

By the Committee on Commerce and Tourism; and Senator Stargel

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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.; revising provisions
8 relating to disqualification from reemployment
9 assistance benefits; amending s. 895.02, F.S.;
10 expanding the definition of the term "racketeering
11 activity" to include knowingly making false statements
12 or representations or knowingly failing to disclose a
13 material fact to obtain or increase benefits or other
14 payments under ch. 443, F.S., and other specified
15 laws; providing an effective date.

16
17 WHEREAS, the incidence of identity theft and resulting
18 fraud has reached a crisis level, and

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

22 WHEREAS, stolen identities are used to commit an ever-
23 expanding range of fraud, including public assistance fraud, and

24 WHEREAS, identity theft and related fraud harm those whose
25 identities are stolen, rob the social safety net of precious
26 resources, impose unwarranted costs on taxpayers, and undermine
27 public confidence in government, and

28 WHEREAS, the Department of Economic Opportunity's efforts
29 to detect, prevent, and prosecute fraud have revealed that
30 thousands of fraudulent claims for reemployment assistance are
31 being filed, and

32 WHEREAS, the Department of Economic Opportunity has made

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33 prevention, detection, and prosecution of reemployment
34 assistance fraud a top priority and has identified additional
35 resources and tools necessary to effectively combat fraud, NOW,
36 THEREFORE,

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. This act may be cited as the "Department of
41 Economic Opportunity Cybercrime Prevention Act."

42 Section 2. Present paragraphs (k) and (l) of subsection (4)
43 of section 322.142, Florida Statutes, are redesignated as
44 paragraphs (l) and (m), respectively, and a new paragraph (k) is
45 added to that subsection, to read:

46 322.142 Color photographic or digital imaged licenses.—

47 (4) The department may maintain a film negative or print
48 file. The department shall maintain a record of the digital
49 image and signature of the licensees, together with other data
50 required by the department for identification and retrieval.
51 Reproductions from the file or digital record are exempt from
52 the provisions of s. 119.07(1) and may be made and issued only:

53 (k) To the Department of Economic Opportunity pursuant to
54 an interagency agreement to facilitate the validation of
55 reemployment assistance claims and the identification of
56 fraudulent or false reemployment assistance claims.

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

59 443.101 Disqualification for benefits.—An individual shall
60 be disqualified for benefits:

61 (6) For making any false or fraudulent representation for

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62 the purpose of obtaining benefits contrary to this chapter,
63 constituting a violation under s. 443.071. The disqualification
64 imposed under this subsection shall begin with the week in which
65 the false or fraudulent representation is made and shall
66 continue for a period not to exceed 1 year after the date the
67 Department of Economic Opportunity discovers the false or
68 fraudulent representation and until any overpayment of benefits
69 resulting from such representation has been repaid in full.
70 However, if the false or fraudulent representation made for the
71 purpose of obtaining benefits contrary to this chapter,
72 constituting a violation under s. 443.071, is made in
73 furtherance of any state or federal felony crime relating to
74 identity theft or inappropriate use of personally identifying
75 information, the disqualification imposed under this subsection
76 shall be for a period of 5 years after the date the individual
77 is convicted of such state or federal felony crime the first
78 time, and 10 years after the date the individual is convicted of
79 such state or federal felony crime the second or subsequent
80 time.

81
82 These disqualifications ~~This disqualification~~ may be appealed in
83 the same manner as any other disqualification imposed under this
84 section. A conviction by any court of competent jurisdiction in
85 this state of the offense prohibited or punished by s. 443.071
86 is conclusive upon the appeals referee and the commission of the
87 making of the false or fraudulent representation for which
88 disqualification is imposed under this section.

89 Section 4. Paragraph (a) of subsection (1) of section
90 895.02, Florida Statutes, is amended to read:

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91 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

92 (1) "Racketeering activity" means to commit, to attempt to
93 commit, to conspire to commit, or to solicit, coerce, or
94 intimidate another person to commit:

95 (a) Any crime that is chargeable by petition, indictment,
96 or information under the following provisions of the Florida
97 Statutes:

98 1. Section 210.18, relating to evasion of payment of
99 cigarette taxes.

100 2. Section 316.1935, relating to fleeing or attempting to
101 elude a law enforcement officer and aggravated fleeing or
102 eluding.

103 3. Section 403.727(3)(b), relating to environmental
104 control.

105 4. Section 409.920 or s. 409.9201, relating to Medicaid
106 fraud.

