

1 A bill to be entitled
2 An act relating to offenses involving electronic
3 benefits transfer cards; amending s. 414.39, F.S.;
4 specifying acts that constitute trafficking in food
5 assistance benefits cards and are subject to criminal
6 penalties; prohibiting specified acts relating to
7 sales or offers of sale of electronic benefits
8 transfer cards; providing criminal penalties;
9 providing an effective date.

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

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13 Section 1. Subsection (2) of section 414.39, Florida
14 Statutes, is amended to read:

15 414.39 Fraud.—

16 (2) (a) Any person who knowingly:

17 1.~~(a)~~ Uses, transfers, acquires, traffics, alters, forges,
18 or possesses;

19 2.~~(b)~~ Attempts to use, transfer, acquire, traffic, alter,
20 forge, or possess; or

21 3.~~(c)~~ Aids and abets another person in the use, transfer,
22 acquisition, traffic, alteration, forgery, or possession of,

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24 a food assistance identification card, an authorization,
25 including, but not limited to, an electronic authorization, for
26 the expenditure of food assistance benefits, a certificate of

27 eligibility for medical services, or a Medicaid identification
28 card in any manner not authorized by law commits a crime and
29 shall be punished as provided in subsection (5).

30 (b)1. For purposes of this subsection, the term "traffics"
31 includes:

32 a. Buying, selling, stealing, or otherwise effecting an
33 exchange of food assistance benefits issued and accessed via
34 electronic benefits transfer (EBT) cards, card numbers and
35 personal identification numbers (PINs), or by manual voucher and
36 signature, for cash or consideration other than eligible food,
37 either directly, indirectly, in complicity or collusion with
38 others, or acting alone;

39 b. Exchanging firearms, ammunition, explosives, or
40 controlled substances, as defined in s. 893.02, for food
41 assistance benefits;

42 c. Purchasing with food assistance benefits a product with
43 the intent of obtaining cash or consideration other than
44 eligible food by reselling the product, and subsequently
45 intentionally reselling the product purchased with food
46 assistance benefits in exchange for cash or consideration other
47 than eligible food; or

48 d. Intentionally purchasing products originally purchased
49 with food assistance benefits in exchange for cash or
50 consideration other than eligible food.

51 2. Attempting to buy, sell, steal, or otherwise effect an
52 exchange of food assistance benefits issued and accessed via EBT

HB 105

2016

53 cards, card numbers and PINs, or by manual voucher and
54 signatures, for cash or consideration other than eligible food,
55 either directly, indirectly, in complicity or collusion with
56 others, or acting alone.

57 (c) An individual who has possession of two or more EBT
58 cards issued to other persons and who attempts to sell or sells
59 one or more of these cards commits a felony of the third degree,
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
61 and a mandatory sentence of 6 months of community service with a
62 nonprofit entity that services the community with food
63 distribution for the needy.

64 Section 2. This act shall take effect October 1, 2016.