

1 A bill to be entitled
2 An act relating to reemployment assistance fraud;
3 providing a short title; amending s. 322.142, F.S.;
4 adding the Department of Economic Opportunity as an
5 entity that may be issued reproductions from certain
6 files or digital records for specified reasons;
7 amending s. 443.101, F.S.; providing for
8 disqualification from eligibility for reemployment
9 benefits for a specified period of time determined by
10 the number of incidents of false or fraudulent
11 representation; extending such disqualification period
12 if such representation is made in furtherance of a
13 specified felony; amending s. 895.02, F.S.; expanding
14 the definition of the term "racketeering activity" to
15 include knowingly making false statements or
16 representations or knowingly failing to disclose a
17 material fact to obtain or increase benefits or other
18 payments under ch. 443, F.S., and other specified
19 laws; providing an effective date.

20
21 WHEREAS, the incidence of identity theft and resulting
22 fraud has reached a crisis level, and

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

26 WHEREAS, stolen identities are used to commit an ever-

27 | expanding range of fraud, including public assistance fraud, and
 28 | WHEREAS, identity theft and related fraud harm those whose
 29 | identities are stolen, rob the social safety net of precious
 30 | resources, impose unwarranted costs on taxpayers, and undermine
 31 | public confidence in government, and

32 | WHEREAS, the Department of Economic Opportunity's efforts
 33 | to detect, prevent, and prosecute fraud have revealed that
 34 | thousands of fraudulent claims for reemployment assistance are
 35 | being filed, and

36 | WHEREAS, the Department of Economic Opportunity has made
 37 | prevention, detection, and prosecution of reemployment
 38 | assistance fraud a top priority and has identified additional
 39 | resources and tools necessary to effectively combat fraud, NOW,
 40 | THEREFORE,

41 |

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

43 |

44 | Section 1. This act may be cited as the "Department of
 45 | Economic Opportunity Cybercrime Prevention Act."

46 | Section 2. Paragraphs (k) and (l) of subsection (4) of
 47 | section 322.142, Florida Statutes, are redesignated as
 48 | paragraphs (l) and (m), respectively, and a new paragraph (k) is
 49 | added to that subsection to read:

50 | 322.142 Color photographic or digital imaged licenses.—

51 | (4) The department may maintain a film negative or print
 52 | file. The department shall maintain a record of the digital

53 image and signature of the licensees, together with other data
 54 required by the department for identification and retrieval.
 55 Reproductions from the file or digital record are exempt from
 56 the provisions of s. 119.07(1) and may be made and issued only:

57 (k) To the Department of Economic Opportunity pursuant to
 58 an interagency agreement to facilitate the validation of
 59 reemployment assistance claims and the identification of
 60 fraudulent or false reemployment assistance claims.

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

63 443.101 Disqualification for benefits.—An individual shall
 64 be disqualified for benefits:

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

68 (a) The disqualification imposed under this subsection
 69 begins ~~shall begin with~~ the week in which the false or
 70 fraudulent representation is made and continues ~~shall continue~~
 71 for a period not to exceed 1 year after the date the Department
 72 of Economic Opportunity discovers the false or fraudulent
 73 representation and until any overpayment of benefits resulting
 74 from such representation has been repaid in full. However, if
 75 the false or fraudulent representation is made in furtherance of
 76 any state or federal felony relating to identity theft or
 77 inappropriate use of personal identifying information, the
 78 disqualification imposed under this subsection begins the week

79 | in which such representation is made and continues for a period
 80 | of 5 years after the date of a first felony conviction or for a
 81 | period of 10 years after the date of a second or subsequent
 82 | felony conviction.

83 | (b) The ~~This~~ disqualification in paragraph (a) may be
 84 | appealed in the same manner as any other disqualification
 85 | imposed under this section. A conviction by any court of
 86 | competent jurisdiction in this state of the offense prohibited
 87 | or punished by s. 443.071 is conclusive upon the appeals referee
 88 | and the commission of the making of the false or fraudulent
 89 | representation for which disqualification is imposed under this
 90 | section.

91 | Section 4. Paragraph (a) of subsection (1) of section
 92 | 895.02, Florida Statutes, is amended to read:

93 | 895.02 Definitions.—As used in ss. 895.01-895.08, the
 94 | term:

95 | (1) "Racketeering activity" means to commit, to attempt to
 96 | commit, to conspire to commit, or to solicit, coerce, or
 97 | intimidate another person to commit:

98 | (a) Any crime that is chargeable by petition, indictment,
 99 | or information under the following provisions of the Florida
 100 | Statutes:

101 | 1. Section 210.18, relating to evasion of payment of
 102 | cigarette taxes.

