

## ENROLLED

HB 561, Engrossed 1

2006 Legislature

1                                   A bill to be entitled  
2           An act relating to offenses involving insurance; amending  
3           s. 316.068, F.S.; specifying information to be included in  
4           a crash report; creating a rebuttable presumption relating  
5           to the absence of certain information in such reports;  
6           amending s. 322.21, F.S.; providing an additional fee for  
7           certain offenses relating to insurance crimes; providing  
8           for deposit of the fee into the Highway Safety Operating  
9           Trust Fund; amending s. 322.26, F.S.; providing an  
10          additional circumstance relating to insurance crimes for  
11          mandatory revocation of a person's driver's license;  
12          amending s. 400.9935, F.S.; prohibiting medical directors  
13          from referring specified patients to certain clinics for  
14          specified medical examinations and tests; providing a  
15          definition; providing criminal penalties; requiring health  
16          care clinics to display signs containing certain  
17          information relating to insurance fraud; authorizing  
18          compliance inspections by the Division of Insurance Fraud;  
19          requiring clinics to allow inspection access; amending s.  
20          440.105, F.S.; deleting the provision that a violation of  
21          a stop-work order is a misdemeanor of the first degree;  
22          making unlawful a failure to secure required workers'  
23          compensation insurance coverage; providing criminal  
24          penalties; amending s. 456.054, F.S.; revising the  
25          definition of the term "kickback" for criminal prosecution  
26          purposes; amending s. 624.15, F.S.; specifying violations  
27          of rules of the Department of Financial Services, Office

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28 | of Insurance Regulation, or Financial Services Commission  
29 | as misdemeanors; specifying a violation of emergency rules  
30 | or orders as a felony of the third degree; providing  
31 | penalties; providing for nonapplication to certain  
32 | persons; amending s. 626.112, F.S.; providing a criminal  
33 | penalty for knowingly transacting insurance without a  
34 | license; amending s. 626.938, F.S.; revising provisions  
35 | requiring a report and taxation of independently procured  
36 | coverages; specifying nonauthorization of independent  
37 | procurement of workers' compensation, life, or health  
38 | insurance; amending s. 626.9891, F.S.; expanding  
39 | authorization to impose administrative fines on insurers  
40 | for failure to comply with certain anti-fraud plan or  
41 | anti-fraud investigative unit description requirements;  
42 | creating s. 626.9893, F.S.; authorizing the division to  
43 | deposit certain revenues into the Insurance Regulatory  
44 | Trust Fund; specifying accounting and uses of such  
45 | revenues; providing for appropriation and use of such  
46 | revenues; amending s. 627.4133, F.S.; providing a  
47 | limitation on retroactive assumption of certain coverages  
48 | and liabilities; amending s. 627.736, F.S.; requiring  
49 | insurers to provide certain persons with notice of the  
50 | department's Anti-Fraud Reward Program and the criminal  
51 | violations that may be reported in pursuit of a reward;  
52 | amending s. 627.7401, F.S.; specifying additional  
53 | requirements for Financial Services Commission  
54 | notification of an insured's rights; amending s. 627.912,

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

77  
78 Be It Enacted by the Legislature of the State of Florida:

79  
80 Section 1. Subsection (2) of section 316.068, Florida  
81 Statutes, is amended to read:

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82 | 316.068 Crash report forms.--

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

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

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

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

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

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

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

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

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

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

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108 |           322.21 License fees; procedure for handling and collecting  
109 | fees.--

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

122 |           (a) Of the \$35 fee received from a licensee for  
123 | reinstatement following a suspension, the department shall  
124 | deposit \$15 in the General Revenue Fund and \$20 in the Highway  
125 | Safety Operating Trust Fund.

126 |           (b) Of the \$60 fee received from a licensee for  
127 | reinstatement following a revocation or disqualification, the  
128 | department shall deposit \$35 in the General Revenue Fund and \$25  
129 | in the Highway Safety Operating Trust Fund.

