

By the Committee on Banking and Insurance; and Senator Farmer

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1 A bill to be entitled
2 An act relating to prohibited activities under the
3 Workers' Compensation Law; amending s. 440.09, F.S.;
4 specifying that certain statements containing
5 incomplete or inaccurate information and relating to
6 an employee's citizenship, residency, or other
7 employment status may not constitute a basis for
8 denying workers' compensation benefits; amending s.
9 440.105, F.S.; deleting a prohibition against
10 knowingly presenting, or causing to be presented,
11 certain statements as evidence of identity for certain
12 purposes; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (4) of section
17 440.09, Florida Statutes, is amended to read:

18 440.09 Coverage.—

19 (4) (a) An employee is ~~shall~~ not ~~be~~ entitled to compensation
20 or benefits under this chapter if any judge of compensation
21 claims, administrative law judge, court, or jury convened in
22 this state determines that the employee has knowingly or
23 intentionally engaged in any of the acts described in s. 440.105
24 or any criminal act for the purpose of securing workers'
25 compensation benefits. However, in the context of a
26 communication with an employer, an insurance company and its
27 agents, a self-insured program and its agents, a medical
28 provider, or the Division of Administrative Hearings, any
29 written or oral statement containing incomplete or inaccurate

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30 information or documentation of an employee's citizenship,
31 residency, or other employment status may not constitute a basis
32 for denying compensation or benefits under this chapter. For
33 purposes of this section, the term "intentional" includes ~~shall~~
34 ~~include~~, but is not limited to, pleas of guilty or nolo
35 contendere in criminal matters. This section applies ~~shall apply~~
36 to accidents, regardless of the date of the accident. For
37 injuries occurring prior to January 1, 1994, this section shall
38 pertain to the acts of the employee described in s. 440.105 or
39 criminal activities occurring subsequent to January 1, 1994.

40 Section 2. Paragraph (b) of subsection (4) of section
41 440.105, Florida Statutes, is amended to read:

42 440.105 Prohibited activities; reports; penalties;
43 limitations.-

44 (4) Whoever violates any provision of this subsection
45 commits insurance fraud, punishable as provided in paragraph
46 (f).

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

48 1. To knowingly make, or cause to be made, any false,
49 fraudulent, or misleading oral or written statement for the
50 purpose of obtaining or denying any benefit or payment under
51 this chapter.

52 2. To present or cause to be presented any written or oral
53 statement as part of, or in support of, a claim for payment or
54 other benefit pursuant to any provision of this chapter, knowing
55 that such statement contains any false, incomplete, or
56 misleading information concerning any fact or thing material to
57 such claim.

58 3. To prepare or cause to be prepared any written or oral

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59 statement that is intended to be presented to any employer,
60 insurance company, or self-insured program in connection with,
61 or in support of, any claim for payment or other benefit
62 pursuant to any provision of this chapter, knowing that such
63 statement contains any false, incomplete, or misleading
64 information concerning any fact or thing material to such claim.

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

67 5. To knowingly make any false, fraudulent, or misleading
68 oral or written statement, or to knowingly omit or conceal
69 material information, required by s. 440.185 or s. 440.381, for
70 the purpose of obtaining workers' compensation coverage or for
71 the purpose of avoiding, delaying, or diminishing the amount of
72 payment of any workers' compensation premiums.

73 6. To knowingly misrepresent or conceal payroll,
74 classification of workers, or information regarding an
75 employer's loss history which would be material to the
76 computation and application of an experience rating modification
77 factor for the purpose of avoiding or diminishing the amount of
78 payment of any workers' compensation premiums.

79 7. To knowingly present or cause to be presented any false,
80 fraudulent, or misleading oral or written statement to any
81 person as evidence of compliance with s. 440.38, as evidence of
82 eligibility for a certificate of exemption under s. 440.05.

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

85 ~~9. To knowingly present or cause to be presented any false,~~
86 ~~fraudulent, or misleading oral or written statement to any~~
87 ~~person as evidence of identity for the purpose of obtaining~~

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88 ~~employment or filing or supporting a claim for workers'~~
89 ~~compensation benefits.~~

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