



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

1  
2 An act relating to insurance fraud; repealing s.  
3 400.993, F.S., relating to criminal penalties  
4 applicable to unlicensed health care clinics and the  
5 reporting of unlicensed health care clinics; amending  
6 s. 400.9935, F.S.; revising provisions related to  
7 unlawful, noncompensable, and unenforceable health  
8 care clinic charges or reimbursement claims; revising  
9 and providing criminal penalties for making unlawful  
10 charges, operating or failing to report an unlicensed  
11 clinic, filing false or misleading information related  
12 to a clinic license application, and other violations;  
13 defining the term "convicted"; amending s. 626.9894,  
14 F.S.; conforming provisions to changes made by the  
15 act; repealing s. 626.9895, F.S., relating to the  
16 establishment of a motor vehicle insurance fraud  
17 direct-support organization; amending s. 921.0022,  
18 F.S.; conforming provisions of the offense severity  
19 ranking chart of the Criminal Punishment Code to  
20 changes made by the act; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 400.993, Florida Statutes, is repealed.

25 Section 2. Subsections (3) and (4) of section 400.9935,  
26 Florida Statutes, are amended to read:



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

27 400.9935 Clinic responsibilities.—

28 (3) A charge ~~All charges~~ or reimbursement claim ~~claims~~

29 made by or on behalf of a clinic that is required to be licensed

30 under this part, ~~but that is not so licensed, or that is~~

31 otherwise operating in violation of this part, regardless of

32 whether a service is rendered or whether the charge or

33 reimbursement claim is paid, is an, ~~are~~ unlawful charge ~~charges~~,

34 and is therefore ~~are~~ noncompensable and unenforceable. A person

35 who knowingly makes or causes to be made an unlawful charge

36 commits theft within the meaning of, and punishable as provided

37 in, s. 812.014.

38 (4) (a) Regardless of whether notification is provided by

39 the agency under ~~In addition to the requirements of s. 408.812,~~

40 a any person commits a felony of the third degree, punishable as

41 provided in s. 775.082, s. 775.083, or s. 775.084, if the person

42 knowingly:

43 1. Establishes, owns, operates, manages, or maintains

44 establishing, operating, or managing an unlicensed clinic

45 ~~otherwise~~ required to be licensed under this part or part II of

46 chapter 408; ~~or~~

47 2. Offers or advertises services that require licensure as

48 a clinic under this part or part II of chapter 408 without a

49 license.

50 (b) If the agency provides notification under s. 408.812

51 of, or if a person is arrested for, a violation of subparagraph

52 (a)1. or subparagraph (a)2., each day during which a violation



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

53 of subparagraph (a)1. or subparagraph (a)2. occurs constitutes a  
54 separate offense.

55 (c) A person convicted of a second or subsequent violation  
56 of subparagraph (a)1. or subparagraph (a)2. commits a felony of  
57 the second degree, punishable as provided in s. 775.082, s.  
58 775.083, or s. 775.084. If the agency provides notification of,  
59 or if a person is arrested for, a violation of this paragraph,  
60 each day that this paragraph is violated thereafter constitutes  
61 a separate offense. For purposes of this paragraph, the term  
62 "convicted" means a determination of guilt which is the result  
63 of a trial or the entry of a plea of guilty or nolo contendere,  
64 regardless of whether adjudication is withheld.

65 (d) In addition to the requirements of part II of chapter  
66 408, a health care provider who is aware of the operation of an  
67 unlicensed clinic shall report the clinic to the agency. The  
68 agency shall report to the provider's licensing board a failure  
69 to report a clinic that the provider knows or has reasonable  
70 cause to suspect is unlicensed.

71 (e) A person commits a felony of the third degree,  
72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
73 if the ~~any~~ person ~~who~~ knowingly:

74 1. Files a false or misleading license application or  
75 license renewal application, or files false or misleading  
76 information related to such application or agency ~~department~~  
77 rule; or

78 2. Fails to report information to the agency as required



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

79 | ~~by s. 408.810(3), commits a felony of the third degree,~~  
 80 | ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

81 | Section 3. Subsection (5) of section 626.9894, Florida  
 82 | Statutes, is amended to read:

83 | 626.9894 Gifts and grants.—

84 | (5) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 85 | any balance of moneys deposited into the Insurance Regulatory  
 86 | Trust Fund pursuant to this section ~~or s. 626.9895~~ remaining at  
 87 | the end of any fiscal year is available for carrying out the  
 88 | duties and responsibilities of the division. The department may  
 89 | request annual appropriations from the grants and donations  
 90 | received pursuant to this section ~~or s. 626.9895~~ and cash  
 91 | balances in the Insurance Regulatory Trust Fund for the purpose  
 92 | of carrying out its duties and responsibilities related to the  
 93 | division's anti-fraud efforts, including the funding of  
 94 | dedicated prosecutors and related personnel.

95 | Section 4. Section 626.9895, Florida Statutes, is  
 96 | repealed.