130 |  
131 | If the revocation or suspension of the driver's license was for  
132 | a violation of s. 316.193, or for refusal to submit to a lawful  
133 | breath, blood, or urine test, an additional fee of \$115 must be  
134 | charged. However, only one \$115 fee may be collected from one

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135 person convicted of violations arising out of the same incident.  
 136 The department shall collect the \$115 fee and deposit the fee  
 137 into the Highway Safety Operating Trust Fund at the time of  
 138 reinstatement of the person's driver's license, but the fee may  
 139 not be collected if the suspension or revocation is overturned.  
 140 If the revocation or suspension of the driver's license was for  
 141 a conviction for a violation of s. 817.234(8) or (9) or s.  
 142 817.505, an additional fee of \$180 is imposed for each offense.  
 143 The department shall collect and deposit the additional fee into  
 144 the Highway Safety Operating Trust Fund at the time of  
 145 reinstatement of the person's driver's license.

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

148 322.26 Mandatory revocation of license by department.--The  
 149 department shall forthwith revoke the license or driving  
 150 privilege of any person upon receiving a record of such person's  
 151 conviction of any of the following offenses:

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

154 Section 4. Paragraph (h) is added to subsection (1) of  
 155 section 400.9935, Florida Statutes, and subsection (13) is added  
 156 to that section, to read:

157 400.9935 Clinic responsibilities.--

158 (1) Each clinic shall appoint a medical director or clinic  
 159 director who shall agree in writing to accept legal  
 160 responsibility for the following activities on behalf of the  
 161 clinic. The medical director or the clinic director shall:

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162       (h) Not refer a patient to the clinic if the clinic  
163 performs magnetic resonance imaging, static radiographs,  
164 computed tomography, or positron emission tomography. The term  
165 "refer a patient" means the referral of one or more patients of  
166 the medical or clinical director or a member of the medical or  
167 clinical director's group practice to the clinic for magnetic  
168 resonance imaging, static radiographs, computed tomography, or  
169 positron emission tomography. A medical director who is found to  
170 violate this paragraph commits a felony of the third degree,  
171 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

172       (13) The clinic shall display a sign in a conspicuous  
173 location within the clinic readily visible to all patients  
174 indicating that, pursuant to s. 626.9892, the Department of  
175 Financial Services may pay rewards of up to \$25,000 to persons  
176 providing information leading to the arrest and conviction of  
177 persons committing crimes investigated by the Division of  
178 Insurance Fraud arising from violations of s. 440.105, s.  
179 624.15, s. 626.9541, s. 626.989, or s. 817.234. An authorized  
180 employee of the Division of Insurance Fraud may make unannounced  
181 inspections of a clinic licensed under this part as necessary to  
182 determine whether the clinic is in compliance with this  
183 subsection. A licensed clinic shall allow full and complete  
184 access to the premises to such authorized employee of the  
185 division who makes an inspection to determine compliance with  
186 this subsection.

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187 Section 5. Paragraph (a) of subsection (2) and paragraph  
 188 (a) of subsection (4) of section 440.105, Florida Statutes, are  
 189 amended to read:

190 440.105 Prohibited activities; reports; penalties;  
 191 limitations.--

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

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

196 1. Coerce or attempt to coerce, as a precondition to  
 197 employment or otherwise, an employee to obtain a certificate of  
 198 election of exemption pursuant to s. 440.05.

199 2. Discharge or refuse to hire an employee or job  
 200 applicant because the employee or applicant has filed a claim  
 201 for benefits under this chapter.

202 3. Discharge, discipline, or take any other adverse  
 203 personnel action against any employee for disclosing information  
 204 to the department or any law enforcement agency relating to any  
 205 violation or suspected violation of any of the provisions of  
 206 this chapter or rules promulgated hereunder.

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

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

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



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

216 2. Make a deduction from the pay of any employee entitled  
 217 to the benefits of this chapter for the purpose of requiring the  
 218 employee to pay any portion of premium paid by the employer to a  
 219 carrier or to contribute to a benefit fund or department  
 220 maintained by such employer for the purpose of providing  
 221 compensation or medical services and supplies as required by  
 222 this chapter.

223 3. Fail to secure workers' ~~payment of~~ compensation  
 224 insurance coverage if required to do so by this chapter.

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

227 456.054 Kickbacks prohibited.--

228 (1) As used in this section, the term "kickback" means a  
 229 remuneration or payment ~~back pursuant to an investment interest,~~  
 230 ~~compensation arrangement, or otherwise,~~ by or on behalf of a  
 231 provider of health care services or items, ~~of a portion of the~~  
 232 ~~charges for services rendered to~~ any person ~~a referring health~~  
 233 ~~care provider~~ as an incentive or inducement to refer patients  
 234 for past or future services or items, when the payment is not  
 235 tax deductible as an ordinary and necessary expense.

