

Bill No. CS for CS for SB 1202

Amendment No. ____ Barcode 793194

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Alexander moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 68, line 22, through page 75, line 15, delete
15 those lines,

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17 and insert:

18 ~~(13)(12)~~ CIVIL ACTION FOR INSURANCE FRAUD.--

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20 (a) An insurer shall have a cause of action against
21 any person convicted of, or who, regardless of adjudication of
22 guilt, pleads guilty or nolo contendere to insurance fraud
23 under s. 817.234, patient brokering under s. 817.505, or
24 kickbacks under s. 456.054, associated with a claim for
25 personal injury protection benefits in accordance with this
26 section. An insurer prevailing in an action brought under
27 this subsection may recover compensatory, consequential, and
28 punitive damages subject to the requirements and limitations
29 of part II of chapter 768, and attorney's fees and costs
30 incurred in litigating a cause of action against any person
31 convicted of, or who, regardless of adjudication of guilt,
pleads guilty or nolo contendere to insurance fraud under s.

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1 817.234, patient brokering under s. 817.505, or kickbacks
2 under s. 456.054, associated with a claim for personal injury
3 protection benefits in accordance with this section.

4 (b) Notwithstanding its payment, an insurer and
5 insured shall not be precluded from maintaining a civil cause
6 of action against any person or business entity to recover
7 payments for services later determined to have been unlawfully
8 rendered or otherwise in violation of any provision of this
9 section.

10 (14)(15) If the Financial Services Commission
11 determines

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 2, lines 27-28, delete "providing requirements
17 for alternative dispute resolution;"

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