

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Economic Development &  
 2 Tourism Subcommittee  
 3 Representative La Rosa offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Department of  
 8 Economic Opportunity Cybercrime Prevention Act."

9 Section 2. Paragraphs (k) and (l) of subsection (4) of  
 10 section 322.142, Florida Statutes, are redesignated as  
 11 paragraphs (l) and (m), respectively, and paragraph (k) is added  
 12 to that subsection, to read:

13 322.142 Color photographic or digital imaged licenses.—

14 (4) The department may maintain a film negative or print  
 15 file. The department shall maintain a record of the digital  
 16 image and signature of the licensees, together with other data  
 17 required by the department for identification and retrieval.

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18 Reproductions from the file or digital record are exempt from  
19 the provisions of s. 119.07(1) and may be made and issued only:

20 (k) To the Department of Economic Opportunity pursuant to  
21 an interagency agreement to facilitate the validation of  
22 reemployment assistance claims and the identification of  
23 fraudulent or false reemployment assistance claims.

24 Section 3. Subsection (6) of section 443.101, Florida  
25 Statutes, is amended to read:

26 443.101 Disqualification for benefits.—An individual shall  
27 be disqualified for benefits:

28 (6) For making any false or fraudulent representation for  
29 the purpose of obtaining benefits contrary to this chapter,  
30 constituting a violation under s. 443.071.

31 (a) The disqualification imposed under this subsection  
32 shall begin with the week in which the false or fraudulent  
33 representation is made and shall continue for a period not to  
34 exceed 1 year after the date the Department of Economic  
35 Opportunity discovers the false or fraudulent representation and  
36 until any overpayment of benefits resulting from such  
37 representation has been repaid in full. However, if the false or  
38 fraudulent representation made for the purpose of obtaining  
39 benefits contrary to this chapter, constituting a violation  
40 under s. 443.071, is made in furtherance of any state or federal  
41 felony crime relating to identity theft or inappropriate use of  
42 personally identifying information, then the disqualification  
43 imposed under this subsection shall be for a period of 5 years

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44 from the date of the first conviction, and 10 years from the  
45 date of any subsequent conviction.

46 (b) This disqualification may be appealed in the same  
47 manner as any other disqualification imposed under this section.  
48 A conviction by any court of competent jurisdiction in this  
49 state of the offense prohibited or punished by s. 443.071 is  
50 conclusive upon the appeals referee and the commission of the  
51 making of the false or fraudulent representation for which  
52 disqualification is imposed under this section.

53 Section 4. Paragraph (a) of subsection (1) of section  
54 895.02, Florida Statutes, is amended to read:

55 895.02 Definitions.—As used in ss. 895.01-895.08, the  
56 term:

57 (1) "Racketeering activity" means to commit, to attempt to  
58 commit, to conspire to commit, or to solicit, coerce, or  
59 intimidate another person to commit:

60 (a) Any crime that is chargeable by petition, indictment,  
61 or information under the following provisions of the Florida  
62 Statutes:

63 1. Section 210.18, relating to evasion of payment of  
64 cigarette taxes.

65 2. Section 316.1935, relating to fleeing or attempting to  
66 elude a law enforcement officer and aggravated fleeing or  
67 eluding.

68 3. Section 403.727(3)(b), relating to environmental  
69 control.

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- 70 4. Section 409.920 or s. 409.9201, relating to Medicaid  
71 fraud.
- 72 5. Section 414.39, relating to public assistance fraud.
- 73 6. Section 440.105 or s. 440.106, relating to workers'  
74 compensation.
- 75 7. Section 443.071(1) or (4) ~~Section 443.071(4)~~, relating  
76 to ~~creation of a fictitious employer scheme to commit~~  
77 reemployment assistance fraud.
- 78 8. Section 465.0161, relating to distribution of medicinal  
79 drugs without a permit as an Internet pharmacy.
- 80 9. Section 499.0051, relating to crimes involving  
81 contraband and adulterated drugs.
- 82 10. Part IV of chapter 501, relating to telemarketing.
- 83 11. Chapter 517, relating to sale of securities and  
84 investor protection.
- 85 12. Section 550.235 or s. 550.3551, relating to dogracing  
86 and horseracing.
- 87 13. Chapter 550, relating to jai alai frontons.
- 88 14. Section 551.109, relating to slot machine gaming.
- 89 15. Chapter 552, relating to the manufacture,  
90 distribution, and use of explosives.
- 91 16. Chapter 560, relating to money transmitters, if the  
92 violation is punishable as a felony.
- 93 17. Chapter 562, relating to beverage law enforcement.
- 94 18. Section 624.401, relating to transacting insurance  
95 without a certificate of authority, s. 624.437(4)(c)1., relating

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96 to operating an unauthorized multiple-employer welfare  
97 arrangement, or s. 626.902(1)(b), relating to representing or  
98 aiding an unauthorized insurer.

