20.11 WELFARE FRAUD — BILLING IN EXCESS

§ 414.39(4)(a), Fla. Stat.

To prove the crime of Welfare Fraud — Billing in Excess, the State must prove the following element beyond a reasonable doubt:

(Defendant) **knowingly billed the recipient of benefits under a state or federally funded assistance program, or [his] [her] family, for an amount in excess of that provided for by law or regulation.**

§ 414.39(5), Fla. Stat.

If you find (Defendant) **guilty of Welfare Fraud, you must also determine if the State proved beyond a reasonable doubt whether the amount wrongfully billed was:**

a. less than $200 in any 12 consecutive months.

b. $200 or more, but less than $20,000 in any 12 consecutive months.

c. $20,000 or more, but less than $100,000 in any 12 consecutive months.

d. $100,000 or more in any 12 consecutive months.

Definition.

"Knowingly" means with actual knowledge and understanding of the facts or the truth.

Optional Definition

"Knowingly" means an act done voluntarily and intentionally and not because of mistake or accident or other innocent reason. (Devitt & Blackmar — Federal Jury Practice and Instructions, Sec. 16.07)

Give if applicable. § 414.39(7), Fla. Stat.

It is not a defense that the defendant repaid assistance or services obtained.

Lesser Included Offenses

No lesser included offenses have been identified for this offense.

Comment

This instruction was adopted in 1981 and amended in 2015.