

By Representative Harrell

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 unit to establish a  
7           Statewide Complaint Receipt and Referral Center  
8           to collect, refer, and analyze information  
9           concerning fraud; specifying goals of the  
10          center; specifying responsibilities of the  
11          unit; providing requirements for projects  
12          supported by the unit; requiring the unit to  
13          develop public information programs and  
14          establish recommended training curricula;  
15          authorizing the Attorney General to use  
16          volunteers who are agents of the unit with  
17          respect to protection under the state's  
18          sovereign immunity; requiring the unit to  
19          coordinate its investigations with other law  
20          enforcement agencies and victim assistance  
21          programs; requiring the unit to use services of  
22          the Federal Trade Commission; requiring that  
23          the unit avoid duplicating services but  
24          communicate the availability of those services;  
25          requiring that the unit be developed and  
26          operated using existing resources; providing  
27          for the use of donated funds and resources;  
28          authorizing state agencies and local businesses  
29          to assign employees to assist the unit;  
30          authorizing the unit to assist victims in  
31          correcting credit reports or other identifying

1 information; prohibiting the unit from  
2 providing legal representation to victims of  
3 fraud; providing an effective date.  
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5 Be It Enacted by the Legislature of the State of Florida:  
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7 Section 1. Fraud prevention.--

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

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

27 1. Prevention, which includes the real-time education  
28 of consumers, businesses, and law enforcement agencies.

29 2. Reporting, which includes real-time information  
30 regarding victims of fraud and persons suspected of committing  
31 fraud.

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

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

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

12           2. Identify related complaints.

13           3. Collect, analyze, and produce accurate data  
14 concerning the scope of fraud.

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

19           5. Share complaint information and fraud data related  
20 to investigations in the public and private sectors in a  
21 timely manner.

22           (3) The responsibilities of the Fraud Prevention Unit  
23 shall include, but not be limited to:

24           (a) Creating an effective public and private  
25 partnership to cooperatively address criminal fraud within the  
26 state as it affects individual citizens and businesses. The  
27 public and private partnership shall include professionals in  
28 the fields of communications, financial services, insurance,  
29 information management, law, marketing, technology, retail  
30 sales, government, and law enforcement.

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

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

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

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

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

26       (g) Strengthening and expanding options for  
27 communication to victims of fraud in order to assist them in  
28 detecting the extent of the fraud perpetrated against them,  
29 assist them during the investigation and prosecution of the  
30 criminal fraud, and assist them in recouping losses from fraud  
31 and managing the consequences of such fraud.

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

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

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

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

18       (a) Use suitable and effective outreach and  
19 educational techniques in order to raise the awareness of the  
20 public with regard to potential fraud, efforts that can be  
21 made to avoid becoming a victim of fraud, and ways to respond  
22 when fraudulent activity is believed to have occurred.

23       (b) Develop and deliver crime prevention information  
24 to elderly persons regarding fraud, theft, grand theft, and  
25 burglary.

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

1       (d) In cooperation with the Criminal Justice Standards  
2 and Training Commission, establish recommended curricula for  
3 training law enforcement officers in detecting, investigating,  
4 and preventing fraud and provide recommendations for the role  
5 of law enforcement officers in assisting victims of fraud in  
6 recovering stolen property, addressing identity theft,  
7 reestablishing credit ratings damaged or destroyed by reason  
8 of fraud, and otherwise responding to the impact of fraud.

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

15       (f) Establish programs devoted to fraud prevention by  
16 establishing partnership initiatives using volunteers and the  
17 support of private businesses.

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

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

29       (7) The Fraud Prevention Unit shall focus its efforts  
30 primarily on organized, multijurisdictional fraud; violations  
31 of s. 775.0844, Florida Statutes, the White Collar Crime

1 Victim Protection Act; or other types of fraud that involve  
2 large numbers of real or potential victims. The unit shall, to  
3 the greatest extent possible, coordinate its efforts related  
4 to investigations with the Department of Law Enforcement and  
5 coordinate its efforts related to prosecutions of  
6 multijurisdictional fraud with the Office of Statewide  
7 Prosecution. However, this section does not prohibit the  
8 referral of any cases developed by, through, or with the  
9 assistance of the unit to any appropriate investigative or  
10 prosecutorial entity. The unit shall, to the greatest extent  
11 possible, coordinate its efforts related to assisting fraud  
12 victims with victim assistance programs and units presently  
13 established within or coordinated by the Office of the  
14 Attorney General, other state agencies, the various victim  
15 advocates within the state attorneys' offices, and victim  
16 support entities within the Federal Government and the private  
17 sector.

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

27 (9) The Fraud Prevention Unit shall be developed and  
28 operated using existing resources within the Office of the  
29 Attorney General and funds and resources donated to the Office  
30 of the Attorney General by businesses and others which are  
31 specifically designated for use by the unit. Funds received by

1 the unit may not be used to fund positions for investigators  
2 or law enforcement officers within law enforcement agencies or  
3 positions for prosecutors within the Office of Statewide  
4 Prosecution or the state attorneys' offices. Any state or  
5 local agency may temporarily assign an employee to the unit to  
6 assist in its staffing or operations. A private business may  
7 temporarily assign its employees to work with the unit;  
8 however, any employee so assigned remains at all times an  
9 employee of the private business. The Attorney General may use  
10 volunteers to assist in the operations of the unit.

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

18 Section 2. This act shall take effect July 1, 2003.

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21 HOUSE SUMMARY

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23 Creates the Fraud Prevention Unit within the Office of  
24 the Attorney General. Requires that the unit establish a  
25 Statewide Complaint Receipt and Referral Center.  
26 Specifies duties of the center and the unit. Authorizes  
27 the use of volunteers. Requires that the unit coordinate  
28 its investigations with other law enforcement agencies  
29 and victim assistance programs. Requires that the Office  
30 of the Attorney General use existing resources in  
31 developing and operating the unit. Authorizes the use of  
donated funds and resources. Prohibits the unit from  
providing legal representation to victims of fraud. See  
bill for details.

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