

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Simmons offered the following:

2
3 **Substitute Amendment for Amendment (170133) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. By October 1, 2010, the Department of Financial
7 Services and the Office of Insurance Regulation, in consultation
8 with auto insurers, plaintiff's attorneys, hospitals, and health
9 care providers, shall conduct a comprehensive review of the
10 Florida Motor Vehicle No-Fault Law and its effect on insurance
11 rates, auto insurance policyholders, health care providers, and
12 the trial court system. The Legislature may not reenact the
13 Florida Motor Vehicle No-Fault Law after the 2011 regular
14 legislative session if significant reforms are not made to solve
15 the issues identified by the review. The report shall be

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16 provided to the Executive Office of the Governor, the President
17 of the Senate, and the Speaker of the House of Representatives.

18 Section 2. (1) By January 1 of each year, the state
19 attorney in each judicial circuit receiving funds from the
20 Department of Financial Services for the purposes of enforcing
21 compliance with the Florida Motor Vehicle No-Fault Law shall
22 provide to the department in a uniform manner the number of
23 referrals, convictions, victims, and amount of restitution
24 ordered and collected for cases prosecuted during the prior
25 state fiscal year. In addition, for persons who are adjudicated
26 guilty, the information must include the number of months of
27 confinement and associated months of probation to which such
28 persons were sentenced.

29 (2) The Department of Financial Services shall collect
30 information relating to cases of insurance fraud occurring
31 during the prior state fiscal year which involve the Florida
32 Motor Vehicle No-Fault Law, including, but not limited to, the
33 total number of initial referrals received, cases opened, cases
34 presented for prosecution, cases closed, and convictions
35 resulting from cases presented for prosecution by the Division
36 of Insurance Fraud.

37 (3) By February 15, 2008, and each year thereafter, the
38 Department of Financial Services shall provide a report
39 containing the information described in subsections (1) and (2)
40 to the Executive Office of the Governor, the President of the
41 Senate, and the Speaker of the House of Representatives.

42 Section 3. Effective January 1, 2008, sections 627.730,
43 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739,
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44 627.7401, 627.7403, and 627.7405, Florida Statutes, constituting
45 the Florida Motor Vehicle No-Fault Law, are repealed unless
46 reviewed and reenacted by the Legislature before that date.

47 Section 4. Section 19 of chapter 2003-411, Laws of
48 Florida, is repealed, and sections 627.730, 627.731, 627.732,
49 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
50 and 627.7405, Florida Statutes, are reenacted and shall not
51 stand repealed on October 1, 2007, as provided for in that
52 section.

53 Section 5. The sum of \$2,398,278 is appropriated from the
54 Insurance Regulatory Trust Fund to the Department of Financial
55 Services and 30 full-time equivalent positions with 1,387,860 in
56 associated salary rate are authorized as senior insurance fraud
57 investigators in the Division of Insurance Fraud of the
58 Department of Financial Services. Personnel appointed to these
59 positions must be certified law enforcement officers. These
60 positions shall be included within the certified law enforcement
61 collective bargaining unit and shall have a minimum annual
62 salary of \$46,262.

63 Section 6. The sum of \$408,000 is appropriated from the
64 Insurance Regulatory Trust Fund to the Department of Financial
65 Services for purposes of enforcing the Florida Motor Vehicle No-
66 Fault Law in Miami, Orlando, and Tampa. These funds shall be
67 transferred to the Justice Administration Commission.

68 Section 7. The sum of \$408,000 is appropriated from the
69 Grants and Donations Trust Fund to the Justice Administration
70 Commission and six full-time equivalent positions with 270,000
71 in associated salary rate are authorized for purposes of

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72 enforcing the Florida Motor Vehicle No-Fault Law in Miami,
73 Orlando, and Tampa.

74 Section 8. This act shall take effect July 1, 2007.

75

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

77 Remove the entire title and insert:

78 A bill to be entitled

79 An act relating to motor vehicle insurance; requiring the
80 Department of Financial Services and the Office of Insurance
81 Regulation to conduct a comprehensive review of the Florida
82 Motor Vehicle No-Fault Law; requiring a report to the Governor
83 and the Legislature; requiring the state attorneys in certain
84 judicial circuits to provide information to the department
85 concerning violations of the Florida Motor Vehicle No-Fault Law;
86 requiring the department to collect information relating to
87 cases of insurance fraud with respect to such law; requiring
88 that the department report such information to the Governor and
89 the Legislature; repealing s. 19 of chapter 2003-411, Laws of
90 Florida; abrogating the repeal of the Florida Motor Vehicle No-
91 Fault Law as provided for in that section; reenacting ss.
92 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737,
93 627.739, 627.7401, 627.7403, and 627.7405, F.S., the Florida
94 Motor Vehicle No-Fault Law, and providing for future review and
95 repeal; providing appropriations and authorizing additional
96 positions; providing an effective date.

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