



HB 0323

2003

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



HB 0323

2003

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

Section 1. Fraud prevention.--

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

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

1. Prevention, which includes the education of consumers, businesses, and law enforcement agencies.

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

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



HB 0323

2003

59 (b) The center shall properly collect, track, analyze, and
60 disseminate data concerning complaints in order to better
61 address short-term enforcement concerns and long-term strategy
62 requirements. The center shall:

63 1. Provide a statewide methodology to manage complaint
64 information from consumers, regulatory and enforcement agencies,
65 affected businesses in the private sector, and consumer support
66 organizations.

67 2. Identify related complaints.

68 3. Collect, analyze, and produce accurate data concerning
69 the scope of fraud.

70 4. Develop and implement timely prevention and education
71 programs to reduce victimization by fraud, as well as to provide
72 important response strategies to those who have discovered that
73 they are victims of fraud.

74 5. Share complaint information and fraud data among
75 persons involved in investigations in the public and private
76 sector in a timely manner.

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

79 (a) Creating an effective public and private partnership
80 to cooperatively address criminal fraud within the state as it
81 affects individual citizens and businesses. The public and
82 private partnership shall include professionals in the fields of
83 communications, financial services, insurance, information
84 management, law, marketing, technology, retail sales,
85 government, and law enforcement.

86 (b) Providing timely and effective information to the
87 public and to businesses in this state regarding the types of



HB 0323

2003

88 fraud that may be perpetrated upon them and the efforts that may
89 be taken to lessen the possibility of becoming a victim of such
90 fraud.

91 (c) Providing information to the public and businesses and
92 encouraging the use of new and innovative refinements for fraud
93 prevention in this state, including the use of Internet
94 resources to facilitate access to government and private sector
95 programs designed to assist fraud victims.

96 (d) Furthering the goal of a statewide fraud prevention
97 network by supporting the initiation or expansion of statewide
98 and local efforts with regard to crime prevention, awareness,
99 and education.

100 (e) Supporting the development of a coordinated service
101 network, including the exchange of information and referral of
102 cases between programs such as local victim and witness
103 assistance programs, state and local programs providing services
104 to the elderly, or any other established and recognizable local
105 program devoted to decreasing the crime of fraud and reducing
106 its impact upon victims.

107 (f) Promoting a greater awareness of fraud and encouraging
108 a cooperative response to fraud by state and local law
109 enforcement officers and prosecutors, private security officers,
110 and business representatives.

111 (g) Strengthening and expanding options for communication
112 to victims of fraud in order to assist them in determining the
113 extent of the fraud perpetrated against them, assist them during
114 the investigation and prosecution of the criminal fraud, and
115 assist them in recouping losses from fraud and managing the
116 consequences of such fraud.



HB 0323

2003

117 (h) Providing general support and assistance for fraud
118 victims while they are involved with the criminal justice system
119 during the investigation of fraud as a crime and the prosecution
120 of those who perpetrated the fraud.

121 (i) Providing information or sources of information of
122 value to victims as they cope with the ramifications of criminal
123 fraud, including, but not limited to, reestablishing credit
124 ratings and credit damaged or destroyed by reason of identity
125 theft or other fraud and theft.

126 (j) Assisting in the identification and effective delivery
127 of training and awareness programs related to fraud detection,
128 investigation, prevention, and consequence management.

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

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

137 (b) Develop and deliver crime prevention information to
138 the elderly regarding fraud, theft, grand theft, and burglary.

139 (c) Develop programs to provide literature on training,
140 information, and prevention to law enforcement officers,
141 caregivers for the elderly, health care practitioners, and
142 social service providers regarding fraud perpetrated upon the
143 elderly as well as other segments of the state's population.

144 (d) In cooperation with the Criminal Justice Standards and
145 Training Commission, establish recommended curricula for



HB 0323

2003

146 training law enforcement officers in detecting, investigating,
147 and preventing fraud and provide recommendations for the role of
148 law enforcement officers in assisting victims of fraud to
149 recover stolen property, address identity theft, reestablish
150 credit ratings damaged or destroyed by reason of fraud, and
151 otherwise respond to the impact of fraud.

152 (e) Review educational and intervention programs designed
153 to prevent fraud in order to determine a program's potential
154 application and value in addressing various types of fraud
155 perpetrated upon the public and maximize the availability of
156 effective programs to law enforcement agencies and persons
157 dealing with fraud and its impact.

158 (f) Establish programs devoted to fraud prevention through
159 establishing partnership initiatives using volunteers and the
160 support of private businesses.

161 (5) Any initiative or program funded under this section
162 must demonstrate ongoing effectiveness in assisting the Office
163 of the Attorney General in implementing the mission defined in
164 this section.

165 (6) The Attorney General may employ personnel as necessary
166 and to the extent funding is available in order to ensure that
167 the Fraud Prevention Unit meets the mission defined by this
168 section. The Attorney General may use volunteers to assist the
169 unit and these volunteers are covered by the provisions of s.
170 768.1355, Florida Statutes.

171 (7) In meeting its mission, the Fraud Prevention Unit
172 shall design its efforts to focus primarily on organized,
173 multijurisdictional fraud; violations of s. 775.0844, Florida
174 Statutes, the White Collar Crime Victim Protection Act; or other



HB 0323

2003

175 types of fraud that involve large numbers of real or potential
176 victims. The Fraud Prevention Unit shall, to the greatest extent
177 possible, coordinate its efforts related to investigations with
178 the Department of Law Enforcement and coordinate its efforts
179 related to prosecutions of multijurisdictional fraud with the
180 Office of Statewide Prosecution. However, this section does not
181 prohibit the referral of any cases developed by, through, or
182 with the assistance of the unit to any appropriate investigative
183 or prosecutorial entity. The unit shall, to the greatest extent
184 possible, coordinate its efforts related to assisting fraud
185 victims with the victim assistance programs and units presently
186 established within or coordinated by the Office of the Attorney
187 General, other state agencies, the various victim advocates
188 within the state attorneys' offices, and victim support entities
189 within the Federal Government and the private sector.

190 (8) The Fraud Prevention Unit shall use and promote the
191 services of the Federal Trade Commission, including, but not
192 limited to, the commission's toll-free telephone services and
193 capabilities for Internet access, when such services are
194 relevant to addressing the perpetration of fraud against the
195 public and businesses in this state. The unit shall avoid
196 duplicating services that are provided by other entities, but
197 shall ensure that the availability of such services is clearly
198 communicated to those seeking the unit's assistance.

199 (9) The Fraud Prevention Unit shall be developed and
200 operated using existing resources within the Office of the
201 Attorney General and funds and resources donated to the Office
202 of the Attorney General by businesses and others that are
203 specifically designated for use by the unit. Funds received by



HB 0323

2003

204 the unit may not be used to fund positions for investigators or
205 law enforcement officers within law enforcement agencies or
206 positions for prosecutors within the Office of Statewide
207 Prosecution or the state attorneys' offices. Any state or local
208 agency may temporarily assign an employee to the unit to assist
209 in its staffing or operations. A private business may
210 temporarily assign its employees to work with the unit; however,
211 any employee so assigned remains at all times an employee of the
212 private business. The Attorney General may use volunteers to
213 assist in the operations of the unit.

214 (10) Upon a request by a victim of fraud or a similar
215 crime that is within the scope of the mission of the Fraud
216 Prevention Unit, the unit may assist the victim in obtaining
217 information necessary to correct inaccuracies or errors in the
218 victim's credit report or other identifying information.
219 However, the unit may not provide legal representation to a
220 victim of fraud.

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