20.25 INSURANCE FRAUD
(Knowingly Concealing Material Information)
§ 817.234(1)(a)3.b., Fla. Stat.

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

Give 1a or 1b or both as applicable.

1. (Defendant)

a. **knowingly presented or knowingly caused to be presented a written or oral statement to any**

b. **prepared or made a written or oral statement knowing or believing it would be presented to any**

[insurer]

[purported insurer]

[servicing corporation]

[insurance broker]

[insurance agent]

[an employee or agent of an [insurer] [purported insurer] [servicing corporation] [insurance broker] [insurance agent]].

2. The written or oral statement was a part of or in support of an application for the issuance of [or rating of] any insurance policy [or a health maintenance organization subscriber or provider contract].

3. (Defendant) **did so with the intent to injure, defraud, or deceive an insurer by knowingly concealing information concerning any fact material to the application.**

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. § 817.234, Fla. Stat.

"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 Offenses

No lesser included offenses have been identified for this offense.

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)3.b., Fla. Stat.

This instruction was adopted on February 21, 2025.