236 Section 7. Section 624.15, Florida Statutes, is amended to  
 237 read:

238 624.15 General penalty.--

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239           (1) Each willful violation of this code or rule of the  
 240 department, office, or commission as to which a greater penalty  
 241 is not provided by another provision of this code or rule of the  
 242 department, office, or commission or by other applicable laws of  
 243 this state is a misdemeanor of the second degree and is, in  
 244 addition to any prescribed applicable denial, suspension, or  
 245 revocation of certificate of authority, license, or permit,  
 246 punishable as provided in s. 775.082 or s. 775.083. Each  
 247 instance of such violation shall be considered a separate  
 248 offense.

249           (2) Each willful violation of an emergency rule or order  
 250 of the department, office, or commission by a person who is not  
 251 licensed, authorized, or eligible to engage in business in  
 252 accordance with the Florida Insurance Code is a felony of the  
 253 third degree, punishable as provided in s. 775.082, s. 775.083,  
 254 or s. 775.084. Each instance of such violation is a separate  
 255 offense. This subsection does not apply to licensees or  
 256 affiliated parties of licensees.

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

259           626.112 License and appointment required; agents, customer  
 260 representatives, adjusters, insurance agencies, service  
 261 representatives, managing general agents.--

262           (9) Any person who knowingly transacts insurance or  
 263 otherwise engages in insurance activities in this state without  
 264 a license in violation of this section commits a felony of the

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265 third degree, punishable as provided in s. 775.082, s. 775.083,  
 266 or s. 775.084.

267 Section 9. Subsections (1), (2), and (9) of section  
 268 626.938, Florida Statutes, are amended to read:

269 626.938 Report and tax of independently procured  
 270 coverages.--

271 (1) Every insured who in this state procures or causes to  
 272 be procured or continues or renews insurance from another state  
 273 or country with an unauthorized foreign or alien insurer  
 274 legitimately licensed in that jurisdiction, or any self-insurer  
 275 who in this state so procures or continues excess loss,  
 276 catastrophe, or other insurance, upon a subject of insurance  
 277 resident, located, or to be performed within this state, other  
 278 than insurance procured through a surplus lines agent pursuant  
 279 to the Surplus Lines Law of this state or exempted from tax  
 280 under s. 626.932(4), shall, within 30 days after the date such  
 281 insurance was so procured, continued, or renewed, file a report  
 282 of the same with the Florida Surplus Lines Service Office in  
 283 writing and upon forms designated by the Florida Surplus Lines  
 284 Service Office and furnished to such an insured upon request, or  
 285 in a computer readable format as determined by the Florida  
 286 Surplus Lines Service Office. The report shall show the name and  
 287 address of the insured or insureds, the name and address of the  
 288 insurer, the subject of the insurance, a general description of  
 289 the coverage, the amount of premium currently charged therefor,  
 290 and such additional pertinent information as is reasonably  
 291 requested by the Florida Surplus Lines Service Office.

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292           (2) Any insurance on a risk located in this state in an  
 293 unauthorized insurer legitimately licensed in another state or  
 294 country procured through solicitations, negotiations, or an  
 295 application, ~~in whole or in part~~ occurring or made outside  
 296 ~~within or from within this state, or for which premiums in whole~~  
 297 ~~or in part are remitted directly or indirectly from within this~~  
 298 ~~state~~, shall be deemed to be insurance procured, continued, or  
 299 renewed in this state within the intent of subsection (1).

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

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

305           626.9891 Insurer anti-fraud investigative units; reporting  
 306 requirements; penalties for noncompliance.--

307           (7) If an insurer fails to timely submit a final  
 308 acceptable anti-fraud plan or anti-fraud investigative unit  
 309 description ~~otherwise fails to submit a plan~~, fails to implement  
 310 the provisions of a plan or an anti-fraud investigative unit  
 311 description, or otherwise refuses to comply with the provisions  
 312 of this section, the department, office, or commission may:

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

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318           (b) Impose an administrative fine for failure by an ~~upon~~  
 319 ~~the insurer to implement or follow the provisions of an anti-~~  
 320 ~~fraud plan or anti-fraud investigative unit description a fraud~~  
 321 ~~detection and prevention plan that is deemed to be appropriate~~  
 322 ~~by the department and that must be implemented by the insurer;~~  
 323 or

