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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 203 - 1533  
and insert:

Section 3. Present subsections (10), (11), and (12) of section 817.234, Florida Statutes, are renumbered as subsections (11), (12), and (13), respectively, and a new subsection (10) is added to that section, 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



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13 insurance contract is subject to a civil penalty.

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

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

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

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

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

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

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

31  
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete lines 12 - 112

35 and insert:

36 statement regarding insurance fraud; amending s.  
37 817.234, F.S.; providing civil penalties for  
38 fraudulent insurance claims involving motor vehicle  
39 insurance; providing an effective date.