

By Senator Villalobos

38-1050-03

See HB 323

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; providing that volunteers are
18 exempt from liability under the Florida
19 Volunteer Protection Act; requiring the Fraud
20 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.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

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 education of
30 consumers, businesses, and law enforcement agencies.
31

1 2. Reporting, which includes information regarding
2 victims of fraud and persons suspected of committing fraud.

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

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

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

14 2. Identify related complaints.

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

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

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

24 (3) In meeting its mission, the responsibilities of
25 the Fraud Prevention Unit shall include, but are not limited
26 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 may be taken to lessen 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 private
12 sector programs designed to assist fraud victims.

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

17 (e) Supporting the development of a coordinated
18 service network, including the exchange of information and
19 referral of cases 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 program devoted to decreasing the crime
23 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 determining 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 while they are involved with the criminal justice
5 system during the investigation of fraud as a crime and the
6 prosecution of those who perpetrated the fraud.

7 (i) Providing information or sources of information of
8 value to victims as they cope with the ramifications of
9 criminal fraud, including, but not limited to, reestablishing
10 credit ratings and credit damaged or destroyed by reason of
11 identity 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 with regard to potential fraud, efforts that can be
23 made to avoid becoming a victim of fraud, and ways to respond
24 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, caregivers for the elderly, health care
31 practitioners, and social service providers regarding fraud

1 perpetrated upon the elderly as well as other segments of the
2 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
12 designed to prevent fraud in order to determine a program's
13 potential application and value in addressing various types of
14 fraud perpetrated upon the public and maximize the
15 availability of effective programs to law enforcement agencies
16 and persons dealing with fraud and its impact.

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 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 covered
29 by the provisions of section 768.1355, Florida Statutes.

30 (7) In meeting its mission, the Fraud Prevention Unit
31 shall design its efforts to focus primarily on organized,

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

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

29 (9) The Fraud Prevention Unit shall be developed and
30 operated using existing resources within the Office of the
31 Attorney General and funds and resources donated to the Office

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

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

20 Section 2. This act shall take effect July 1, 2003.
21
22
23
24
25
26
27
28
29
30
31