

1 A bill to be entitled
2 An act relating to motor vehicle insurance;
3 amending s. 316.068, F.S.; specifying
4 information to be included in a crash report;
5 creating a rebuttable presumption regarding the
6 existence of passengers; specifying conditions
7 relating to reporting passengers; amending s.
8 322.26, F.S.; providing an additional
9 circumstance relating to insurance crimes for
10 mandatory revocation of a person's driver's
11 license; amending s. 817.234, F.S.; revising
12 provisions specifying material omission and
13 insurance fraud; prohibiting scheming to create
14 documentation of a motor vehicle crash that did
15 not occur; providing a criminal penalty;
16 amending s. 817.2361, F.S.; providing that
17 creating, marketing, or presenting fraudulent
18 proof of motor vehicle insurance is a felony of
19 the third degree; providing appropriations;
20 authorizing positions and a salary rate;
21 abrogating the repeal of provisions pertaining
22 to the Florida Motor Vehicle No-Fault Law;
23 providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsection (2) of section 316.068, Florida
28 Statutes, is amended to read:

29 316.068 Crash report forms.--

30 (2) Every crash report required to be made in writing
31 must be made on the appropriate form approved by the

1 department and must contain all the information required
2 therein to include:

3 (a) The date, time, and location of the crash;

4 (b) A description of the vehicles involved;

5 (c) The names and addresses of the parties involved;

6 (d) The names and addresses of all drivers and
7 passengers in the vehicles involved;

8 (e) The names and addresses of witnesses;

9 (f) The name, badge number, and law enforcement agency
10 of the officer investigating the crash; and

11 (g) The names of the insurance companies for the
12 respective parties involved in the crash unless not available.

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14 The absence of information in such written crash reports
15 regarding the existence of passengers in the vehicles involved
16 in the crash constitutes a rebuttable presumption that no such
17 passengers were involved in the reported crash.

18 Notwithstanding any other provisions of this section, a crash
19 report produced electronically by a law enforcement officer
20 must, at a minimum, contain the same information as is called
21 for on those forms approved by the department.

22 Section 2. Subsection (9) is added to section 322.26,
23 Florida Statutes, to read:

24 322.26 Mandatory revocation of license by
25 department.--The department shall forthwith revoke the license
26 or driving privilege of any person upon receiving a record of
27 such person's conviction of any of the following offenses:

28 (9) Conviction in any court having jurisdiction over
29 offenses committed under s. 817.234(8) or (9) or s. 817.505.

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1 Section 3. Paragraph (a) of subsection (7) and
2 subsection (9) of section 817.234, Florida Statutes, are
3 amended to read:

4 817.234 False and fraudulent insurance claims.--

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

21 (9) A person may not organize, plan, or knowingly
22 participate in an intentional motor vehicle crash or a scheme
23 to create documentation of a motor vehicle crash that did not
24 occur for the purpose of making motor vehicle tort claims or
25 claims for personal injury protection benefits as required by
26 s. 627.736. Any person who violates this subsection commits a
27 felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084. A person who is convicted
29 of a violation of this subsection shall be sentenced to a
30 minimum term of imprisonment of 2 years.

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1 Section 4. Section 817.2361, Florida Statutes, is
2 amended to read:

3 817.2361 False or fraudulent proof of motor vehicle
4 insurance ~~card~~.--Any person who, with intent to deceive any
5 other person, creates, markets, or presents a false or
6 fraudulent proof of motor vehicle insurance ~~card~~ commits a
7 felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 Section 5. For the 2006-2007 fiscal year, the sums of
10 \$510,276 in recurring funds and \$111,455 in nonrecurring funds
11 are appropriated from the Insurance Regulatory Trust Fund of
12 the Department of Financial Services to the Division of
13 Insurance Fraud within the department for the purpose of
14 providing a new fraud unit within the division consisting of
15 six sworn law enforcement officers, one non-sworn
16 investigator, one crime analyst, and one clerical position. A
17 total of nine full-time equivalent positions and associated
18 salary rate of 381,500 are authorized. This appropriation is
19 for the purposes provided in s. 626.989, Florida Statutes.

20 Section 6. For the 2006-2007 fiscal year, the sums of
21 \$415,291 in recurring funds and \$52,430 in nonrecurring funds
22 are appropriated from the Insurance Regulatory Trust Fund of
23 the Department of Financial Services to the Division of
24 Insurance Fraud within the department and 10 full-time
25 equivalent positions and associated salary rate of 342,500 are
26 authorized. This appropriation is for the purposes provided in
27 s. 626.989, Florida Statutes.

28 Section 7. Effective January 1, 2009, sections
29 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737,
30 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes,
31 constituting the Florida Motor Vehicle No-Fault Law, are

1 repealed, unless reviewed and reenacted by the Legislature
2 before that date.

3 Section 8. Section 19 of chapter 2003-411, Laws of
4 Florida, is repealed.

5 Section 9. This act shall take effect October 1, 2006.

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