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

327           626.9893 Disposition of revenues; criminal or forfeiture  
 328 proceedings.--

329           (1) The Division of Insurance Fraud of the Department of  
 330 Financial Services may deposit revenues received as a result of  
 331 criminal proceedings or forfeiture proceedings, other than  
 332 revenues deposited into the Department of Financial Services'  
 333 Federal Equitable Sharing Trust Fund under s. 17.43, into the  
 334 Insurance Regulatory Trust Fund. Moneys deposited pursuant to  
 335 this section shall be separately accounted for and shall be used  
 336 solely for the division to carry out its duties and  
 337 responsibilities.

338           (2) Moneys deposited into the Insurance Regulatory Trust  
 339 Fund pursuant to this section shall be appropriated by the  
 340 Legislature, pursuant to the provisions of chapter 216, for the  
 341 sole purpose of enabling the division to carry out its duties  
 342 and responsibilities.

343           (3) Notwithstanding the provisions of s. 216.301 and  
 344 pursuant to s. 216.351, any balance of moneys deposited into the

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345 Insurance Regulatory Trust Fund pursuant to this section  
 346 remaining at the end of any fiscal year shall remain in the  
 347 trust fund at the end of that year and shall be available for  
 348 carrying out the duties and responsibilities of the division.

349 Section 12. Subsection (4) of section 627.4133, Florida  
 350 Statutes, is amended to read:

351 627.4133 Notice of cancellation, nonrenewal, or renewal  
 352 premium.--

353 (4) Notwithstanding the provisions of s. 440.42(3), if  
 354 cancellation of a policy providing coverage for workers'  
 355 compensation and employer's liability insurance is requested by  
 356 the insured, such cancellation shall be effective on the date  
 357 the carrier sends the notice of cancellation to the insured. Any  
 358 retroactive assumption of coverage and liabilities under a  
 359 policy providing workers' compensation and employer's liability  
 360 insurance may not exceed 21 days.

361 Section 13. Subsection (14) is added to section 627.736,  
 362 Florida Statutes, to read:

363 (14) FRAUD ADVISORY NOTICE.--Upon receiving notice of a  
 364 claim under this section, an insurer shall provide a notice to  
 365 the insured or to a person for whom a claim for reimbursement  
 366 for diagnosis or treatment of injuries has been filed, advising  
 367 that:

368 (a) Pursuant to s. 626.9892, the Department of Financial  
 369 Services may pay rewards of up to \$25,000 to persons providing  
 370 information leading to the arrest and conviction of persons  
 371 committing crimes investigated by the Division of Insurance

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372 Fraud arising from violations of s. 440.105, s. 624.15, s.  
373 626.9541, s. 626.989, or s. 817.234.

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

380 Section 14. Subsection (1) of section 627.7401, Florida  
381 Statutes, is amended to read:

382 627.7401 Notification of insured's rights.--

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

387 (a) A description of the benefits provided by personal  
388 injury protection, including, but not limited to, the specific  
389 types of services for which medical benefits are paid,  
390 disability benefits, death benefits, significant exclusions from  
391 and limitations on personal injury protection benefits, when  
392 payments are due, how benefits are coordinated with other  
393 insurance benefits that the insured may have, penalties and  
394 interest that may be imposed on insurers for failure to make  
395 timely payments of benefits, and rights of parties regarding  
396 disputes as to benefits.

397 (b) An advisory informing insureds that:

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398           1. Pursuant to s. 626.9892, the Department of Financial  
 399 Services may pay rewards of up to \$25,000 to persons providing  
 400 information leading to the arrest and conviction of persons  
 401 committing crimes investigated by the Division of Insurance  
 402 Fraud arising from violations of s. 440.105, s. 624.15, s.  
 403 626.9541, s. 626.989, or s. 817.234.

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

408           (c) A notice that solicitation of a person injured in a  
 409 motor vehicle crash for purposes of filing personal injury  
 410 protection or tort claims could be a violation of s. 817.234, s  
 411 817.505, or the rules regulating The Florida Bar and should be  
 412 immediately reported to the Division of Insurance Fraud if such  
 413 conduct has taken place.