107 5. Section 414.39, relating to public assistance fraud.

108 6. Section 440.105 or s. 440.106, relating to workers'
109 compensation.

110 7. Section 443.071(1) or (4) ~~Section 443.071(4)~~, relating
111 to ~~creation of a fictitious employer scheme to commit~~
112 reemployment assistance fraud.

113 8. Section 465.0161, relating to distribution of medicinal
114 drugs without a permit as an Internet pharmacy.

115 9. Section 499.0051, relating to crimes involving
116 contraband and adulterated drugs.

117 10. Part IV of chapter 501, relating to telemarketing.

118 11. Chapter 517, relating to sale of securities and
119 investor protection.

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- 120 12. Section 550.235 or s. 550.3551, relating to dogracing
121 and horseracing.
- 122 13. Chapter 550, relating to jai alai frontons.
- 123 14. Section 551.109, relating to slot machine gaming.
- 124 15. Chapter 552, relating to the manufacture, distribution,
125 and use of explosives.
- 126 16. Chapter 560, relating to money transmitters, if the
127 violation is punishable as a felony.
- 128 17. Chapter 562, relating to beverage law enforcement.
- 129 18. Section 624.401, relating to transacting insurance
130 without a certificate of authority, s. 624.437(4)(c)1., relating
131 to operating an unauthorized multiple-employer welfare
132 arrangement, or s. 626.902(1)(b), relating to representing or
133 aiding an unauthorized insurer.
- 134 19. Section 655.50, relating to reports of currency
135 transactions, when such violation is punishable as a felony.
- 136 20. Chapter 687, relating to interest and usurious
137 practices.
- 138 21. Section 721.08, s. 721.09, or s. 721.13, relating to
139 real estate timeshare plans.
- 140 22. Section 775.13(5)(b), relating to registration of
141 persons found to have committed any offense for the purpose of
142 benefiting, promoting, or furthering the interests of a criminal
143 gang.
- 144 23. Section 777.03, relating to commission of crimes by
145 accessories after the fact.
- 146 24. Chapter 782, relating to homicide.
- 147 25. Chapter 784, relating to assault and battery.
- 148 26. Chapter 787, relating to kidnapping or human

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- 149 trafficking.
- 150 27. Chapter 790, relating to weapons and firearms.
- 151 28. Chapter 794, relating to sexual battery, but only if
- 152 such crime was committed with the intent to benefit, promote, or
- 153 further the interests of a criminal gang, or for the purpose of
- 154 increasing a criminal gang member's own standing or position
- 155 within a criminal gang.
- 156 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 157 796.05, or s. 796.07, relating to prostitution.
- 158 30. Chapter 806, relating to arson and criminal mischief.
- 159 31. Chapter 810, relating to burglary and trespass.
- 160 32. Chapter 812, relating to theft, robbery, and related
- 161 crimes.
- 162 33. Chapter 815, relating to computer-related crimes.
- 163 34. Chapter 817, relating to fraudulent practices, false
- 164 pretenses, fraud generally, and credit card crimes.
- 165 35. Chapter 825, relating to abuse, neglect, or
- 166 exploitation of an elderly person or disabled adult.
- 167 36. Section 827.071, relating to commercial sexual
- 168 exploitation of children.
- 169 37. Section 828.122, relating to fighting or baiting
- 170 animals.
- 171 38. Chapter 831, relating to forgery and counterfeiting.
- 172 39. Chapter 832, relating to issuance of worthless checks
- 173 and drafts.
- 174 40. Section 836.05, relating to extortion.
- 175 41. Chapter 837, relating to perjury.
- 176 42. Chapter 838, relating to bribery and misuse of public
- 177 office.

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- 178 43. Chapter 843, relating to obstruction of justice.
- 179 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
180 s. 847.07, relating to obscene literature and profanity.
- 181 45. Chapter 849, relating to gambling, lottery, gambling or
182 gaming devices, slot machines, or any of the provisions within
183 that chapter.
- 184 46. Chapter 874, relating to criminal gangs.
- 185 47. Chapter 893, relating to drug abuse prevention and
186 control.
- 187 48. Chapter 896, relating to offenses related to financial
188 transactions.
- 189 49. Sections 914.22 and 914.23, relating to tampering with
190 or harassing a witness, victim, or informant, and retaliation
191 against a witness, victim, or informant.
- 192 50. Sections 918.12 and 918.13, relating to tampering with
193 jurors and evidence.
- 194 Section 5. This act shall take effect upon becoming a law.