97 | Section 5. Paragraphs (c) and (f) of subsection (3) of  
 98 | section 921.0022, Florida Statutes, are amended to read:

99 | 921.0022 Criminal Punishment Code; offense severity  
 100 | ranking chart.—

101 | (3) OFFENSE SEVERITY RANKING CHART

102 | (c) LEVEL 3

103 |

104 |



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

	Florida Statute	Felony Degree	Description
105	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
106	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
107	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
108	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
109	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
110	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
111	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

112	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
113	327.35(2)(b)	3rd	Felony BUI.
114	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
115	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
116	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
117	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

118

379.2431  
(1) (e) 6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

119

400.9935 (4) (a)  
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license ~~or filing false license application or other required information.~~

120

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

121

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

122



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

123	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
124	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
125	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
126	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
127	697.08	3rd	Equity skimming.
128	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
129	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.





ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

130	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
131	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
132	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
133	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
134	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
135	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
136	817.233	3rd	Burning to defraud insurer.



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

137	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
138	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
139	817.236	3rd	Filing a false motor vehicle insurance application.
140	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
141	817.413(2)	3rd	Sale of used goods as new.
142	817.505(4)	3rd	Patient brokering.
143	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

144	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
145	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
146	843.19	3rd	Injure, disable, or kill police dog or horse.
147	860.15 (3)	3rd	Overcharging for repairs and parts.
148	870.01 (2)	3rd	Riot; inciting or encouraging.
149	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
150	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5.,



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

(2) (c) 6., (2) (c) 7., (2) (c) 8.,  
 (2) (c) 9., (3), or (4) drugs  
 within 1,000 feet of university.

151

893.13 (1) (f) 2.            2nd    Sell, manufacture, or deliver s.  
 893.03 (1) (c), (2) (c) 1.,  
 (2) (c) 2., (2) (c) 3., (2) (c) 5.,  
 (2) (c) 6., (2) (c) 7., (2) (c) 8.,  
 (2) (c) 9., (3), or (4) drugs  
 within 1,000 feet of public  
 housing facility.

152

893.13 (6) (a)            3rd    Possession of any controlled  
 substance other than felony  
 possession of cannabis.

153

893.13 (7) (a) 8.            3rd    Withhold information from  
 practitioner regarding previous  
 receipt of or prescription for a  
 controlled substance.

154

893.13 (7) (a) 9.            3rd    Obtain or attempt to obtain  
 controlled substance by fraud,  
 forgery, misrepresentation, etc.

155

893.13 (7) (a) 10.            3rd    Affix false or forged label to



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

package of controlled substance.

156

893.13 (7) (a) 11.            3rd    Furnish false or fraudulent material information on any document or record required by chapter 893.

157

893.13 (8) (a) 1.            3rd    Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

158

893.13 (8) (a) 2.            3rd    Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

159

893.13 (8) (a) 3.            3rd    Knowingly write a prescription for a controlled substance for a fictitious person.

160



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

161	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
162	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
163	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
164	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
165	985.721 (f) LEVEL 6	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
166			
167	Florida Statute	Felony Degree	Description



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

168	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
169	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
170	<u>400.9935 (4) (c)</u>	<u>2nd</u>	<u>Operating a clinic, or offering services requiring licensure, without a license.</u>
171	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
172	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
173	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
174	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
175	784.021 (1) (a)	3rd	Aggravated assault; deadly



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

weapon without intent to kill.

176

784.021 (1) (b) 3rd Aggravated assault; intent to  
commit felony.

177

784.041 3rd Felony battery; domestic battery  
by strangulation.

178

784.048 (3) 3rd Aggravated stalking; credible  
threat.

179

784.048 (5) 3rd Aggravated stalking of person  
under 16.

180

784.07 (2) (c) 2nd Aggravated assault on law  
enforcement officer.

181

784.074 (1) (b) 2nd Aggravated assault on sexually  
violent predators facility  
staff.

182

784.08 (2) (b) 2nd Aggravated assault on a person  
65 years of age or older.

183

784.081 (2) 2nd Aggravated assault on specified  
official or employee.





ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

184	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
185	784.083 (2)	2nd	Aggravated assault on code inspector.
186	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
187	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
188	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
189	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
190	790.19	2nd	Shooting or throwing deadly



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

missiles into dwellings,  
vessels, or vehicles.

191

794.011(8)(a) 3rd Solicitation of minor to  
participate in sexual activity  
by custodial adult.

192

794.05(1) 2nd Unlawful sexual activity with  
specified minor.

193

800.04(5)(d) 3rd Lewd or lascivious molestation;  
victim 12 years of age or older  
but less than 16 years of age;  
offender less than 18 years.

194

800.04(6)(b) 2nd Lewd or lascivious conduct;  
offender 18 years of age or  
older.

195

806.031(2) 2nd Arson resulting in great bodily  
harm to firefighter or any other  
person.

196

810.02(3)(c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

197



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

198	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
199	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
200	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
201	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
202	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
203	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
204	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

205	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
206	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
207	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
208	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
209	827.03 (2) (c)	3rd	Abuse of a child.
210	827.03 (2) (d)	3rd	Neglect of a child.
211	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
212	836.05	2nd	Threats; extortion.
	836.10	2nd	Written threats to kill or do bodily injury.



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

213	843.12	3rd	Aids or assists person to escape.
214	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
215	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
216	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
217	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
218	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great



ENROLLED

CS/CS/HB 1127, Engrossed 1

2015 Legislature

bodily harm.

219

944.40                      2nd      Escapes.

220

944.46                      3rd      Harboring, concealing, aiding  
escaped prisoners.

221

944.47(1)(a)5.            2nd      Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

222

951.22(1)                      3rd      Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

223

224                      Section 6.    This act shall take effect October 1, 2015.