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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/27/2011	.	
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The Committee on Rules (Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 743 and 744
insert:

Section 14. Subsections (10) and (12) of section 817.234,
Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—

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

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



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

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

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

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

21 (c) The civil penalty shall be paid to the Insurance
22 Regulatory Trust Fund within the Department of Financial
23 Services and used by the department for the investigation and
24 prosecution of insurance fraud.

25 (d) This subsection does not prohibit a state attorney from
26 entering into a written agreement in which the person charged
27 with the violation does not admit to or deny the charges but
28 consents to payment of the civil penalty. As used in this
29 section, the term "insurer" means any insurer, health
30 maintenance organization, self-insurer, self-insurance fund, or
31 other similar entity or person regulated under chapter 440 or
32 chapter 641 or by the Office of Insurance Regulation under the
33 Florida Insurance Code.

34 (12) As used in this section, the term:

35 (a) "Insurer" means any insurer, health maintenance
36 organization, self-insurer, self-insurance fund, or similar
37 entity or person regulated under chapter 440 or chapter 641 or
38 by the Office of Insurance Regulation under the Florida
39 Insurance Code.

40 (b) (a) "Property" means property as defined in s. 812.012.

41 (c) (b) "Value" has the same meaning means value as defined
42 in s. 812.012.



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

And the title is amended as follows:

Delete line 55

and insert:

requirements under certain circumstances; amending s.
817.234, F.S.; providing civil penalties for
fraudulent insurance claims; providing