20.23 INSURANCE FRAUD
(Knowing Material False Statement in Support of a Claim)
§ 817.234(1)(a)1., Fla. Stat. or § 817.234(1)(a)2., Fla. Stat.

To prove the crime of Insurance Fraud, the State must prove the following four elements beyond a reasonable doubt:

Give 1a or 1b or both as applicable.

1. (Defendant)

a. presented or caused to be presented a written or oral statement to an insurer.

b. prepared or made a written or oral statement that [he] [she] intended to be presented to an insurer.

2. The written or oral statement was [a part of or in support of] [or] [in connection with*] a claim for payment [or other benefit] pursuant to an insurance policy [or a health maintenance organization subscriber or provider contract].

3. (Defendant) **did so knowing the written or oral statement contained false, incomplete, or misleading information concerning any fact or thing material to the claim.**

4. (Defendant) **did so with the intent to injure, defraud, or deceive the insurer.**

The intent with which an act is done is an operation of the mind and, therefore, is not always capable of direct and positive proof. It may be established by circumstantial evidence like any other fact in a case.

Definitions.

"Statement" includes, but is not limited to, any [notice] [statement] [proof of loss] [bill of lading] [invoice] [account] [estimate of property damages] [bill for services] [diagnosis] [prescription] [hospital or doctor records] [X ray], [test result] [or other evidence of loss, injury, or expense].

"Insurer" means any insurer, health maintenance organization, self-insurer, self-insurance fund, or similar entity or person regulated under chapter 440 or chapter 641 or by the Office of Insurance Regulation under the Florida Insurance Code.

"Material" means a fact a reasonable person would use to decide whether to do or not to do something. A fact is material if it has the capacity or natural tendency to influence a person's decision.

If you find the defendant guilty of Insurance Fraud, you must determine whether the State proved beyond a reasonable doubt that the value of the property involved was:

a. **$100,000 or more.**

b. **$20,000 or more but less than $100,000.**

c. **less than $20,000**

§ 812.012, Fla. Stat.

"Property" means anything of value, and includes real property, including things growing on, affixed to and found in land; and tangible or intangible personal property, including rights, privileges, interests and claims; and services.

"Value" means the market value of the property at the time and place of the offense, or if that value cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense.

In the case of a written instrument that does not have a readily ascertainable market value, such as a check, draft, or promissory note, the value is the amount due or collectible, or is, in the case of any other instrument that creates, releases, discharges or otherwise affects any valuable legal right, privilege, or obligation, the greatest amount of economic loss that the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

If the value of the property cannot be ascertained, you should attempt to determine a minimum value. If you cannot determine the minimum value, you must find the value is less than $100.

Amounts of value of separate properties pursuant to one scheme or course of conduct may be totaled.

Lesser Included Offense

INSURANCE FRAUD — 817.234(1)(a)			
CATEGORY ONE	**CATEGORY TWO**	**FLA. STAT.**	**INS. NO.**
None			
	Theft	812.014	14.1

Comments

* § 817.234, Fla. Stat., contains many ways to commit the crime of Insurance Fraud. This instruction is designed solely for § 817.234(1)(a)1. or § 817.234(1)(a)2., Fla. Stat. However, the alternative of "in connection with" in element #2 applies only to § 817.234(1)(a)2., Fla. Stat., and not to § 817.234(1)(a)1., Fla. Stat.

This instruction was adopted on February 21, 2025.