

By the Committee on Judiciary; and Senator Burt

308-1931-02

1 A bill to be entitled
2 An act relating to fraud prevention; creating
3 the Fraud Prevention Unit within the Office of
4 the Attorney General to improve and coordinate
5 the state's response to fraud and related
6 crimes; requiring the Fraud Prevention Unit to
7 establish a Statewide Complaint Receipt and
8 Referral Center to collect, refer, and analyze
9 information concerning fraud; specifying goals
10 of the center; specifying responsibilities of
11 the Fraud Prevention Unit; providing
12 requirements for projects supported by the
13 Fraud Prevention Unit; requiring the unit to
14 develop public information programs and
15 establish recommended training curricula;
16 authorizing the Attorney General to use
17 volunteers who are agents of the Fraud
18 Prevention Unit with respect to protection
19 under the state's sovereign immunity; requiring
20 the Fraud Prevention Unit to coordinate its
21 investigations with other law enforcement
22 agencies and victim-assistance programs;
23 requiring the unit to use services of the
24 Federal Trade Commission; requiring that the
25 unit avoid duplicating services but communicate
26 the availability of those services; requiring
27 that the Fraud Prevention Unit be developed and
28 operated using existing resources; providing
29 for the use of donated funds and resources;
30 authorizing state agencies and local businesses
31 to assign employees to assist the unit;

1 authorizing the unit to assist victims in
2 correcting credit reports or other identifying
3 information; prohibiting the unit from
4 providing legal representation to victims of
5 fraud; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Fraud prevention.--

10 (1) There is created within the Office of the Attorney
11 General the Fraud Prevention Unit. The mission of the unit is
12 to improve this state's response to fraud and crimes related
13 to fraud using cooperative efforts between state agencies,
14 businesses in the private sector, and private citizen
15 volunteers.

16 (2)(a) The Fraud Prevention Unit shall establish
17 within the Department of Agriculture and Consumer Services,
18 another state agency, or a designated private entity, as
19 appropriate, a Statewide Complaint Receipt and Referral Center
20 to which victims of fraud may immediately turn in order to
21 obtain information and general assistance in dealing with a
22 crime. The center shall serve as an easily-accessed, single
23 point of contact for consumers who are, or suspect that they
24 may be, victims of fraud, and shall bridge the gap between the
25 public, state agencies, consumer organizations, and private
26 businesses. The center shall establish an effective program
27 for collecting, referring, and analyzing information and data
28 concerning fraud. The center shall focus on the goals of:

29 1. Prevention, which includes the "real-time"
30 education of consumers, businesses, and law enforcement
31 agencies;

1 2. Reporting, which includes "real-time" information
2 regarding victims of fraud and persons suspected of committing
3 fraud; and

4 3. Restoration, which includes, if necessary,
5 returning the victim's credit and name to their original
6 status.

7 (b) The center shall properly collect, track, analyze,
8 and disseminate data concerning complaints in order to better
9 address short-term enforcement concerns and long-term strategy
10 requirements. The center shall:

11 1. Provide a statewide methodology to manage complaint
12 information from consumers, regulatory and enforcement
13 agencies, affected businesses in the private sector, and
14 consumer-support organizations;

15 2. Identify related complaints;

16 3. Collect, analyze, and produce accurate data
17 concerning the scope of fraud;

18 4. Develop and implement timely prevention and
19 education programs to reduce victimization by fraud, as well
20 as to provide important response strategies to those who have
21 discovered that they are victims of fraud; and

22 5. Share complaint information and fraud data among
23 investigations in the public and private sector in a timely
24 manner.

25 (3) In meeting its mission, the responsibilities of
26 the Fraud Prevention Unit include, but are not limited to:

27 (a) Creating an effective public and private
28 partnership to cooperatively address criminal fraud within the
29 state as it affects individual citizens and businesses. The
30 public and private partnership shall include professionals in
31 the fields of communications, financial services, insurance,

1 information management, law, marketing, technology, retail
2 sales, government, and law enforcement.

3 (b) Providing timely and effective information to the
4 public and to businesses in this state regarding the types of
5 fraud that may be perpetrated upon them and the efforts that
6 can be taken to lower the possibility of becoming a victim of
7 such fraud.

8 (c) Providing information to the public and businesses
9 and encouraging the use of new and innovative refinements for
10 fraud prevention in this state, including the use of Internet
11 resources to facilitate access to government and
12 private-sector programs designed to assist fraud victims.

13 (d) Furthering the goal of a statewide
14 fraud-prevention network by supporting the initiation or
15 expansion of statewide and local efforts in crime prevention,
16 awareness, and education.

17 (e) Supporting the development of a coordinated
18 service network, including the exchange of information and
19 case referral between programs such as local victim and
20 witness assistance programs, state and local programs
21 providing services to the elderly, or any other established
22 and recognizable local programs devoted to decreasing the
23 crime of fraud and reducing its impact upon victims.

24 (f) Promoting a greater awareness of fraud and
25 encouraging a cooperative response to fraud by state and local
26 law enforcement officers and prosecutors, private security
27 officers, and business representatives.

28 (g) Strengthening and expanding options for
29 communication to victims of fraud in order to assist them in
30 detecting the extent of the fraud perpetrated against them,
31 assist them during the investigation and prosecution of the

1 criminal fraud, and assist them in recouping losses from fraud
2 and managing the consequences of such fraud.

