

By Senator Brown-Waite

10-390-00

1                                   A bill to be entitled  
 2           An act relating to public assistance; amending  
 3           s. 414.0252, F.S.; redefining the term "public  
 4           assistance" to include rental assistance;  
 5           amending s. 414.39, F.S.; providing for the  
 6           determination of value in specified public  
 7           assistance fraud; amending s. 421.101, F.S.;  
 8           increasing the criminal penalty for false  
 9           representations in obtaining lower rent in  
 10          low-rent housing accommodations; providing an  
 11          effective date.  
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 13 Be It Enacted by the Legislature of the State of Florida:  
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 15           Section 1. Subsection (10) of section 414.0252,  
 16 Florida Statutes, is amended to read:  
 17           414.0252 Definitions.--As used in ss. 414.015-414.45,  
 18 the term:  
 19           (10) "Public assistance" means benefits paid on the  
 20 basis of the temporary cash assistance, food stamp, Medicaid,  
 21 or optional state supplementation program or any low-income  
 22 housing development or rental assistance program under the  
 23 United States Housing Act of 1937, as amended, or any housing  
 24 assistance program under chapter 420.  
 25           Section 2. Subsection (5) of section 414.39, Florida  
 26 Statutes, is amended to read:  
 27           414.39 Fraud.--  
 28           (5)(a) If the value of the public assistance or  
 29 identification wrongfully received, retained, misappropriated,  
 30 sought, or used is less than an aggregate value of \$200 in any  
 31 12 consecutive months, such person commits a misdemeanor of

1 the first degree, punishable as provided in s. 775.082 or s.  
2 775.083.

3 (b) If the value of the public assistance or  
4 identification wrongfully received, retained, misappropriated,  
5 sought, or used is of an aggregate value of \$200 or more in  
6 any 12 consecutive months, such person commits a felony of the  
7 third degree, punishable as provided in s. 775.082, s.  
8 775.083, or s. 775.084.

9 (c) As used in this subsection, the value of rental  
10 cost, aid or assistance, or a food stamp authorization benefit  
11 is the cash or exchange value unlawfully obtained by the  
12 fraudulent act committed in violation of this section.

13 (d) As used in this section, "fraud" includes the  
14 introduction of fraudulent records into a computer system, the  
15 unauthorized use of computer facilities, the intentional or  
16 deliberate alteration or destruction of computerized  
17 information or files, and the stealing of financial  
18 instruments, data, and other assets.

19 Section 3. Section 421.101, Florida Statutes, is  
20 amended to read:

21 421.101 False representations to obtain lower rent in  
22 housing accommodations; penalty.--Whoever makes a false  
23 statement or representation, knowing it to be false, or  
24 knowingly fails to disclose a material fact in order to obtain  
25 a lower rent for housing accommodations in a low-rent housing  
26 development operated pursuant to this chapter, than the rental  
27 such person is required to pay pursuant to federal or state  
28 statutes, schedule of rents or rules and regulations as  
29 determined and fixed by housing authorities created pursuant  
30 to this chapter, commits ~~aforsaid, shall be guilty of a~~  
31 felony misdemeanor of the third ~~second~~ degree, punishable as

1 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084; and each  
2 such false statement or representation or failure to disclose  
3 a material fact as aforesaid shall constitute a separate  
4 offense.

5 Section 4. This act shall take effect July 1, 2000.

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8 SENATE SUMMARY

9 Includes public housing assistance in the definition of  
10 public assistance for the purposes of fraud. Increases  
11 the criminal penalty for false representations in  
12 obtaining lower rent in specified housing accommodations.

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