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CHAMBER ACTION

The Committee on Agriculture recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to fraud prevention; creating the Fraud Prevention Unit within the Office of the Attorney General to improve and coordinate the state's response to fraud and related crimes; requiring the Fraud Prevention Unit to establish a Statewide Complaint Receipt and Referral Center to collect, refer, and analyze information concerning fraud; specifying goals of the center; specifying responsibilities of the Fraud Prevention Unit; providing requirements for projects supported by the Fraud Prevention Unit; requiring the unit to develop public information programs and establish recommended training curricula; authorizing the Attorney General to use volunteers; providing that volunteers are exempt from liability under the Florida Volunteer Protection Act; requiring the Fraud Prevention Unit to coordinate its investigations with other law enforcement agencies and victim assistance programs; requiring the unit to use services of the Federal Trade Commission; requiring that



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29 | the unit avoid duplicating services but communicate the
30 | availability of those services; providing for the use of
31 | donated funds and resources; authorizing state agencies
32 | and local businesses to assign employees to assist the
33 | unit; authorizing the unit to assist victims in correcting
34 | credit reports or other identifying information;
35 | prohibiting the unit from providing legal representation
36 | to victims of fraud; providing an effective date.

37 |
38 | Be It Enacted by the Legislature of the State of Florida:

39 |
40 | Section 1. Fraud prevention.--

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

47 | (2)(a) The Fraud Prevention Unit shall establish a
48 | Statewide Complaint Receipt and Referral Center to which victims
49 | of fraud may immediately turn in order to obtain information and
50 | general assistance in dealing with a crime. The center shall
51 | serve as an easily accessed, single point of contact for
52 | consumers who are, or suspect that they may be, victims of fraud
53 | and shall bridge the gap between the public, state agencies,
54 | consumer organizations, and private businesses. The center shall
55 | establish an effective program for collecting, referring, and



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56 analyzing information and data concerning fraud. The center
57 shall focus on the goals of:

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

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

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

64 (b) The center shall properly collect, track, analyze, and
65 disseminate data concerning complaints in order to better
66 address short-term enforcement concerns and long-term strategy
67 requirements. The center shall:

68 1. Provide a statewide methodology to manage complaint
69 information from consumers, regulatory and enforcement agencies,
70 affected businesses in the private sector, and consumer support
71 organizations.

72 2. Identify related complaints.

73 3. Collect, analyze, and produce accurate data concerning
74 the scope of fraud.

75 4. Develop and implement timely prevention and education
76 programs to reduce victimization by fraud, as well as to provide
77 important response strategies to those who have discovered that
78 they are victims of fraud.

79 5. Share complaint information and fraud data among
80 persons involved in investigations in the public and private
81 sector in a timely manner.

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



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

91 (b) Providing timely and effective information to the
92 public and to businesses in this state regarding the types of
93 fraud that may be perpetrated upon them and the efforts that may
94 be taken to lessen the possibility of becoming a victim of such
95 fraud.

96 (c) Providing information to the public and businesses and
97 encouraging the use of new and innovative refinements for fraud
98 prevention in this state, including the use of Internet
99 resources to facilitate access to government and private sector
100 programs designed to assist fraud victims.

101 (d) Furthering the goal of a statewide fraud prevention
102 network by supporting the initiation or expansion of statewide
103 and local efforts with regard to crime prevention, awareness,
104 and education.

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



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112 (f) Promoting a greater awareness of fraud and encouraging
113 a cooperative response to fraud by state and local law
114 enforcement officers and prosecutors, private security officers,
115 and business representatives.

116 (g) Strengthening and expanding options for communication
117 to victims of fraud in order to assist them in determining the
118 extent of the fraud perpetrated against them, assist them during
119 the investigation and prosecution of the criminal fraud, and
120 assist them in recouping losses from fraud and managing the
121 consequences of such fraud.

122 (h) Providing general support and assistance for fraud
123 victims while they are involved with the criminal justice system
124 during the investigation of fraud as a crime and the prosecution
125 of those who perpetrated the fraud.

