

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.; prohibiting
12 scheming to create documentation of a motor
13 vehicle crash that did not occur; providing a
14 criminal penalty; amending s. 817.2361, F.S.;
15 providing that creating, marketing, or
16 presenting fraudulent proof of motor vehicle
17 insurance is a felony of the third degree;
18 providing appropriations; authorizing positions
19 and a salary rate; abrogating the repeal of
20 provisions pertaining to the Florida Motor
21 Vehicle No-Fault Law; providing an effective
22 date.

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

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

28 316.068 Crash report forms.--

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

30 Section 3. Subsection (9) of section 817.234, Florida
31 Statutes, is amended to read:

1 817.234 False and fraudulent insurance claims.--
2 (9) A person may not organize, plan, or knowingly
3 participate in an intentional motor vehicle crash or a scheme
4 to create documentation of a motor vehicle crash that did not
5 occur for the purpose of making motor vehicle tort claims or
6 claims for personal injury protection benefits as required by
7 s. 627.736. Any person who violates this subsection commits a
8 felony of the second degree, punishable as provided in s.
9 775.082, s. 775.083, or s. 775.084. A person who is convicted
10 of a violation of this subsection shall be sentenced to a
11 minimum term of imprisonment of 2 years.

12 Section 4. Section 817.2361, Florida Statutes, is
13 amended to read:

14 817.2361 False or fraudulent proof of motor vehicle
15 insurance ~~card~~--Any person who, with intent to deceive any
16 other person, creates, markets, or presents a false or
17 fraudulent proof of motor vehicle insurance ~~card~~ commits a
18 felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 Section 5. For the 2006-2007 fiscal year, the sums of
21 \$510,276 in recurring funds and \$111,455 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 for the purpose of
25 providing a new fraud unit within the division consisting of
26 six sworn law enforcement officers, one non-sworn
27 investigator, one crime analyst, and one clerical position. A
28 total of nine full-time equivalent positions and associated
29 salary rate of 381,500 are authorized. This appropriation is
30 for the purposes provided in s. 626.989, Florida Statutes.

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1 Section 6. For the 2006-2007 fiscal year, the sums of
2 \$415,291 in recurring funds and \$52,430 in nonrecurring funds
3 are appropriated from the Insurance Regulatory Trust Fund of
4 the Department of Financial Services to the Division of
5 Insurance Fraud within the department and 10 full-time
6 equivalent positions and associated salary rate of 342,500 are
7 authorized. This appropriation is for the purposes provided in
8 s. 626.989, Florida Statutes.

9 Section 7. Effective January 1, 2009, sections
10 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737,
11 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes,
12 constituting the Florida Motor Vehicle No-Fault Law, are
13 repealed, unless reviewed and reenacted by the Legislature
14 before that date.

15 Section 8. Section 19 of chapter 2003-411, Laws of
16 Florida, is repealed.

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