

Bill No. SB 752



355928

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/18/2008	.	
	.	
	.	

1 The Committee on Banking and Insurance (Gaetz) recommended the
 2 following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

8 Section 1. Subsections (2), (11), and (12) of section
9 817.234, Florida Statutes, are amended to read:

10 817.234 False and fraudulent insurance claims.--

11 (2)(a) Any physician licensed under chapter 458,
 12 osteopathic physician licensed under chapter 459, chiropractic
 13 physician licensed under chapter 460, or other practitioner
 14 licensed under the laws of this state who knowingly and
 15 willfully assists, conspires with, or urges any insured party to

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16 fraudulently violate any of the provisions of this section or
17 part XI of chapter 627, or any person who, due to such
18 assistance, conspiracy, or urging by said physician, osteopathic
19 physician, chiropractic physician, or practitioner, knowingly
20 and willfully benefits from the proceeds derived from the use of
21 such fraud, commits insurance fraud, punishable as provided in
22 subsection (11). In the event that a physician, osteopathic
23 physician, chiropractic physician, or practitioner is
24 adjudicated guilty of a violation of this section, the Board of
25 Medicine as set forth in chapter 458, the Board of Osteopathic
26 Medicine as set forth in chapter 459, the Board of Chiropractic
27 Medicine as set forth in chapter 460, or other appropriate
28 licensing authority shall hold an administrative hearing to
29 consider the imposition of administrative sanctions as provided
30 by law against said physician, osteopathic physician,
31 chiropractic physician, or practitioner.

32 (b) If a physician licensed under chapter 458, an
33 osteopathic physician licensed under chapter 459, a chiropractic
34 physician licensed under chapter 460, or any practitioner
35 licensed under the laws of this state is convicted of insurance
36 fraud that involves a claim for personal injury protection
37 benefits as required by s. 627.736, the Board of Medicine as set
38 forth in chapter 458, the Board of Osteopathic Medicine as set
39 forth in chapter 459, the Board of Chiropractic Medicine as set
40 forth in chapter 460, or other appropriate licensing authority
41 shall, in addition to any other punishment less than revocation
42 or relinquishment of the license, suspend the license of such

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43 physician, osteopathic physician, chiropractic physician, or
44 practitioner for 12 months.

45 (c) ~~(b)~~ In addition to any other provision of law,
46 systematic upcoding by a provider, as defined in s. 641.19(14),
47 with the intent to obtain reimbursement otherwise not due from
48 an insurer is punishable as provided in s. 641.52(5).

49 (11) (a) If the value of any property involved in a
50 violation of this section:

51 1. ~~(a)~~ Is less than \$20,000, the offender commits a felony
52 of the third degree, punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084.

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

57 3. ~~(e)~~ Is \$100,000 or more, the offender commits a felony
58 of the first degree, punishable as provided in s. 775.082, s.
59 775.083, or s. 775.084.

60 (b) Notwithstanding any other provision of law, any person
61 who is convicted of insurance fraud that involves a claim for
62 personal injury protection benefits as required by s. 627.736
63 shall be sentenced as follows:

64 1. For a first conviction, by a minimum mandatory term of
65 imprisonment of 2 years and a minimum mandatory fine of
66 \$200,000.

67 2. For a second or subsequent conviction, by a minimum
68 mandatory term of imprisonment of 10 years and a minimum
69 mandatory fine of \$500,000.

70 (12) As used in this section:



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- 71 (a) "Property" means property as defined in s. 812.012.
- 72 (b) "Value" means value as defined in s. 812.012.
- 73 (c) "Conviction" has the same meaning as provided in s.
- 74 775.0837.

75 Section 2. This act shall take effect October 1, 2008.

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled

82 An act relating to false and fraudulent insurance claims;
83 amending s. 817.234, F.S.; requiring certain professional
84 licensing boards to suspend the licenses of certain health
85 care practitioners if convicted of insurance fraud
86 involving personal injury protection insurance; providing
87 minimum penalties to be imposed for such conviction;
88 defining the term "conviction"; providing an effective
89 date.