

By Senator Baker

20-02533-08

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1 A bill to be entitled

2 An act relating to false and fraudulent insurance claims;  
3 amending s. 817.234, F.S.; requiring minimum mandatory  
4 punishments for specified insurance fraud violations  
5 involving personal injury protection insurance; providing  
6 for professional license suspensions for certain health  
7 care practitioners convicted of such violations; providing  
8 an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (13) is added to section 817.234,  
13 Florida Statutes, to read:

14 817.234 False and fraudulent insurance claims.--

15 (13) (a) For offenses committed on or after October 1, 2008,  
16 and notwithstanding any other law, a person committing a  
17 violation of this section involving a claim under s. 627.736  
18 shall be punished:

19 1. For a first violation, by a mandatory minimum term of  
20 imprisonment of 2 years and a mandatory minimum fine of \$200,000.

21 2. For a second or subsequent violation, by a mandatory  
22 minimum term of imprisonment of 10 years and a mandatory minimum  
23 fine of \$500,000.

24 (b)1. In addition to any other punishment, a health care  
25 practitioner, as defined in s. 456.001, who is convicted of a  
26 violation of this section involving a claim under s. 627.736  
27 shall be punished by a minimum mandatory suspension of his or her  
28 professional license for 12 months by the appropriate board or  
29 department under s. 456.072.

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30        2. For purposes of this paragraph, the term "convicted"  
31 means that there has been a determination of guilt as a result of  
32 a trial or the entry of a plea of guilty or nolo contendere,  
33 regardless of whether adjudication is withheld.

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