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A bill to be entitled  
 An act relating to fraud; amending s. 775.0844, F.S.;  
 redefining the term "white collar crime" to include  
 Medicaid provider fraud; providing a minimum mandatory  
 term of imprisonment for committing an aggravated white  
 collar crime involving Medicaid provider fraud; amending  
 s. 921.0022, F.S., relating to the Criminal Punishment  
 Code; conforming provisions to changes made by the act;  
 creating s. 501.161, F.S.; prohibiting the sale or rental  
 of, or the offer to sell or rent, essential equipment,  
 commodities, or accommodation, as defined, during a  
 declared state of emergency for an unconscionable price  
 that is 110 percent or more of its average price for the  
 30 days immediately preceding the declaration of a state  
 of emergency; providing an exception; providing penalties;  
 providing an effective date.

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

Section 1. Section 775.0844, Florida Statutes, is amended  
 to read:

775.0844 White Collar Crime Victim Protection Act.--

(1) This section may be cited as the "White Collar Crime  
 Victim Protection Act."

(2) Due to the frequency with which victims, particularly  
 elderly victims, are deceived and cheated by criminals who  
 commit nonviolent frauds and swindles, frequently through the  
 use of the Internet and other electronic technology and

29 frequently causing the loss of substantial amounts of property,  
 30 it is the intent of the Legislature to enhance the sanctions  
 31 imposed for nonviolent frauds and swindles, protect the public's  
 32 property, and assist in prosecuting white collar criminals.

33 (3) As used in this section, "white collar crime" means:

34 (a) The commission of, or a conspiracy to commit, any  
 35 felony offense specified in:

36 1. Section 409.920, relating to Medicaid provider fraud.

37 ~~2.1.~~ Chapter 560, relating to the Money Transmitters'  
 38 Code.

39 ~~3.2.~~ Chapter 812, relating to theft, robbery, and related  
 40 crimes.

41 ~~4.3.~~ Chapter 815, relating to computer-related crimes.

42 ~~5.4.~~ Chapter 817, relating to fraudulent practices.

43 ~~6.5.~~ Chapter 825, relating to abuse, neglect, and  
 44 exploitation of elderly persons and disabled adults.

45 ~~7.6.~~ Chapter 831, relating to forgery and counterfeiting.

46 ~~8.7.~~ Chapter 832, relating to the issuance of worthless  
 47 checks and drafts.

48 ~~9.8.~~ Chapter 838, relating to bribery and misuse of public  
 49 office.

50 ~~10.9.~~ Chapter 839, relating to offenses by public officers  
 51 and employees.

52 ~~11.10.~~ Chapter 895, relating to offenses concerning  
 53 racketeering and illegal debts.

54 ~~12.11.~~ Chapter 896, relating to offenses related to  
 55 financial transactions.

56 (b) A felony offense that is committed with intent to

57 defraud or that involves a conspiracy to defraud.

58 (c) A felony offense that is committed with intent to  
 59 temporarily or permanently deprive a person of his or her  
 60 property or that involves a conspiracy to temporarily or  
 61 permanently deprive a person of his or her property.

62 (d) A felony offense that involves or results in the  
 63 commission of fraud or deceit upon a person or that involves a  
 64 conspiracy to commit fraud or deceit upon a person.

65 (4) As used in this section, "aggravated white collar  
 66 crime" means engaging in at least two white collar crimes that  
 67 have the same or similar intents, results, accomplices, victims,  
 68 or methods of commission, or that are otherwise interrelated by  
 69 distinguishing characteristics and are not isolated incidents,  
 70 provided that at least one of the ~~such~~ crimes occurred after the  
 71 effective date of this act.

72 (5) Any person who commits an aggravated white collar  
 73 crime as defined in this section and in so doing either:

74 (a) Victimized 10 or more elderly persons, as defined in  
 75 s. 825.101~~(5)~~;

76 (b) Victimized 20 or more persons, as defined in s. 1.01;  
 77 or

78 (c) Victimized the State of Florida, any state agency, any  
 79 of the state's political subdivisions, or any agency of the  
 80 state's political subdivisions,

81  
 82 and thereby obtains or attempts to obtain \$50,000 or more,  
 83 commits a felony of the first degree, punishable as provided in  
 84 s. 775.082, s. 775.083, or s. 775.084.

85           (6) A person who commits an aggravated white collar crime  
 86 as defined in this section in which at least one of the white  
 87 collar crimes committed is a violation of s. 409.920 or is a  
 88 white collar crime in which intent to defraud is an element and  
 89 which, alone or in combination with another violation of s.  
 90 409.920 or a white collar crime in which intent to defraud is an  
 91 element, either:

92           (a) Victimizes 20 or more persons, as defined in s. 1.01;  
 93 or

94           (b) Victimizes the State of Florida, any state agency, any  
 95 of the state's political subdivisions, or any agency of the  
 96 state's political subdivisions,

97  
 98 commits a felony of the first degree, punishable as provided in  
 99 s. 775.082, s. 775.083, or s. 775.084, and the person shall be  
 100 sentenced to a minimum mandatory term of imprisonment of 10  
 101 years.

102           (7)(6) Notwithstanding any other provision of chapter 921  
 103 or any other law, an aggravated white collar crime shall be  
 104 ranked within the offense severity ranking chart at offense  
 105 severity level 9.

106           (8)(7) In addition to a sentence otherwise authorized by  
 107 law, a person convicted of an aggravated white collar crime is  
 108 subject to ~~may pay~~ a fine of \$500,000 or double the value of the  
 109 pecuniary gain or loss, whichever is greater.