414           Section 15. Subsection (4) of section 627.912, Florida  
 415 Statutes, is amended to read:

416           627.912 Professional liability claims and actions; reports  
 417 by insurers and health care providers; annual report by  
 418 office.--

419           (4) There shall be no liability on the part of, and no  
 420 cause of action of any nature shall arise against, any person or  
 421 entity reporting hereunder or its agents or employees or the  
 422 office or its employees for any action taken by them under this  
 423 section. The office may ~~shall~~ impose a fine of up to \$250 per  
 424 day per case, but not to exceed a total of \$10,000 per case,



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425 | against an insurer, commercial self-insurance fund, medical  
 426 | malpractice self-insurance fund, or risk retention group that  
 427 | violates the requirements of this section, except that the  
 428 | office may impose a fine of \$250 per day per case, not to exceed  
 429 | a total of \$1,000 per case, against an insurer providing  
 430 | professional liability insurance to a member of The Florida Bar,  
 431 | which insurer violates the provisions of this section. If a  
 432 | health care practitioner or health care facility violates the  
 433 | requirements of this section, it shall be considered a violation  
 434 | of the chapter or act under which the practitioner or facility  
 435 | is licensed and shall be grounds for a fine or disciplinary  
 436 | action as such other violations of the chapter or act. The  
 437 | office may adjust a fine imposed under this subsection by  
 438 | considering the financial condition of the licensee, premium  
 439 | volume written, ratio of violations to compliancy, and other  
 440 | mitigating factors as determined by the office.

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

443 | 817.234 False and fraudulent insurance claims.--

444 | (7)(a) It shall constitute a material omission and  
 445 | insurance fraud, punishable as provided in subsection (11), for  
 446 | any service ~~physician or other~~ provider, other than a hospital,  
 447 | to engage in a general business practice of billing amounts as  
 448 | its usual and customary charge, if such provider has agreed with  
 449 | the insured ~~patient~~ or intends to waive deductibles or  
 450 | copayments, or does not for any other reason intend to collect  
 451 | the total amount of such charge. With respect to a determination

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452 as to whether a service ~~physician or other~~ provider has engaged  
 453 in such general business practice, consideration shall be given  
 454 to evidence of whether the physician or other provider made a  
 455 good faith attempt to collect such deductible or copayment. This  
 456 paragraph does not apply to physicians or other providers who  
 457 waive deductibles or copayments or reduce their bills as part of  
 458 a bodily injury settlement or verdict.

459 (9) A person may not organize, plan, or knowingly  
 460 participate in an intentional motor vehicle crash or a scheme to  
 461 create documentation of a motor vehicle crash that did not occur  
 462 for the purpose of making motor vehicle tort claims or claims  
 463 for personal injury protection benefits as required by s.  
 464 627.736. Any person who violates this subsection commits a  
 465 felony of the second degree, punishable as provided in s.  
 466 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
 467 a violation of this subsection shall be sentenced to a minimum  
 468 term of imprisonment of 2 years.

469 Section 17. Section 817.2361, Florida Statutes, is amended  
 470 to read:

471 817.2361 False or fraudulent proof of motor vehicle  
 472 insurance ~~card~~.--Any person who, with intent to deceive any  
 473 other person, creates, markets, or presents a false or  
 474 fraudulent proof of motor vehicle insurance ~~card~~ commits a  
 475 felony of the third degree, punishable as provided in s.  
 476 775.082, s. 775.083, or s. 775.084.

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

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479 817.50 Fraudulently obtaining goods, services, etc., from  
 480 a health care provider.--

481 (2) If any person gives to any health care provider in  
 482 this state a false or fictitious name or a false or fictitious  
 483 address or assigns to any health care provider the proceeds of  
 484 any health maintenance contract or insurance contract, then  
 485 knowing that such contract is no longer in force, is invalid, or  
 486 is void for any reason, such action shall be prima facie  
 487 evidence of the intent of such person to defraud the health care  
 488 provider. However, this subsection does not apply to  
 489 investigative actions taken by law enforcement officers for law  
 490 enforcement purposes in the course of their official duties.