126 (i) Providing information or sources of information of
127 value to victims as they cope with the ramifications of criminal
128 fraud, including, but not limited to, reestablishing credit
129 ratings and credit damaged or destroyed by reason of identity
130 theft or other fraud and theft.

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

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

137 (a) Use suitable and effective outreach and educational
138 techniques in order to raise the awareness of the public with
139 regard to potential fraud, efforts that can be made to avoid



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140 becoming a victim of fraud, and ways to respond when fraudulent
141 activity is believed to have occurred.

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

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

149 (d) In cooperation with the Criminal Justice Standards and
150 Training Commission, establish recommended curricula for
151 training law enforcement officers in detecting, investigating,
152 and preventing fraud and provide recommendations for the role of
153 law enforcement officers in assisting victims of fraud to
154 recover stolen property, address identity theft, reestablish
155 credit ratings damaged or destroyed by reason of fraud, and
156 otherwise respond to the impact of fraud.

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

163 (f) Establish programs devoted to fraud prevention through
164 establishing partnership initiatives using volunteers and the
165 support of private businesses.

166 (5) Any initiative or program funded under this section
167 must demonstrate ongoing effectiveness in assisting the Office



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168 of the Attorney General in implementing the mission defined in
169 this section.

170 (6) The Attorney General may employ personnel as necessary
171 and to the extent funding is available in order to ensure that
172 the Fraud Prevention Unit meets the mission defined by this
173 section. The Attorney General may use volunteers to assist the
174 unit and these volunteers are covered by the provisions of s.
175 768.1355, Florida Statutes.

176 (7) In meeting its mission, the Fraud Prevention Unit
177 shall design its efforts to focus primarily on organized,
178 multijurisdictional fraud; violations of s. 775.0844, Florida
179 Statutes, the White Collar Crime Victim Protection Act; or other
180 types of fraud that involve large numbers of real or potential
181 victims. The Fraud Prevention Unit shall, to the greatest extent
182 possible, coordinate its efforts related to investigations with
183 the Department of Law Enforcement and coordinate its efforts
184 related to prosecutions of multijurisdictional fraud with the
185 Office of Statewide Prosecution. However, this section does not
186 prohibit the referral of any cases developed by, through, or
187 with the assistance of the unit to any appropriate investigative
188 or prosecutorial entity. The unit shall, to the greatest extent
189 possible, coordinate its efforts related to assisting fraud
190 victims with the victim assistance programs and units presently
191 established within or coordinated by the Office of the Attorney
192 General, other state agencies, the various victim advocates
193 within the state attorneys' offices, and victim support entities
194 within the Federal Government and the private sector.



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

204 (9) The Fraud Prevention Unit shall be developed and
205 operated using funds and resources donated to the Office of the
206 Attorney General by businesses and others that are specifically
207 designated for use by the unit. Funds received by the unit shall
208 be deposited into the Fraud Prevention Unit Trust Fund and may
209 be expended upon authorization by the Legislature or the
210 Legislative Budget Commission. Funds received by the unit may
211 not be used to fund positions for investigators or law
212 enforcement officers within law enforcement agencies or
213 positions for prosecutors within the Office of Statewide
214 Prosecution or the state attorneys' offices. Any state or local
215 agency may temporarily assign an employee to the unit to assist
216 in its staffing or operations. A private business may
217 temporarily assign its employees to work with the unit; however,
218 any employee so assigned remains at all times an employee of the
219 private business. The Attorney General may use volunteers to
220 assist in the operations of the unit.

221 (10) Upon a request by a victim of fraud or a similar
222 crime that is within the scope of the mission of the Fraud



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223 Prevention Unit, the unit may assist the victim in obtaining
224 information necessary to correct inaccuracies or errors in the
225 victim's credit report or other identifying information.
226 However, the unit may not provide legal representation to a
227 victim of fraud.

228 Section 2. This act shall take effect July 1, 2004.