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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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