

FOR CONSIDERATION By the Committee on Criminal Justice

591-01664-14

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1 A bill to be entitled
2 An act relating to public assistance fraud; amending
3 s. 414.39, F.S.; providing enhanced criminal penalties
4 if the value of public assistance or identification
5 wrongfully received, retained, misappropriated,
6 sought, or used is of an aggregate value exceeding
7 specified amounts; providing for a reward for a report
8 of original information relating to a violation of the
9 state's public assistance fraud laws if the
10 information and report meet specified requirements;
11 amending s. 414.095, F.S.; limiting to a specified
12 period the use of temporary cash assistance benefits
13 out of state; requiring rulemaking; requiring that a
14 parent or caretaker relative who has been disqualified
15 due to fraud have a protective payee designated to
16 receive temporary cash assistance benefits for
17 eligible children; providing requirements for
18 protective payees; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsections (1) through (5) of section 414.39,
23 Florida Statutes, are amended, and subsection (11) is added to
24 that section, to read:

25 414.39 Fraud.—

26 (1) Any person who knowingly:

27 (a) Fails, by false statement, misrepresentation,
28 impersonation, or other fraudulent means, to disclose a material
29 fact used in making a determination as to such person's

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30 qualification to receive public assistance under any state or
31 federally funded assistance program;

32 (b) Fails to disclose a change in circumstances in order to
33 obtain or continue to receive any such public assistance to
34 which he or she is not entitled or in an amount larger than that
35 to which he or she is entitled; or

36 (c) Aids and abets another person in the commission of any
37 such act,

38
39 commits ~~is guilty of~~ a crime and shall be punished as provided
40 in subsection (5).

41 (2) Any person who knowingly:

42 (a) Uses, transfers, acquires, traffics, alters, forges, or
43 possesses; ; ~~or~~

44 (b) Attempts to use, transfer, acquire, traffic, alter,
45 forge, or possess; ; or

46 (c) Aids and abets another person in the use, transfer,
47 acquisition, traffic, alteration, forgery, or possession of,

48
49 a food assistance identification card, an authorization,
50 including, but not limited to, an electronic authorization, for
51 the expenditure of food assistance benefits, a certificate of
52 eligibility for medical services, or a Medicaid identification
53 card in any manner not authorized by law commits a crime and
54 shall be punished as provided in subsection (5).

55 (3) Any person having duties in the administration of a
56 state or federally funded public assistance program or in the
57 distribution of public assistance, or authorizations or
58 identifications to obtain public assistance, under a state or

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59 federally funded public assistance program and who:

60 (a) Fraudulently misappropriates, attempts to
61 misappropriate, or aids and abets in the misappropriation of,
62 food assistance, an authorization for food assistance, a food
63 assistance identification card, a certificate of eligibility for
64 prescribed medicine, a Medicaid identification card, or public
65 assistance from any other state or federally funded program with
66 which he or she has been entrusted or of which he or she has
67 gained possession by virtue of his or her position, or who
68 knowingly fails to disclose any such fraudulent activity; or

69 (b) Knowingly misappropriates, attempts to misappropriate,
70 or aids or abets in the misappropriation of, funds given in
71 exchange for food assistance program benefits or for any form of
72 food assistance benefits authorization,

73
74 commits ~~is guilty of~~ a crime and shall be punished as provided
75 in subsection (5).

76 (4) Any person who:

77 (a) Knowingly files, attempts to file, or aids and abets in
78 the filing of, a claim for services to a recipient of public
79 assistance under any state or federally funded public assistance
80 program for services that were not rendered; knowingly files a
81 false claim or a claim for nonauthorized items or services under
82 such a program; or knowingly bills the recipient of public
83 assistance under such a program, or his or her family, for an
84 amount in excess of that provided for by law or regulation;

85 (b) Knowingly fails to credit the state or its agent for
86 payments received from social security, insurance, or other
87 sources; or

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88 (c) In any way knowingly receives, attempts to receive, or
89 aids and abets in the receipt of, unauthorized payment or other
90 unauthorized public assistance or authorization or
91 identification to obtain public assistance as provided herein,
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93 commits ~~is guilty of~~ a crime and shall be punished as provided
94 in subsection (5).