103 | 2. Section 316.1935, relating to fleeing or attempting to
 104 | elude a law enforcement officer and aggravated fleeing or

- 105 eluding.
- 106 3. Section 403.727(3)(b), relating to environmental
- 107 control.
- 108 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 109 fraud.
- 110 5. Section 414.39, relating to public assistance fraud.
- 111 6. Section 440.105 or s. 440.106, relating to workers'
- 112 compensation.
- 113 7. Section 443.071(1) or (4) ~~Section 443.071(4)~~, relating
- 114 to ~~creation of a fictitious employer scheme to commit~~
- 115 reemployment assistance fraud.
- 116 8. Section 465.0161, relating to distribution of medicinal
- 117 drugs without a permit as an Internet pharmacy.
- 118 9. Section 499.0051, relating to crimes involving
- 119 contraband and adulterated drugs.
- 120 10. Part IV of chapter 501, relating to telemarketing.
- 121 11. Chapter 517, relating to sale of securities and
- 122 investor protection.
- 123 12. Section 550.235 or s. 550.3551, relating to dogracing
- 124 and horseracing.
- 125 13. Chapter 550, relating to jai alai frontons.
- 126 14. Section 551.109, relating to slot machine gaming.
- 127 15. Chapter 552, relating to the manufacture,
- 128 distribution, and use of explosives.
- 129 16. Chapter 560, relating to money transmitters, if the
- 130 violation is punishable as a felony.

- 131 17. Chapter 562, relating to beverage law enforcement.
- 132 18. Section 624.401, relating to transacting insurance
- 133 without a certificate of authority, s. 624.437(4)(c)1., relating
- 134 to operating an unauthorized multiple-employer welfare
- 135 arrangement, or s. 626.902(1)(b), relating to representing or
- 136 aiding an unauthorized insurer.
- 137 19. Section 655.50, relating to reports of currency
- 138 transactions, when such violation is punishable as a felony.
- 139 20. Chapter 687, relating to interest and usurious
- 140 practices.
- 141 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 142 real estate timeshare plans.
- 143 22. Section 775.13(5)(b), relating to registration of
- 144 persons found to have committed any offense for the purpose of
- 145 benefiting, promoting, or furthering the interests of a criminal
- 146 gang.
- 147 23. Section 777.03, relating to commission of crimes by
- 148 accessories after the fact.
- 149 24. Chapter 782, relating to homicide.
- 150 25. Chapter 784, relating to assault and battery.
- 151 26. Chapter 787, relating to kidnapping or human
- 152 trafficking.
- 153 27. Chapter 790, relating to weapons and firearms.
- 154 28. Chapter 794, relating to sexual battery, but only if
- 155 such crime was committed with the intent to benefit, promote, or
- 156 further the interests of a criminal gang, or for the purpose of

157 increasing a criminal gang member's own standing or position
 158 within a criminal gang.

159 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 160 796.05, or s. 796.07, relating to prostitution.

161 30. Chapter 806, relating to arson and criminal mischief.

162 31. Chapter 810, relating to burglary and trespass.

163 32. Chapter 812, relating to theft, robbery, and related
 164 crimes.

165 33. Chapter 815, relating to computer-related crimes.

166 34. Chapter 817, relating to fraudulent practices, false
 167 pretenses, fraud generally, and credit card crimes.

168 35. Chapter 825, relating to abuse, neglect, or
 169 exploitation of an elderly person or disabled adult.

170 36. Section 827.071, relating to commercial sexual
 171 exploitation of children.

172 37. Section 828.122, relating to fighting or baiting
 173 animals.

174 38. Chapter 831, relating to forgery and counterfeiting.

175 39. Chapter 832, relating to issuance of worthless checks
 176 and drafts.

177 40. Section 836.05, relating to extortion.

178 41. Chapter 837, relating to perjury.

179 42. Chapter 838, relating to bribery and misuse of public
 180 office.

181 43. Chapter 843, relating to obstruction of justice.

182 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

183 s. 847.07, relating to obscene literature and profanity.

184 45. Chapter 849, relating to gambling, lottery, gambling
185 or gaming devices, slot machines, or any of the provisions
186 within that chapter.

187 46. Chapter 874, relating to criminal gangs.

188 47. Chapter 893, relating to drug abuse prevention and
189 control.

190 48. Chapter 896, relating to offenses related to financial
191 transactions.

192 49. Sections 914.22 and 914.23, relating to tampering with
193 or harassing a witness, victim, or informant, and retaliation
194 against a witness, victim, or informant.

195 50. Sections 918.12 and 918.13, relating to tampering with
196 jurors and evidence.

197 Section 5. This act shall take effect upon becoming a law.