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

493 817.505 Patient brokering prohibited; exceptions;  
 494 penalties.--

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

497 (a) Offer or pay any commission, bonus, rebate, kickback,  
 498 or bribe, directly or indirectly, in cash or in kind, or engage  
 499 in any split-fee arrangement, in any form whatsoever, to induce  
 500 the referral of patients or patronage to or from a health care  
 501 provider or health care facility;

502 (b) Solicit or receive any commission, bonus, rebate,  
 503 kickback, or bribe, directly or indirectly, in cash or in kind,  
 504 or engage in any split-fee arrangement, in any form whatsoever,

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505 | in return for referring patients or patronage to or from a  
 506 | health care provider or health care facility; ~~or~~

507 | (c) Solicit or receive any commission, bonus, rebate,  
 508 | kickback, or bribe, directly or indirectly, in cash or in kind,  
 509 | or engage in any split-fee arrangement, in any form whatsoever,  
 510 | in return for the acceptance or acknowledgement of treatment  
 511 | from a health care provider or health care facility; or

512 | (d)-(e) Aid, abet, advise, or otherwise participate in the  
 513 | conduct prohibited under paragraph (a), ~~or~~ paragraph (b), or  
 514 | paragraph (c).

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

516 | (a) "Health care provider or health care facility" means  
 517 | any person or entity licensed, certified, or registered;  
 518 | required to be licensed, certified, or registered; or lawfully  
 519 | exempt from being required to be licensed, certified, or  
 520 | registered with the Agency for Health Care Administration or the  
 521 | Department of Health; any person or entity that has contracted  
 522 | with the Agency for Health Care Administration to provide goods  
 523 | or services to Medicaid recipients as provided under s. 409.907;  
 524 | a county health department established under part I of chapter  
 525 | 154; any community service provider contracting with the  
 526 | Department of Children and Family Services to furnish alcohol,  
 527 | drug abuse, or mental health services under part IV of chapter  
 528 | 394; any substance abuse service provider licensed under chapter  
 529 | 397; or any federally supported primary care program such as a  
 530 | migrant or community health center authorized under ss. 329 and  
 531 | 330 of the United States Public Health Services Act.

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532 Section 20. Section 843.08, Florida Statutes, is amended  
533 to read:

534 843.08 Falsely personating officer, etc.--A person who  
535 falsely assumes or pretends to be a sheriff, officer of the  
536 Florida Highway Patrol, officer of the Fish and Wildlife  
537 Conservation Commission, officer of the Department of  
538 Environmental Protection, officer of the Department of  
539 Transportation, officer of the Department of Financial Services,  
540 officer of the Department of Corrections, correctional probation  
541 officer, deputy sheriff, state attorney or assistant state  
542 attorney, statewide prosecutor or assistant statewide  
543 prosecutor, state attorney investigator, coroner, police  
544 officer, lottery special agent or lottery investigator, beverage  
545 enforcement agent, or watchman, or any member of the Parole  
546 Commission and any administrative aide or supervisor employed by  
547 the commission, or any personnel or representative of the  
548 Department of Law Enforcement, and takes upon himself or herself  
549 to act as such, or to require any other person to aid or assist  
550 him or her in a matter pertaining to the duty of any such  
551 officer, commits a felony of the third degree, punishable as  
552 provided in s. 775.082, s. 775.083, or s. 775.084; however, a  
553 person who falsely personates any such officer during the course  
554 of the commission of a felony commits a felony of the second  
555 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
556 775.084; except that if the commission of the felony results in  
557 the death or personal injury of another human being, the person

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558 | commits a felony of the first degree, punishable as provided in  
 559 | s. 775.082, s. 775.083, or s. 775.084.

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

562 |           932.7055 Disposition of liens and forfeited property.--

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

565 | However, if the seizing agency is:

566 |       (n) The Division of Insurance Fraud of the Department of  
 567 | Financial Services, the proceeds accrued pursuant to the  
 568 | provisions of the Florida Contraband Forfeiture Act shall be  
 569 | deposited into the Insurance Regulatory Trust Fund as provided  
 570 | in s. 626.9893 or into the Department of Financial Services'  
 571 | Federal Equitable Sharing Trust Fund as provided in s. 17.43, as  
 572 | applicable.

573 |       Section 22. If any provision of this act or the  
 574 | application thereof to any person or circumstance is held  
 575 | invalid, the invalidity does not affect other provisions or  
 576 | applications of the act which can be given effect without the  
 577 | invalid provision or application, and, to this end, the  
 578 | provisions of this act are declared severable.

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