

Bill No. CS for CS for SB 1202

Amendment No.      Barcode 114812

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

**Senate Amendment**

On page 77, line 13, through  
page 78, line 25, delete those lines

and insert:

(8)(a) It is unlawful for any person intending to  
~~defraud any other person, in his or her individual capacity or~~  
~~in his or her capacity as a public or private employee, or for~~  
~~any firm, corporation, partnership, or association, to solicit~~  
or cause to be solicited any business from a person involved  
in a motor vehicle accident ~~by any means of communication~~  
~~other than advertising directed to the public for the purpose~~  
of making, adjusting, or settling motor vehicle tort claims or  
claims for personal injury protection benefits required by s.  
627.736. ~~Charges for any services rendered by a health care~~  
~~provider or attorney who violates this subsection in regard to~~  
~~the person for whom such services were rendered are~~  
~~noncompensable and unenforceable as a matter of law. Any~~  
person who violates the provisions of this paragraph

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1 subsection commits a felony of the ~~second~~ ~~third~~ degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084. ~~Such person shall be sentenced to a minimum term of~~  
4 ~~imprisonment of 2 years.~~

5 (b)1. It is unlawful for any person to solicit or  
6 cause to be solicited any business from a person involved in a  
7 motor vehicle accident, by any means of communication other  
8 than advertising directed to the public, for the purpose of  
9 making, adjusting or settling motor vehicle tort claims or  
10 claims for personal injury protection benefits required by s.  
11 627.736, within 60 days after the occurrence of the motor  
12 vehicle accident. Any person who violates the provisions of  
13 this subparagraph commits a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 773.083, or s.  
15 775.084.

16 2. It is unlawful for any person, at any time after 60  
17 days have elapsed from the occurrence of a motor vehicle  
18 accident, to solicit or cause to be solicited any business  
19 from a person involved in a motor vehicle accident, by means  
20 of any personal or telephone contact at the person's  
21 residence, other than by mail or by advertising directed to  
22 the public, for the purpose of making, adjusting or settling  
23 motor vehicle tort claims or claims for personal injury  
24 protection benefits required by s. 627.736. Any person who  
25 violates the provisions of this subparagraph commits a felony  
26 of the third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

28 (c) ~~Charges for any service rendered by any person who~~  
29 ~~violates this subsection in regard to the person for whom such~~  
30 ~~services were rendered are noncompensable and unenforceable as~~  
31 ~~a matter of law. Any contract, release or other document~~

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1 executed by a person involved in a motor vehicle accident, or  
2 a family member of such person, related to a violation of this  
3 section is unenforceable by the person who violated this  
4 section or that person's principal or successor in interest.

5       (d) For purposes of this section, the term "solicit"  
6 does not include an insurance company making contact with its  
7 insured, nor does it include an insurance company making  
8 contact with a person involved in a motor vehicle accident  
9 where the person involved in a motor vehicle accident has  
10 directly or indirectly requested to be contacted by the  
11 insurance company.

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