

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Boyd offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 773 and 774, insert:

5 Section 15. Paragraph (c) of subsection (7) of section
6 817.234, Florida Statutes, is amended, present subsection (12)
7 of that section is renumbered as subsection (13), and a new
8 subsection (12) is added to that section, to read:

9 817.234 False and fraudulent insurance claims.—

10 (7)

11 (c) An insurer, or any person acting at the direction of
12 or on behalf of an insurer, may not change an opinion in a
13 mental or physical report prepared under s. 627.736 (8) ~~(7)~~ or
14 direct the physician preparing the report to change such
15 opinion; however, this provision does not preclude the insurer
16 from calling to the attention of the physician errors of fact in
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17 the report based upon information in the claim file. Any person
18 who violates this paragraph commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084.

21 (12) In addition to any criminal liability, a person
22 convicted of violating any provision of this section for the
23 purpose of receiving insurance proceeds from a motor vehicle
24 insurance contract is subject to a civil penalty.

25 (a) Except for a violation of subsection (9), the civil
26 penalty shall be:

27 1. A fine up to \$5,000 for a first offense.

28 2. A fine greater than \$5,000, but not to exceed \$10,000,
29 for a second offense.

30 3. A fine greater than \$10,000, but not to exceed \$15,000,
31 for a third or subsequent offense.

32 (b) The civil penalty for a violation of subsection (9)
33 must be at least \$15,000 but may not exceed \$50,000.

34 (c) The civil penalty shall be paid to the Insurance
35 Regulatory Trust Fund within the Department of Financial
36 Services and used by the department for the investigation and
37 prosecution of insurance fraud.

38 (d) This subsection does not prohibit a state attorney
39 from entering into a written agreement in which the person
40 charged with the violation does not admit to or deny the charges
41 but consents to payment of the civil penalty.

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

45 Between lines 80 and 81, insert:
46
47 amending s. 817.234, F.S.; revising a cross-reference;
48 providing civil penalties consisting of monetary fines
49 relating to making false and fraudulent insurance claims
50 for the purpose of receiving motor vehicle insurance
51 proceeds; providing escalating monetary fines for repeat
52 offenses; providing a mandatory minimum civil fine
53 relating to certain international motor vehicle accident
54 schemes; allocating fine revenues to a specified trust
55 fund for specified purposes; authorizing certain
56 agreements between a defendant and a state attorney
57 relating to the payment of civil fines for making false
58 and fraudulent insurance claims for the purpose of
59 receiving motor vehicle insurance proceeds;