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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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 Section 400.993, Florida Statutes, is repealed.

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

400.9935 Clinic responsibilities.—

(3) A charge ~~All charges~~ or reimbursement claim ~~claims~~ made
by or on behalf of a clinic that is required to be licensed



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11 under this part, but that is not so licensed, or that is
12 otherwise operating in violation of this part or rules of the
13 agency, regardless of whether a service is rendered or whether
14 the charge or reimbursement claim is paid, is an, are unlawful
15 charge charges, and is therefore are noncompensable and
16 unenforceable. A person who knowingly makes or causes to be made
17 an unlawful charge commits theft within the meaning of, and
18 punishable as provided in, s. 812.014.

19 (4) (a) Regardless of whether notification is provided by
20 the agency under In addition to the requirements of s. 408.812,
21 a any person commits a felony of the third degree, punishable as
22 provided in s. 775.082, s. 775.083, or s. 775.084, if the person
23 knowingly:

24 1. Establishes, owns, operates, manages, or maintains
25 establishing, operating, or managing an unlicensed clinic
26 otherwise required to be licensed under this part or part II of
27 chapter 408; or

28 2. Offers or advertises services that require licensure as
29 a clinic under this part or part II of chapter 408 without a
30 license.

31 (b) If the agency provides notification under s. 408.812
32 of, or if a person is arrested for, a violation of subparagraph
33 (a)1. or subparagraph (a)2., each day during which a violation
34 of subparagraph (a)1. or subparagraph (a)2. occurs constitutes a
35 separate offense.

36 (c) A person convicted of a second or subsequent violation
37 of subparagraph (a)1. or subparagraph (a)2. commits a felony of
38 the second degree, punishable as provided in s. 775.082, s.
39 775.083, or s. 775.084. If the agency provides notification of,



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40 or if a person is arrested for, a violation of this paragraph,
41 each day that this paragraph is violated thereafter constitutes
42 a separate offense. For purposes of this paragraph, the term
43 "convicted" means a determination of guilt which is the result
44 of a trial or the entry of a plea of guilty or nolo contendere,
45 regardless of whether adjudication is withheld.

46 (d) In addition to the requirements of part II of chapter
47 408, a health care provider who is aware of the operation of an
48 unlicensed clinic shall report the clinic to the agency. The
49 agency shall report to the provider's licensing board a failure
50 to report a clinic that the provider knows or has reasonable
51 cause to suspect is unlicensed.

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

55 1. Files a false or misleading license application or
56 license renewal application, ~~or~~ files false or misleading
57 information related to such application or agency ~~department~~
58 rule; or

59 2. Fails to report information to the agency as required by
60 s. 408.810(3), ~~commits a felony of the third degree, punishable~~
61 as provided in s. 775.082, s. 775.083, or s. 775.084.

62 Section 3. Subsection (5) of section 626.9894, Florida
63 Statutes, is amended to read:

64 626.9894 Gifts and grants.-

65 (5) Notwithstanding s. 216.301 and pursuant to s. 216.351,
66 any balance of moneys deposited into the Insurance Regulatory
67 Trust Fund pursuant to this section ~~or s. 626.9895~~ remaining at
68 the end of any fiscal year is available for carrying out the



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69 duties and responsibilities of the division. The department may
70 request annual appropriations from the grants and donations
71 received pursuant to this section ~~or s. 626.9895~~ and cash
72 balances in the Insurance Regulatory Trust Fund for the purpose
73 of carrying out its duties and responsibilities related to the
74 division's anti-fraud efforts, including the funding of
75 dedicated prosecutors and related personnel.

76 Section 4. Section 626.9895, Florida Statutes, is repealed.

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

79 921.0022 Criminal Punishment Code; offense severity ranking
80 chart.—

81 (3) OFFENSE SEVERITY RANKING CHART

82 (c) LEVEL 3

83

84

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude

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89			law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	
90			
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	
91			
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	
92			
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	
93			
327.35(2)(b)	3rd	Felony BUI.	
94			
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	
95			
328.07(4)	3rd	Manufacture, exchange, or	



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possess vessel with
counterfeit or wrong ID
number.

376.302(5)

3rd

Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

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379.2431
(1)(e)5.

3rd

Taking, disturbing,
mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell, molesting,
or harassing marine turtles,
marine turtle eggs, or marine
turtle nests in violation of
the Marine Turtle Protection
Act.

98

379.2431
(1)(e)6.

3rd

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

99

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~~



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~~information.~~

100

400.9935 (4) (e) 3rd Filing a false license
application or other required
information or failing to
report information.

101

440.1051 (3) 3rd False report of workers'
compensation fraud or
retaliation for making such a
report.

102

501.001 (2) (b) 2nd Tampers with a consumer
product or the container using
materially false/misleading
information.

103

624.401 (4) (a) 3rd Transacting insurance without
a certificate of authority.

104

624.401 (4) (b) 1. 3rd Transacting insurance without
a certificate of authority;
premium collected less than
\$20,000.

105

626.902 (1) (a) &
(b) 3rd Representing an unauthorized
insurer.

106

697.08 3rd Equity skimming.



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107	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
108	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
109	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
110	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
111	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
112	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
113	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
114			



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115	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
116	817.233	3rd	Burning to defraud insurer.
117	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
118	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
119	817.236	3rd	Filing a false motor vehicle insurance application.
120	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
121	817.413 (2)	3rd	Sale of used goods as new.
122	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury,



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or death.

123

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

124

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

125

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

126

843.19 3rd Injure, disable, or kill police dog or horse.

127

860.15 (3) 3rd Overcharging for repairs and parts.

128

870.01 (2) 3rd Riot; inciting or encouraging.

129

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).



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130

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

131

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.

132

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

133

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

134

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



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forgery, misrepresentation,
etc.

135

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

136

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

137

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.

138

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.

139

893.13(8)(a)3. 3rd Knowingly write a prescription



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	Statute	Degree	
148	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
149	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
150	<u>400.9935 (4) (c)</u>	<u>2nd</u>	<u>Operating a clinic, or offering services requiring licensure, without a license.</u>
151	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
152	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
153	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
154	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
155	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.



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156	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
157	784.041	3rd	Felony battery; domestic battery by strangulation.
158	784.048 (3)	3rd	Aggravated stalking; credible threat.
159	784.048 (5)	3rd	Aggravated stalking of person under 16.
160	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
161	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
162	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
163	784.081 (2)	2nd	Aggravated assault on specified official or employee.
164	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other



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detainee.

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784.083 (2) 2nd Aggravated assault on code
inspector.

166

787.02 (2) 3rd False imprisonment;
restraining with purpose other
than those in s. 787.01.

167

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

168

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

169

790.164 (1) 2nd False report of deadly
explosive, weapon of mass
destruction, or act of arson
or violence to state property.

170

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

171

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



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172	794.05(1)	2nd	Unlawful sexual activity with specified minor.
173	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.
174	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
175	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
176	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
177	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
178	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.



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179	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
180	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
181	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
182	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
183	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
184	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
185	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
186	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



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187	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
188	827.03 (2) (c)	3rd	Abuse of a child.
189	827.03 (2) (d)	3rd	Neglect of a child.
190	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
191	836.05	2nd	Threats; extortion.
192	836.10	2nd	Written threats to kill or do bodily injury.
193	843.12	3rd	Aids or assists person to escape.
194	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
195	847.012	3rd	Knowingly using a minor in the production of materials



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harmful to minors.

196

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

197

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

198

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 bodily harm.

199

944.40 2nd Escapes.

200

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

201

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

202

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



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facility.

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Section 6. This act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

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