95 (5) (a) If the value of the public assistance or
96 identification wrongfully received, retained, misappropriated,
97 sought, or used is less than an aggregate value of \$200 in any
98 12 consecutive months, such person commits a misdemeanor of the
99 first degree, punishable as provided in s. 775.082 or s.
100 775.083.

101 (b) If the value of the public assistance or identification
102 wrongfully received, retained, misappropriated, sought, or used
103 is of an aggregate value of \$200 or more, but less than \$20,000
104 in any 12 consecutive months, such person commits a felony of
105 the third degree, punishable as provided in s. 775.082, s.
106 775.083, or s. 775.084.

107 (c) If the value of the public assistance or identification
108 wrongfully received, retained, misappropriated, sought, or used
109 is of an aggregate value of \$20,000 or more, but less than
110 \$100,000 in any 12 consecutive months, such person commits a
111 felony of the second degree, punishable as provided in s.
112 775.082, s. 775.083, or s. 775.084.

113 (d) If the value of the public assistance or identification
114 wrongfully received, retained, misappropriated, sought, or used
115 is of an aggregate value of \$100,000 or more in any 12
116 consecutive months, such person commits a felony of the first

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117 degree, punishable as provided in s. 775.082, s. 775.083, or s.
118 775.084.

119 (e)~~(e)~~ As used in this subsection, the value of a food
120 assistance authorization benefit is the cash or exchange value
121 unlawfully obtained by the fraudulent act committed in violation
122 of this section.

123 (f)~~(d)~~ As used in this section, "fraud" includes the
124 introduction of fraudulent records into a computer system, the
125 unauthorized use of computer facilities, the intentional or
126 deliberate alteration or destruction of computerized information
127 or files, and the stealing of financial instruments, data, and
128 other assets.

129 (11) (a) Subject to availability of funds, the department or
130 the director of the Office of Public Benefits Integrity shall,
131 unless the person declines the reward, pay a reward to a person
132 who furnishes and reports original information relating to a
133 violation of the state's public assistance fraud laws if the
134 information and report:

135 1. Are made to the department, the Department of Financial
136 Services, or the Department of Law Enforcement.

137 2. Relate to criminal fraud upon public assistance program
138 funds or a criminal violation of public assistance fraud laws by
139 another person.

140 3. Lead to the recovery of a fine, penalty, or forfeiture
141 of property.

142 (b) The reward may not exceed 10 percent of the amount
143 recovered or \$500,000, whichever is less, in a single case.

144 (c) The reward shall be paid from the state share of the
145 recovery in the Federal Grants Trust Fund from moneys collected

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146 pursuant to s. 414.41.

147 (d) A person who receives a reward pursuant to this
148 subsection is not eligible to receive funds pursuant to the
149 Florida False Claims Act for Medicaid fraud for which the reward
150 was received.

151 Section 2. Paragraphs (k) and (l) are added to subsection
152 (14) of section 414.095, Florida Statutes, to read:

153 414.095 Determining eligibility for temporary cash
154 assistance.—

155 (14) PROHIBITIONS AND RESTRICTIONS.—

156 (k) Use of temporary cash assistance benefits out of state
157 is limited to 30 consecutive days. The temporary cash assistance
158 benefits of a recipient using his or her benefits out-of-state
159 for more than 30 days shall be terminated. The department shall
160 adopt rules providing for the determination of temporary absence
161 and a recipient's intent to return to the state.

162 (l) A parent or caretaker relative who has been
163 disqualified due to fraud must have a protective payee
164 designated to receive temporary cash assistance benefits for an
165 eligible child. The requirements for designation of a protective
166 payee shall be the same as the requirements for designation of a
167 protective payee for work sanctions in s. 414.065(2)(b). An
168 individual disqualified for fraud cannot be designated as a
169 protective payee. In a two-parent household, if only one parent
170 is disqualified, the other parent may be designated as the payee
171 of the benefit.

172 Section 3. This act shall take effect October 1, 2014.