract, then
562 knowing that such contract is no longer in force, is invalid, or
563 is void for any reason, such action shall be prima facie
564 evidence of the intent of such person to defraud the health care
565 provider. However, this subsection does not apply to
566 investigative actions taken by law enforcement officers for law
567 enforcement purposes in the course of their official duties.

568 Section 19. Subsection (1) and paragraph (a) of subsection
569 (2) of section 817.505, Florida Statutes, are amended to read:

570 817.505 Patient brokering prohibited; exceptions;
571 penalties.--

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

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574 (a) Offer or pay any commission, bonus, rebate, kickback,
575 or bribe, directly or indirectly, in cash or in kind, or engage
576 in any split-fee arrangement, in any form whatsoever, to induce
577 the referral of patients or patronage to or from a health care
578 provider or health care facility;

579 (b) Solicit or receive any commission, bonus, rebate,
580 kickback, or bribe, directly or indirectly, in cash or in kind,
581 or engage in any split-fee arrangement, in any form whatsoever,
582 in return for referring patients or patronage to or from a
583 health care provider or health care facility; ~~or~~

584 (c) Solicit or receive any commission, bonus, rebate,
585 kickback, or bribe, directly or indirectly, in cash or in kind,
586 or engage in any split-fee arrangement, in any form whatsoever,
587 in return for the acceptance or acknowledgement of treatment
588 from a health care provider or health care facility; or

589 (d)-(e) Aid, abet, advise, or otherwise participate in the
590 conduct prohibited under paragraph (a), ~~or~~ paragraph (b), or
591 paragraph (c).

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

593 (a) "Health care provider or health care facility" means
594 any person or entity licensed, certified, or registered;
595 required to be licensed, certified, or registered; or lawfully
596 exempt from being required to be licensed, certified, or
597 registered with the Agency for Health Care Administration or the
598 Department of Health; any person or entity that has contracted
599 with the Agency for Health Care Administration to provide goods
600 or services to Medicaid recipients as provided under s. 409.907;
601 a county health department established under part I of chapter

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602 154; any community service provider contracting with the
603 Department of Children and Family Services to furnish alcohol,
604 drug abuse, or mental health services under part IV of chapter
605 394; any substance abuse service provider licensed under chapter
606 397; or any federally supported primary care program such as a
607 migrant or community health center authorized under ss. 329 and
608 330 of the United States Public Health Services Act.

609 Section 20. Section 843.08, Florida Statutes, is amended
610 to read:

611 843.08 Falsely personating officer, etc.--A person who
612 falsely assumes or pretends to be a sheriff, officer of the
613 Florida Highway Patrol, officer of the Fish and Wildlife
614 Conservation Commission, officer of the Department of
615 Environmental Protection, officer of the Department of
616 Transportation, officer of the Department of Financial Services,
617 officer of the Department of Corrections, correctional probation
618 officer, deputy sheriff, state attorney or assistant state
619 attorney, statewide prosecutor or assistant statewide
620 prosecutor, state attorney investigator, coroner, police
621 officer, lottery special agent or lottery investigator, beverage
622 enforcement agent, or watchman, or any member of the Parole
623 Commission and any administrative aide or supervisor employed by
624 the commission, or any personnel or representative of the
625 Department of Law Enforcement, and takes upon himself or herself
626 to act as such, or to require any other person to aid or assist
627 him or her in a matter pertaining to the duty of any such
628 officer, commits a felony of the third degree, punishable as
629 provided in s. 775.082, s. 775.083, or s. 775.084; however, a

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

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630 person who falsely personates any such officer during the course
 631 of the commission of a felony commits a felony of the second
 632 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 633 775.084; except that if the commission of the felony results in
 634 the death or personal injury of another human being, the person
 635 commits a felony of the first degree, punishable as provided in
 636 s. 775.082, s. 775.083, or s. 775.084.

637 Section 21. Paragraph (n) is added to subsection (6) of
 638 section 932.7055, Florida Statutes, to read:

639 932.7055 Disposition of liens and forfeited property.--

640 (6) If the seizing agency is a state agency, all remaining
 641 proceeds shall be deposited into the General Revenue Fund.
 642 However, if the seizing agency is:

643 (n) The Division of Insurance Fraud of the Department of
 644 Financial Services, the proceeds accrued pursuant to the
 645 provisions of the Florida Contraband Forfeiture Act shall be
 646 deposited into the Insurance Regulatory Trust Fund as provided
 647 in s. 626.9893 or into the Department of Financial Services'
 648 Federal Equitable Sharing Trust Fund as provided in s. 17.43, as
 649 applicable.

650 Section 22. If any provision of this act or the
 651 application thereof to any person or circumstance is held
 652 invalid, the invalidity does not affect other provisions or
 653 applications of the act which can be given effect without the
 654 invalid provision or application, and, to this end, the
 655 provisions of this act are declared severable.

656 Section 23. This act shall take effect July 1, 2006.