99 19. Section 655.50, relating to reports of currency  
100 transactions, when such violation is punishable as a felony.

101 20. Chapter 687, relating to interest and usurious  
102 practices.

103 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
104 real estate timeshare plans.

105 22. Section 775.13(5)(b), relating to registration of  
106 persons found to have committed any offense for the purpose of  
107 benefiting, promoting, or furthering the interests of a criminal  
108 gang.

109 23. Section 777.03, relating to commission of crimes by  
110 accessories after the fact.

111 24. Chapter 782, relating to homicide.

112 25. Chapter 784, relating to assault and battery.

113 26. Chapter 787, relating to kidnapping or human  
114 trafficking.

115 27. Chapter 790, relating to weapons and firearms.

116 28. Chapter 794, relating to sexual battery, but only if  
117 such crime was committed with the intent to benefit, promote, or  
118 further the interests of a criminal gang, or for the purpose of  
119 increasing a criminal gang member's own standing or position  
120 within a criminal gang.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2016)

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- 121 29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
122 796.05, or s. 796.07, relating to prostitution.
- 123 30. Chapter 806, relating to arson and criminal mischief.
- 124 31. Chapter 810, relating to burglary and trespass.
- 125 32. Chapter 812, relating to theft, robbery, and related  
126 crimes.
- 127 33. Chapter 815, relating to computer-related crimes.
- 128 34. Chapter 817, relating to fraudulent practices, false  
129 pretenses, fraud generally, and credit card crimes.
- 130 35. Chapter 825, relating to abuse, neglect, or  
131 exploitation of an elderly person or disabled adult.
- 132 36. Section 827.071, relating to commercial sexual  
133 exploitation of children.
- 134 37. Section 828.122, relating to fighting or baiting  
135 animals.
- 136 38. Chapter 831, relating to forgery and counterfeiting.
- 137 39. Chapter 832, relating to issuance of worthless checks  
138 and drafts.
- 139 40. Section 836.05, relating to extortion.
- 140 41. Chapter 837, relating to perjury.
- 141 42. Chapter 838, relating to bribery and misuse of public  
142 office.
- 143 43. Chapter 843, relating to obstruction of justice.
- 144 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
145 s. 847.07, relating to obscene literature and profanity.

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146 45. Chapter 849, relating to gambling, lottery, gambling  
147 or gaming devices, slot machines, or any of the provisions  
148 within that chapter.

149 46. Chapter 874, relating to criminal gangs.

150 47. Chapter 893, relating to drug abuse prevention and  
151 control.

152 48. Chapter 896, relating to offenses related to financial  
153 transactions.

154 49. Sections 914.22 and 914.23, relating to tampering with  
155 or harassing a witness, victim, or informant, and retaliation  
156 against a witness, victim, or informant.

157 50. Sections 918.12 and 918.13, relating to tampering with  
158 jurors and evidence.

159 Section 5. This act shall take effect upon becoming law.

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162 **T I T L E A M E N D M E N T**

163 Remove everything before the enacting clause and insert:  
164 An act relating to reemployment assistance fraud; providing a  
165 short title; amending s. 322.142, F.S.; adding the department as  
166 an entity that may be issued reproductions from certain files or  
167 digital records for specified reasons; amending s. 443.101,  
168 F.S.; providing for disqualification from eligibility for  
169 reemployment benefits for a specified period of time determined  
170 by the number of incidents of false or fraudulent  
171 representation; amending s. 895.02, F.S.; expanding the

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172 definition of the term "racketeering activity" to include  
173 knowingly making false statements or representations or  
174 knowingly failing to disclose a material fact to obtain or  
175 increase benefits or other payments under ch. 443, F.S.; and  
176 other specified laws; providing an effective date.

177

178 WHEREAS, the incidence of identity theft and resulting  
179 fraud has reached a crisis level, and

180 WHEREAS, identity theft is especially problematic in this  
181 state, which the Federal Trade Commission reports has the  
182 highest per capita rate of identity theft in the nation, and

183 WHEREAS, stolen identities are used to commit an ever  
184 expanding range of fraud, including public assistance fraud, and

185 WHEREAS, identity theft and related fraud harm those whose  
186 identities are stolen, rob the social safety net of precious  
187 resources, impose unwarranted costs on taxpayers, and undermine  
188 public confidence in government, and

189 WHEREAS, the Department of Economic Opportunity's efforts  
190 to detect, prevent, and prosecute fraud have revealed that  
191 thousands of fraudulent claims for reemployment assistance are  
192 being filed, and

193 WHEREAS, the Department of Economic Opportunity has made  
194 prevention, detection, and prosecution of reemployment  
195 assistance fraud a top priority and has identified additional  
196 resources and tools necessary to effectively combat fraud, NOW,  
197 THEREFORE,



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