

20.29 FRAUDULENT ACTS PERTAINING TO WORKER'S COMPENSATION INSURANCE

§ 440.105(4)(b), Fla. Stat.

To prove the crime of Fraudulent Acts Pertaining to Worker's Compensation Insurance, the State must prove the following element beyond a reasonable doubt:

Give as applicable.

(Defendant):

- a. knowingly made or caused to be made, any false, fraudulent, or misleading oral or written statement for the purpose of obtaining or denying any benefit or payment for worker's compensation.**
- b. presented or caused to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit for worker's compensation knowing that such statement contained any false, incomplete, or misleading information concerning any fact or thing material to such claim.**
- c. prepared or caused to be prepared any written or oral statement that was intended to be presented to any employer, insurance company, or self-insured program in connection with, or in support of, any claim for payment or other benefit for worker's compensation, knowing that such statement contained any false, incomplete, or misleading information concerning any fact or thing material to such claim.**
- d. [knowingly made any false, fraudulent, or misleading oral or written statement] [or] [knowingly omitted or concealed material information required by Florida Statute [440.185] [440.381]], for the purpose of obtaining worker's compensation coverage or for the purpose of avoiding, delaying, or diminishing the amount of payment of any worker's compensation premiums.**
- e. knowingly misrepresented or concealed payroll, classification of workers, or information regarding an employer's loss history which would be material to the computation and application of an experience rating modification factor for the purpose of avoiding or diminishing the amount of payment of any worker's' compensation premiums.**
- f. knowingly presented or caused to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of [compliance with Florida Statute 440.38] [eligibility for a certificate of exemption under Florida Statute 440.05].**
- g. knowingly violated a stop-work order issued by the Department of Financial Services pursuant to Florida Statute 440.107.**

- h. knowingly presented or caused to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of identity for the purpose of [obtaining employment or filing or supporting a claim for worker's' compensation benefits.**
- i. knowingly assisted, or conspired with, or urged any person to engage in the following activity: (insert prohibited activity).**

If you find the defendant guilty of [Failure to Secure] [Fraudulent Acts Pertaining to] Workman's Compensation Insurance, you must determine whether the State proved beyond a reasonable doubt that the monetary value involved was:

- a. \$100,000 or more.**
- b. \$20,000 or more but less than \$100,000.**
- c. less than \$20,000**

Give as applicable. Additional definitions from § 440.02, Fla. Stat., may be necessary.

"Knowingly" means that the defendant was aware of the fact and was not acting through ignorance, mistake, or accident.

The intent with which an act is done is an operation of the mind and, therefore, is not always capable of direct and positive proof. It may be established by circumstantial evidence like any other fact in a case.

The Court instructs you that Florida Statute 440.38 requires that 1) every employer must secure and pay for workmen's compensation insurance; and 2) the employer must provide satisfactory proof to the Florida Self-Insurance Guaranty Association that it has the necessary financial strength to ensure timely payment of all current and future claims.

"Material" means a fact a reasonable person would use to decide whether to do or not to do something. A fact is material if it has the capacity or natural tendency to influence a person's decision.

"Statement" includes, but is not limited to, any [notice] [statement] [proof of loss] [bill of lading] [invoice] [account] [estimate of property damages] [bill for services] [diagnosis] [prescription] [hospital or doctor records] [X ray], [test result] [or other evidence of loss, injury, or expense].

Lesser Included Offense

**FRAUDULENT ACTS PERTAINING TO WORKER'S COMPENSATION INSURANCE §
440.105(4)(b)**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04	5.1

Comments

This instruction will need additional language from Chapter 440 if the case involves independent contractors or sub-contractors or other exemptions, or defenses.

This instruction was adopted on June 27, 2025.