



951928

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2018	.	
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The Committee on Banking and Insurance (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (4) of section
440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(4) (a) An employee is ~~shall~~ not ~~be~~ entitled to compensation
or benefits under this chapter if any judge of compensation
claims, administrative law judge, court, or jury convened in



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11 this state determines that the employee has knowingly or
12 intentionally engaged in any of the acts described in s. 440.105
13 or any criminal act for the purpose of securing workers'
14 compensation benefits. However, in the context of a
15 communication with an employer, an insurance company and its
16 agents, a self-insured program and its agents, a medical
17 provider, or the Division of Administrative Hearings, any
18 written or oral statement containing incomplete or inaccurate
19 information or documentation of an employee's citizenship,
20 residency, or other employment status may not constitute a basis
21 for denying compensation or benefits under this chapter. For
22 purposes of this section, the term "intentional" includes ~~shall~~
23 ~~include~~, but is not limited to, pleas of guilty or nolo
24 contendere in criminal matters. This section applies ~~shall apply~~
25 to accidents, regardless of the date of the accident. For
26 injuries occurring prior to January 1, 1994, this section shall
27 pertain to the acts of the employee described in s. 440.105 or
28 criminal activities occurring subsequent to January 1, 1994.

29 Section 2. Paragraph (b) of subsection (4) of section
30 440.105, Florida Statutes, is amended to read:

31 440.105 Prohibited activities; reports; penalties;
32 limitations.-

33 (4) Whoever violates any provision of this subsection
34 commits insurance fraud, punishable as provided in paragraph
35 (f).

36 (b) It shall be unlawful for any person:

37 1. To knowingly make, or cause to be made, any false,
38 fraudulent, or misleading oral or written statement for the
39 purpose of obtaining or denying any benefit or payment under



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40 this chapter.

41 2. To present or cause to be presented any written or oral
42 statement as part of, or in support of, a claim for payment or
43 other benefit pursuant to any provision of this chapter, knowing
44 that such statement contains any false, incomplete, or
45 misleading information concerning any fact or thing material to
46 such claim.

47 3. To prepare or cause to be prepared any written or oral
48 statement that is intended to be presented to any employer,
49 insurance company, or self-insured program in connection with,
50 or in support of, any claim for payment or other benefit
51 pursuant to any provision of this chapter, knowing that such
52 statement contains any false, incomplete, or misleading
53 information concerning any fact or thing material to such claim.

54 4. To knowingly assist, conspire with, or urge any person
55 to engage in activity prohibited by this section.

56 5. To knowingly make any false, fraudulent, or misleading
57 oral or written statement, or to knowingly omit or conceal
58 material information, required by s. 440.185 or s. 440.381, for
59 the purpose of obtaining workers' compensation coverage or for
60 the purpose of avoiding, delaying, or diminishing the amount of
61 payment of any workers' compensation premiums.

62 6. To knowingly misrepresent or conceal payroll,
63 classification of workers, or information regarding an
64 employer's loss history which would be material to the
65 computation and application of an experience rating modification
66 factor for the purpose of avoiding or diminishing the amount of
67 payment of any workers' compensation premiums.

68 7. To knowingly present or cause to be presented any false,



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69 fraudulent, or misleading oral or written statement to any
70 person as evidence of compliance with s. 440.38, as evidence of
71 eligibility for a certificate of exemption under s. 440.05.

72 8. To knowingly violate a stop-work order issued by the
73 department pursuant to s. 440.107.

74 ~~9. To knowingly present or cause to be presented any false,~~
75 ~~fraudulent, or misleading oral or written statement to any~~
76 ~~person as evidence of identity for the purpose of obtaining~~
77 ~~employment or filing or supporting a claim for workers'~~
78 ~~compensation benefits.~~

79 Section 3. This act shall take effect October 1, 2018.

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

82 And the title is amended as follows:

83 Delete everything before the enacting clause
84 and insert:

85 A bill to be entitled
86 An act relating to prohibited activities under the
87 Workers' Compensation Law; amending s. 440.09, F.S.;
88 specifying that certain statements containing
89 incomplete or inaccurate information and relating to
90 an employee's citizenship, residency, or other
91 employment status may not constitute a basis for
92 denying workers' compensation benefits; amending s.
93 440.105, F.S.; deleting a prohibition against
94 knowingly presenting, or causing to be presented,
95 certain statements as evidence of identity for certain
96 purposes; providing an effective date.