

Bill No. CS for CS for SB 1912

Barcode 395904

CHAMBER ACTION

Senate

House

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Senator Argenziano moved the following amendment:

Senate Amendment (with title amendment)

On page 39, between lines 20 and 21,

insert:

Section 34. Section 626.9893, Florida Statutes, is created to read:

626.9893 Disposition of revenues; criminal or forfeiture proceedings.--

(1) The Division of Insurance Fraud of the Department of Financial Services may deposit revenues received as a result of criminal proceedings or forfeiture proceedings, other than revenues deposited into the Department of Financial Services' Federal Equitable Sharing Trust Fund under s. 17.43, into the Insurance Regulatory Trust Fund. Moneys deposited pursuant to this section shall be separately accounted for and shall be used solely for the division to carry out its duties and responsibilities.

(2) Moneys deposited into the Insurance Regulatory Trust Fund pursuant to this section shall be appropriated by

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1 the Legislature, pursuant to chapter 216, for the sole purpose
2 of enabling the division to carry out its duties and
3 responsibilities.

4 (3) Notwithstanding the provisions of s. 216.301 and
5 pursuant to s. 216.351, any balance of moneys deposited into
6 the Insurance Regulatory Trust Fund pursuant to this section
7 remaining at the end of any fiscal year shall remain in the
8 trust fund at the end of that year and shall be available for
9 carrying out the duties and responsibilities of the division.

10 Section 35. Paragraph (a) of subsection (7) and
11 subsection (9) of section 817.234, Florida Statutes, are
12 amended to read:

13 817.234 False and fraudulent insurance claims.--

14 (7)(a) It shall constitute a material omission and
15 insurance fraud, punishable as provided in subsection (11),
16 for any service physician or other provider, other than a
17 hospital, to engage in a general business practice of billing
18 amounts as its usual and customary charge, if such provider
19 has agreed with the insured patient or intends to waive
20 deductibles or copayments, or does not for any other reason
21 intend to collect the total amount of such charge. With
22 respect to a determination as to whether a service physician
23 ~~or other~~ provider has engaged in such general business
24 practice, consideration shall be given to evidence of whether
25 the service physician or other provider made a good faith
26 attempt to collect such deductible or copayment. This
27 paragraph does not apply to physicians or other providers who
28 waive deductibles or copayments or reduce their bills as part
29 of a bodily injury settlement or verdict.

30 (9) A person may not organize, plan, or knowingly
31 participate in an intentional motor vehicle crash or a scheme

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1 to create documentation of a motor vehicle crash that did not
 2 occur for the purpose of making motor vehicle tort claims or
 3 claims for personal injury protection benefits as required by
 4 s. 627.736. Any person who violates this subsection commits a
 5 felony of the second degree, punishable as provided in s.
 6 775.082, s. 775.083, or s. 775.084. A person who is convicted
 7 of a violation of this subsection shall be sentenced to a
 8 minimum term of imprisonment of 2 years.

9 Section 36. Section 817.2361, Florida Statutes, is
 10 amended to read:

11 817.2361 False or fraudulent proof of motor vehicle
 12 insurance ~~card~~.--Any person who, with intent to deceive any
 13 other person, creates, markets, or presents a false or
 14 fraudulent proof of motor vehicle insurance ~~card~~ commits a
 15 felony of the third degree, punishable as provided in s.
 16 775.082, s. 775.083, or s. 775.084.

17 Section 37. Paragraph (m) is added to subsection (6)
 18 of section 932.7055, Florida Statutes, to read:

19 932.7055 Disposition of liens and forfeited
 20 property.--

21 (6) If the seizing agency is a state agency, all
 22 remaining proceeds shall be deposited into the General Revenue
 23 Fund. However, if the seizing agency is:

24 (m) The Division of Insurance Fraud of the Department
 25 of Financial Services, the proceeds accrued pursuant to the
 26 provisions of the Florida Contraband Forfeiture Act shall be
 27 deposited into the Insurance Regulatory Trust Fund as provided
 28 in s. 626.9893 or into the Department of Financial Services'
 29 Federal Equitable Sharing Trust Fund as provided in s. 17.43,
 30 as applicable.

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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 4, line 6, after the semicolon

7

8 insert:

9 creating s. 626.9893, F.S.; authorizing the
10 division to deposit certain revenues into the
11 Insurance Regulatory Trust Fund; specifying
12 accounting and uses of such revenues; providing
13 for appropriation and use of such revenues;
14 amending s. 817.234, F.S.; clarifying
15 provisions specifying material omission and
16 insurance fraud; prohibiting scheming to create
17 documentation of a motor vehicle crash that did
18 not occur; providing a criminal penalty;
19 amending s. 817.2361, F.S.; providing that
20 creating, presenting, or marketing fraudulent
21 proof of motor vehicle insurance is a felony of
22 the third degree; amending s. 932.7055, F.S.;
23 requiring certain proceeds seized by the
24 division under the Florida Contraband
25 Forfeiture Act to be deposited into certain
26 trust funds;

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