3 (h) Providing general support and assistance for fraud
4 victims during their actual involvement with the criminal
5 justice system during the investigation of fraud as a crime
6 and the prosecution of those who perpetrate the fraud.

7 (i) Providing information or sources of information of
8 value to victims as they cope with ramifications of criminal
9 fraud, including, but not limited to, reestablishing credit
10 ratings and credit damaged or destroyed by reason of identity
11 theft or other fraud and theft.

12 (j) Assisting in the identification and effective
13 delivery of training and awareness programs related to fraud
14 detection, investigation, prevention, and consequence
15 management.

16 (4) With respect to the initiation or expansion of
17 local crime-prevention efforts, projects supported by the
18 Fraud Prevention Unit shall, consistent with available
19 resources:

20 (a) Use suitable and effective outreach and
21 educational techniques in order to raise the awareness of the
22 public to potential fraud, to efforts that can be taken to
23 avoid becoming a victim of fraud, and to the responses to be
24 taken when fraudulent activity is believed to have occurred;

25 (b) Develop and deliver crime-prevention information
26 to the elderly regarding fraud, theft, grand theft, and
27 burglary;

28 (c) Develop programs to provide literature on
29 training, information, and prevention to law enforcement
30 officers, elderly care custodians, health practitioners, and
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1 social service providers regarding fraud perpetrated upon the
2 elderly as well as other segments of the state's population;

3 (d) In cooperation with the Criminal Justice Standards
4 and Training Commission, establish recommended curricula for
5 training law enforcement officers in detecting, investigating,
6 and preventing fraud and provide recommendations for the role
7 of law enforcement officers in assisting victims of fraud to
8 recover stolen property, address identity theft, reestablish
9 credit ratings damaged or destroyed by reason of fraud, and
10 otherwise respond to the impact of fraud;

11 (e) Review educational and intervention programs in
12 preventing fraud in order to determine a program's potential
13 application and value in addressing various types of fraud
14 perpetrated upon the public and maximize the availability of
15 effective programs to law enforcement agencies and persons
16 dealing with fraud and its impact; and

17 (f) Establish programs devoted to fraud prevention
18 through establishing partnership initiatives using volunteers
19 and the support of private businesses.

20 (5) Any initiative or program funded under this
21 section must demonstrate an ongoing effectiveness in assisting
22 the Office of the Attorney General in implementing the mission
23 defined in this section.

24 (6) The Attorney General may employ personnel as
25 necessary and to the extent funding is available in order to
26 ensure that the Fraud Prevention Unit meets the mission
27 defined by this section. The Attorney General may use
28 volunteers to assist the unit and these volunteers are agents
29 of the Fraud Prevention Unit and are entitled to the
30 sovereign-immunity protection of the state.

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1 (7) In meeting its mission, the Fraud Prevention Unit
2 shall design its efforts to focus primarily on organized,
3 multijurisdictional fraud; violations of section 775.0844,
4 Florida Statutes, the White Collar Crime Victim Protection
5 Act; or other types of fraud that involve large numbers of
6 real or potential victims. The Fraud Prevention Unit shall, to
7 the greatest extent possible, coordinate its efforts related
8 to investigations with the Department of Law Enforcement and
9 its efforts related to prosecutions of multijurisdictional
10 fraud with the Office of Statewide Prosecution. However, this
11 section does not prohibit the referral of any cases developed
12 by, through, or with the assistance of the unit to any
13 appropriate investigative or prosecutorial entity. The unit
14 shall, to the greatest extent possible, coordinate its efforts
15 related to assisting fraud victims with the victims'
16 assistance programs and units presently established within or
17 coordinated by the Office of the Attorney General, other state
18 agencies, the various victims' advocates within the state
19 attorneys offices, and victim-support entities within the
20 federal government and private sector.

21 (8) The Fraud Prevention Unit shall use and promote
22 the services of the Federal Trade Commission, including, but
23 not limited to, the commission's toll-free phone services and
24 capabilities for Internet access, when such services are
25 relevant to addressing the perpetration of fraud against the
26 public and the state's businesses. The unit shall avoid
27 duplicating services that are provided by other entities, but
28 shall assure that the availability of such services is clearly
29 communicated to those seeking the unit's assistance.

30 (9) The Fraud Prevention Unit shall be developed and
31 operated using existing resources within the Office of the

1 Attorney General and funds and resources donated to the Office
2 of the Attorney General by businesses and others which are
3 specifically designated for use by the unit. Funds received by
4 the unit may not be used to fund positions for investigators
5 or law enforcement officers within law enforcement agencies or
6 positions for prosecutors within the Office of Statewide
7 Prosecution or the state attorneys. Any state or local agency
8 may temporarily assign an employee to the unit to assist in
9 its staffing or operations. A private business may temporarily
10 assign its employees to work with the unit; however, any
11 employee so assigned remains at all times an employee of the
12 private business. The Attorney General may use volunteers to
13 assist in the operations of the unit.

14 (10) Upon the request of a victim of fraud or similar
15 crime within the scope of the mission of the Fraud Prevention
16 Unit, the unit may assist the victim in obtaining information
17 necessary to correct inaccuracies or errors in the victim's
18 credit report or other identifying information. However, the
19 unit may not provide legal representation to a victim of
20 fraud.

21 Section 2. This act shall take effect July 1, 2002.

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23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 1316

26 Makes a technical change to renumber several erroneously
27 numbered subsections.
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