

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

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,

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:

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:

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

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:

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.

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:

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.--

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

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.

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;

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

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

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:

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,

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

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:

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,

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.

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

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.