110           (9)(8) A person convicted of an aggravated white collar  
 111 crime under this section is liable for all court costs and shall  
 112 pay restitution to each victim of the crime, regardless of

113 whether the victim is named in the information or indictment. As  
 114 used in this subsection, "victim" means a person directly and  
 115 proximately harmed as a result of the commission of the offense  
 116 for which restitution may be ordered, including any person  
 117 directly harmed by the defendant's criminal conduct in the  
 118 course of the commission of the aggravated white collar crime.  
 119 The court shall hold a hearing to determine the identity of  
 120 qualifying victims and shall order the defendant to pay  
 121 restitution based on his or her ability to pay, in accordance  
 122 with this section and s. 775.089.

123 (a) The court shall make the payment of restitution a  
 124 condition of any probation granted to the defendant by the  
 125 court. Notwithstanding any other law, the court may order  
 126 continued probation for a defendant convicted under this section  
 127 for up to 10 years or until full restitution is made to the  
 128 victim, whichever occurs earlier.

129 (b) The court retains jurisdiction to enforce its order to  
 130 pay fines or restitution. The court may initiate proceedings  
 131 against a defendant for a violation of probation or for contempt  
 132 of court if the defendant willfully fails to comply with a  
 133 lawful order of the court.

134 Section 2. Paragraph (i) of subsection (3) of section  
 135 921.0022, Florida Statutes, is amended to read:

136 921.0022 Criminal Punishment Code; offense severity  
 137 ranking chart.--

138 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony
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	Statute	Degree	Description
139			(i) LEVEL 9
140	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
141	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
142	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
143	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
144	560.125(5)(c)	1st	Money transmitter

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			business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
145	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
146	775.0844 <del>(5)&amp;(6)</del>	1st	Aggravated white collar crime.
147	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
148	782.04(3)	1st,PBL	robbery, burglary, and other specified felonies.
149	782.051(1)	1st	Attempted felony

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			<p>murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</p>
150	782.07(2)	1st	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
151	787.01(1)(a)1.	1st,PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
152	787.01(1)(a)2.	1st,PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>
153	787.01(1)(a)4.	1st,PBL	<p>Kidnapping with intent to interfere with performance of any governmental or</p>



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154	787.02(3)(a)	1st	<p>political function.</p> <p>False imprisonment;  child under age 13;  perpetrator also  commits aggravated  child abuse, sexual  battery, or lewd or  lascivious battery,  molestation,  conduct, or  exhibition.</p>
155	790.161	1st	<p>Attempted capital  destructive device  offense.</p>
156	790.166(2)	1st,PBL	<p>Possessing, selling,  using, or attempting  to use a weapon of  mass destruction.</p>
157	794.011(2)	1st	<p>Attempted sexual  battery; victim less  than 12 years of  age.</p>
158			

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159	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
160	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
161	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
162	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
	812.13(2)(a)	1st, PBL	Robbery with firearm

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163	812.133(2)(a)	1st,PBL	or other deadly weapon.
164	812.135(2)(b)	1st	Carjacking; firearm or other deadly weapon.
165	817.568(7)	2nd,PBL	Home-invasion robbery with weapon.
166	827.03(2)	1st	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
167	847.0145(1)	1st	Aggravated child abuse.
			Selling, or otherwise transferring custody

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168	847.0145(2)	1st	or control, of a minor.
169	859.01	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
170	893.135	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
171	893.135(1)(a)3.	1st	Attempted capital trafficking offense.
172			Trafficking in cannabis, more than 10,000 lbs.

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173	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
174	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
175	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
176	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
177	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
178	893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

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179

893.135 1st Trafficking in 1,4-  
 (1)(j)1.c. Butanediol, 10  
 kilograms or more.

180

893.135 1st Trafficking in  
 (1)(k)2.c. Phenethylamines, 400  
 grams or more.

181

896.101(5)(c) 1st Money laundering,  
 financial  
 instruments totaling  
 or exceeding  
 \$100,000.

182

183 Section 3. Section 501.161, Florida Statutes, is created  
 184 to read:

185 501.161 Price gouging during state of emergency;  
 186 penalties.--

187 (1) As used in this section, the term:

188 (a) "Essential equipment, commodities, or accommodation"  
 189 means any goods, services, materials, merchandise, supplies,  
 190 equipment, resources, or other article of commerce and includes,  
 191 without limitation, food, water, ice, chemicals, petroleum  
 192 products, and lumber necessary for consumption or use as a  
 193 direct result of an emergency. The term also includes any  
 194 temporary accommodation, such as a hotel, motel, other transient  
 195 lodging facility, or other residential accommodation, sought by  
 196 persons seeking shelter during the emergency.

197 (b) "Price gouging" means knowingly renting or selling, or  
 198 attempting or offering to rent or sell, essential equipment,  
 199 commodities, or accommodation during a state of emergency  
 200 declared by the Governor for an unconscionable price that is 110  
 201 percent or more of the average price charged for such essential  
 202 equipment, commodities, or accommodation for the 30 days  
 203 immediately preceding the declaration of a state of emergency,  
 204 unless the increase is caused by actual costs incurred in  
 205 connection with the essential equipment, commodities, or  
 206 accommodation.

207 (2) It is unlawful for any person to engage in price  
 208 gouging in this state.

209 (a) Price gouging constitutes a misdemeanor of the second  
 210 degree, punishable as provided in s. 775.082 or s. 775.083, if  
 211 the offender receives less than \$300, or receives no  
 212 consideration of any kind, for the essential equipment,  
 213 commodities, or accommodation.

214 (b) Price gouging constitutes a misdemeanor of the first

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215 degree, punishable as provided in s. 775.082 or s. 775.083, if  
216 the offender receives \$300 or more for the essential equipment,  
217 commodities, or accommodation.

218 Section 4. This act shall take effect July 1, 2005, and  
219 shall apply to offenses committed on or after that date.