

By the Committee on Banking and Insurance; and Senator Baker

597-05241-08

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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 certain professional
4 licensing boards to suspend the licenses of certain health
5 care practitioners if convicted of insurance fraud
6 involving personal injury protection insurance; providing
7 minimum penalties to be imposed for such conviction;
8 defining the term "conviction"; providing an effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsections (2), (11), and (12) of section
14 817.234, Florida Statutes, are amended to read:

15 817.234 False and fraudulent insurance claims.--

16 (2) (a) Any physician licensed under chapter 458,
17 osteopathic physician licensed under chapter 459, chiropractic
18 physician licensed under chapter 460, or other practitioner
19 licensed under the laws of this state who knowingly and willfully
20 assists, conspires with, or urges any insured party to
21 fraudulently violate any of the provisions of this section or
22 part XI of chapter 627, or any person who, due to such
23 assistance, conspiracy, or urging by said physician, osteopathic
24 physician, chiropractic physician, or practitioner, knowingly and
25 willfully benefits from the proceeds derived from the use of such
26 fraud, commits insurance fraud, punishable as provided in
27 subsection (11). In the event that a physician, osteopathic
28 physician, chiropractic physician, or practitioner is adjudicated
29 guilty of a violation of this section, the Board of Medicine as

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30 set forth in chapter 458, the Board of Osteopathic Medicine as
31 set forth in chapter 459, the Board of Chiropractic Medicine as
32 set forth in chapter 460, or other appropriate licensing
33 authority shall hold an administrative hearing to consider the
34 imposition of administrative sanctions as provided by law against
35 said physician, osteopathic physician, chiropractic physician, or
36 practitioner.

37 (b) If a physician licensed under chapter 458, an
38 osteopathic physician licensed under chapter 459, a chiropractic
39 physician licensed under chapter 460, or any practitioner
40 licensed under the laws of this state is convicted of insurance
41 fraud that involves a claim for personal injury protection
42 benefits as required by s. 627.736, the Board of Medicine as set
43 forth in chapter 458, the Board of Osteopathic Medicine as set
44 forth in chapter 459, the Board of Chiropractic Medicine as set
45 forth in chapter 460, or other appropriate licensing authority
46 shall, in addition to any other punishment less than revocation
47 or relinquishment of the license, suspend the license of such
48 physician, osteopathic physician, chiropractic physician, or
49 practitioner for 12 months.

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

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

56 1. ~~(a)~~ Is less than \$20,000, the offender commits a felony
57 of the third degree, punishable as provided in s. 775.082, s.
58 775.083, or s. 775.084.

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

62 3.~~(e)~~ Is \$100,000 or more, the offender commits a felony of
63 the first degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084.

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

69 1. For a first conviction, to serve a minimum mandatory
70 term of imprisonment of 2 years and pay a minimum mandatory fine
71 of \$200,000.

72 2. For a second or subsequent conviction, to serve a
73 minimum mandatory term of imprisonment of 10 years and pay a
74 minimum mandatory fine of \$500,000.

75 (12) As used in this section:

76 (a) "Property" means property as defined in s. 812.012.

77 (b) "Value" means value as defined in s. 812.012.

78 (c) "Conviction" has the same meaning as provided in s.
79 775.0837.

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