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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/13/2011	.	
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The Committee on Banking and Insurance (Fasano) recommended the following:

1 **Senate Amendment to Amendment (100124) (with title**
2 **amendment)**

3
4 Delete lines 92 - 1505

5 and insert:

6 Section 3. Subsections (10) through (12) of section
7 817.234, Florida Statutes, are amended to read:

8 817.234 False and fraudulent insurance claims.-

9 ~~(10) As used in this section, the term "insurer" means any~~
10 ~~insurer, health maintenance organization, self-insurer, self-~~
11 ~~insurance fund, or other similar entity or person regulated~~
12 ~~under chapter 440 or chapter 641 or by the Office of Insurance~~



495560

13 ~~Regulation under the Florida Insurance Code.~~

14 ~~(10)~~~~(11)~~ If the value of any property involved in a
15 violation of this section:

16 (a) Is less than \$20,000, the offender commits a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (b) Is \$20,000 or more, but less than \$100,000, the
20 offender commits a felony of the second degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 (c) Is \$100,000 or more, the offender commits a felony of
23 the first degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

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

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

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

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

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

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

38 (c) The civil penalty shall be paid to the Insurance
39 Regulatory Trust Fund within the Department of Financial
40 Services and used by the department for the investigation and
41 prosecution of insurance fraud.



495560

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

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

47 (a) "Insurer" means any insurer, health maintenance
48 organization, self-insurer, self-insurance fund, or similar
49 entity or person regulated under chapter 440 or chapter 641 or
50 by the Office of Insurance Regulation under the Florida
51 Insurance Code.

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

53 (c)~~(b)~~ "Value" has the same meaning ~~means value as defined~~
54 in s. 812.012.

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

57 And the title is amended as follows:

58 Delete lines 1523 - 1633

59 and insert:

60 statement regarding insurance fraud; amending s.
61 817.234, F.S.; providing civil penalties for
62 fraudulent insurance claims involving motor vehicle
63 insurance; providing an effective date.