

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: CS/SB 2332

SPONSOR: Criminal Justice Committee and Senator Bennett

SUBJECT: Fraud/Gouging/State of Emergency

DATE: April 27, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>HE</u>	_____
4.	_____	_____	<u>JA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Committee Substitute for Senate Bill 2332 amends the White Collar Crime Prevention Act to provide that it is a first degree felony with a 10-year mandatory minimum term to commit an aggravated white collar crime in which at least one of the white collar crimes committed relates to Medicaid provider fraud or is a white collar crime in which intent to defraud is an element and which, alone or in combination with another Medicaid fraud violation or a white collar crime in which intent to defraud is an element, either victimizes 20 or more persons or victimizes the State of Florida or any of the state's political subdivisions.

This CS substantially amends ss. 775.0844 and 921.0022, F.S.

## II. Present Situation:

### White Collar Crime Protection Act

Section 775.0844, F.S., defines the term "white collar crime" to mean the commission of any felony offense contained in specified chapters of statute.<sup>1</sup> The section defines the term

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<sup>1</sup> Included in the list are the following chapters: chapter 560 (relating to the Money Transmitters' Code), chapter 812 (relating to theft, robbery, and related crimes), chapter 815 (relating to computer-related crimes), chapter 817 (relating to fraudulent practices), chapter 825 (relating to abuse, neglect, and exploitation of elderly persons and disabled adults), chapter 831 (relating to forgery and counterfeiting), chapter 832 (relating to the issuance of worthless checks and drafts), chapter 838 (relating to bribery and misuse of public office), chapter 839 (relating to offenses by public officers and employees), chapter 895 (relating to offenses concerning racketeering and illegal debts) or chapter 896 (relating to offenses related to financial transactions). The definition also includes: a felony offense that is committed with intent to defraud or that involves a conspiracy to defraud; a felony offense that is committed with intent to temporarily or permanently deprive a person of his or her property or that involves a conspiracy to temporarily or permanently deprive a person of his or her property; or a felony offense that involves or results in the commission of fraud or deceit upon a person or that involves a conspiracy to defraud or deceit upon a person.

“aggravated white collar crime” as engaging in at least two white collar crimes that have the same or similar intents, results, accomplices, victims or methods of commission, or that are otherwise interrelated by distinguishing characteristics and are not isolated incidents. The section provides that a person who commits an aggravated white collar crime and victimizes either: 10 or more elderly persons or disabled adults; twenty or more persons; or any agency or subdivision of the State of Florida and obtains or attempts to obtain \$50,000 or more, commits a first degree felony.

### III. Effect of Proposed Changes:

**Section 1** amends s. 775.0844, F.S., relating to the White Collar Crime Protection Act, to add s. 409.920, F.S., relating to Medicaid provider fraud, to the list of enumerated offenses contained within the definition of “white collar crime.” It is a first degree felony with a 10-year mandatory term of imprisonment to commit an aggravated white collar crime in which at least one of the white collar crimes committed is a violation of s. 409.920, F.S., or is a white collar crime in which intent to defraud is an element and which, alone or in combination with another violation of s. 409.920, F.S., or a white collar crime in which intent to defraud is an element, either victimizes 20 or more persons or victimizes the State of Florida, any state agency, any of the state’s political subdivisions, or any agency of the state’s political subdivisions.

**Section 2** amends s. 921.0022, F.S., to make changes to referencing of aggravated white collar crime in the offense severity ranking chart of the Criminal Punishment Code to reflect the amendments in the bill relating to aggravated white collar crime.

**Section 3** provides an effective date of July 1, 2005.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Estimating Conference estimates that the penalty provisions of the legislation will have an insignificant prison bed impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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