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LEGISLATIVE ACTION

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

1 **Senate Amendment to Amendment (767910) (with title**
2 **amendment)**

3
4 Delete lines 5 - 32
5 and insert:

6 Section 1. Subsection (2) of section 26.012, Florida
7 Statutes, is amended to read:

8 26.012 Jurisdiction of circuit court.-

9 (2) The circuit court ~~They~~ shall have exclusive original
10 jurisdiction:

11 (a) In all actions at law not cognizable by the county
12 courts.†



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13 (b) Of proceedings relating to the settlement of the
14 estates of decedents and minors, the granting of letters
15 testamentary, guardianship, involuntary hospitalization, the
16 determination of incompetency, and other jurisdiction usually
17 pertaining to courts of probate.~~†~~

18 (c) In all cases in equity including all cases relating to
19 juveniles except traffic offenses as provided in chapters 316
20 and 985.~~†~~

21 (d) Of all felonies and of all misdemeanors arising out of
22 the same circumstances as a felony which is also charged.~~†~~

23 (e) In all cases involving legality of any tax assessment
24 or toll or denial of refund, except as provided in s. 72.011.~~†~~

25 (f) In actions of ejectment.~~†~~ and

26 (g) In all actions involving the title and boundaries of
27 real property.

28 (h) In all actions involving the Florida Motor Vehicle No-
29 Fault Law, ss. 627.730-627.7407, where arbitration of an
30 existing controversy is agreed to pursuant to s. 682.02 and the
31 arbitration decision is challenged.

32 Section 2. Subsection (3) is added to section 627.4137,
33 Florida Statutes, to read:

34 627.4137 Disclosure of certain information required.-

35 (3) Any request made to a self-insured corporation pursuant
36 to this section shall be sent by certified mail to the
37 registered agent of the disclosing entity.

38 Section 3. Paragraph (c) of subsection (7) and subsections
39 (10) through (12) of section 817.234, Florida Statutes, are
40 amended to read:

41 817.234 False and fraudulent insurance claims.-



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42 (7)

43 (c) An insurer, or any person acting at the direction of or
44 on behalf of an insurer, may not change an opinion in a mental
45 or physical report prepared under s. 627.736(7) or direct the
46 physician preparing the report to change such opinion; however,
47 this provision does not preclude the insurer from calling to the
48 attention of the physician errors of fact in the report based
49 upon information in the claim file. Any person who violates this
50 paragraph commits a felony of the third degree, punishable as
51 provided in s. 775.082, s. 775.083, or s. 775.084.

52 ~~(10) As used in this section, the term "insurer" means any~~
53 ~~insurer, health maintenance organization, self-insurer, self-~~
54 ~~insurance fund, or other similar entity or person regulated~~
55 ~~under chapter 440 or chapter 641 or by the Office of Insurance~~
56 ~~Regulation under the Florida Insurance Code.~~

57 (10) ~~(11)~~ If the value of any property involved in a
58 violation of this section:

59 (a) Is less than \$20,000, the offender commits a felony of
60 the third degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

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

65 (c) Is \$100,000 or more, the offender commits a felony of
66 the first degree, punishable as provided in s. 775.082, s.
67 775.083, or s. 775.084.

68 (11) In addition to any criminal liability, a person
69 convicted of violating any provision of this section for the
70 purpose of receiving insurance proceeds from a motor vehicle



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71 insurance contract is subject to a civil penalty.
72 (a) Except for a violation of subsection (9), the civil
73 penalty shall be:
74 1. A fine up to \$5,000, for a first offense.
75 2. A fine greater than \$5,000, but not to exceed \$10,000,
76 for a second offense.
77 3. A fine greater than \$10,000, but not to exceed \$15,000,
78 for a third or subsequent offense.
79 (b) The civil penalty for a violation of subsection (9)
80 must be at least \$15,000, but may not exceed \$50,000.
81 (c) The civil penalty shall be paid to the Insurance
82 Regulatory Trust Fund within the Department of Financial
83 Services and used by the department for the investigation and
84 prosecution of insurance fraud.
85 (d) This subsection does not prohibit a state attorney from
86 entering into a written agreement in which the person charged
87 with the violation does not admit to or deny the charges but
88 consents to payment of the civil penalty.
89 (12) As used in this section, the term:
90 (a) "Insurer" means any insurer, health maintenance
91 organization, self-insurer, self-insurance fund, or similar
92 entity or person regulated under chapter 440 or chapter 641 or
93 by the Office of Insurance Regulation under the Florida
94 Insurance Code.
95 (b) ~~(a)~~ "Property" means property as defined in s. 812.012.
96 (c) ~~(b)~~ "Value" has the same meaning ~~means value as defined~~
97 in s. 812.012.

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



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100 And the title is amended as follows:
101 Delete lines 41 - 45
102 and insert:
103 protection insurance; amending s. 26.012, F.S.;
104 providing that the circuit court has exclusive
105 jurisdiction in actions involving challenges to
106 arbitration decisions under the Florida Motor Vehicle
107 No-Fault Law; amending s. 627.4137, F.S.; requiring a
108 claimant's request about insurance coverage to be
109 appropriately served upon the disclosing entity;
110 amending s. 817.234, F.S.; providing civil penalties
111 for fraudulent insurance claims involving motor
112 vehicle insurance; providing an effective