

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 9 Protecting Consumers Against Pandemic-related Fraud

**SPONSOR(S):** Judiciary Committee, Zika and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1608

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**FINAL HOUSE FLOOR ACTION:** 113 Y's 0 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/HB 9 passed the House on March 5, 2021, and subsequently passed the Senate on April 27, 2021.

A pandemic is an outbreak of disease over multiple parts of the world. Coronaviruses are a family of viruses that cause mild to fatal upper-respiratory tract illnesses. In 2019, a new strain of coronavirus emerged in China, and the disease caused by the virus, COVID-19, was declared a pandemic in March 2020. As countermeasures were implemented worldwide to stop the spread of COVID-19, the high demand for personal protective equipment (PPE) and COVID-19 vaccines led to scammers fraudulently advertising or selling counterfeit, substandard, or nonexistent PPE, vaccines, and other pandemic-related items.

PPE refers to protective clothing, helmets, gloves, face shields, goggles, facemasks, respirators, or other equipment designed to protect a person from injury or the spread of infection or illness. According to the Department of Homeland Security, more than 19,000 new websites selling PPE emerged as COVID-19 began to spread in the U.S., resulting in numerous reports of individuals and Internet sites taking orders, accepting payment, and failing to deliver products.

After the Food and Drug Administration approved two COVID-19 vaccines for emergency use in December 2020, the high demand for and limited availability of vaccines created an opportunity for scammers seeking to profit from desperate consumers. In Florida, internet pages posing as the Pasco, Pinellas, and Martin County Health Departments charged money for fake vaccination appointments and scammers attempting to obtain credit card information intercepted calls made to the Lee County COVID-19 vaccine registration hotline.

While some vaccine or PPE scams may be criminalized under current law, other scams may not qualify as a crime and stopping the fraudulent activity may be difficult.

The bill prohibits a person from knowingly and willfully making a materially false or misleading statement or disseminating false or misleading information via marketing or advertising materials, on a website, social media platform, or other media, or by telephone, text message, mail, or email:

- Relating to the characteristics, authenticity, effectiveness, or availability of PPE with the intent to obtain or receive any money or other valuable consideration; or
- Regarding the availability of, or access to, a vaccine for COVID-19 or any other pandemic disease for the purpose of obtaining personal identification information or money or other valuable consideration.

A first offense of either crime is a third degree felony ranked at a level 7 on the offense severity ranking chart, while a second or subsequent offense is a second degree felony ranked at a level 8. The rankings provided by the bill subject an offender to a state prison sentence for any violation.

The bill authorizes Florida's Attorney General to seek an injunction to shut down websites or other media platforms disseminating false information about a vaccine for COVID-19 or any other pandemic disease or offering for sale or advertising PPE, when done with fraudulent intent.

The Criminal Justice Impact Conference reviewed a previous version of the bill and determined it may have a positive indeterminate impact on prison beds.

The bill was approved by the Governor on May 25, 2021, ch. 2021-34, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

##### COVID-19

A pandemic is an outbreak of disease over multiple parts of the world. The most severe pandemic in recent history occurred in 1918 when a strain of the H1N1 influenza virus (H1N1) killed approximately 50 million people worldwide. Prior to 2019, the most recent pandemic occurred in 2009 when a new strain of H1N1 caused the “swine flu,” killing between 151,700 and 575,400 people worldwide during the first year it circulated.<sup>1</sup>

Coronaviruses are a family of viruses that can cause upper-respiratory tract illnesses. In the past, small outbreaks of coronaviruses have occurred in the United States (U.S.), including an outbreak of the SARS coronavirus in November 2002, and the MERS coronavirus in September 2012. Most recently, in December 2019, an outbreak of a new strain of coronavirus, called Severe Acute Respiratory Syndrome Coronavirus 2, emerged in China.<sup>2</sup> The disease caused by this strain of the coronavirus, coronavirus disease 2019 (COVID-19), quickly spread worldwide. COVID-19 causes a wide range of symptoms including fever, cough, difficulty breathing, fatigue, loss of taste or smell, sore throat, and congestion or runny nose. Adults aged 65 years or older and people with preexisting underlying medical conditions, such as lung disease or diabetes, are at higher risk of developing more serious COVID-19 complications.<sup>3</sup>

The U.S. reported its first known case of COVID-19 in January 2020,<sup>4</sup> and its first known death in February 2020.<sup>5</sup> In March 2020, Florida reported both the state’s first known COVID-19 case and death. On March 11, 2020, the World Health Organization declared COVID–19 a pandemic.<sup>6</sup>

In response to the COVID-19 pandemic, the federal government initiated “Operation Warp Speed” , launching a partnership among the Department of Health and Human Services, the Centers for Disease Control and Prevention (CDC), the National Institutes of Health, the Biomedical Advanced Research and Development Authority, and the Department of Defense, and began to strategize how to accelerate the development, manufacture, and distribution of COVID-19 countermeasures, including vaccines, therapeutics, and diagnostics.<sup>7</sup>

The CDC issued social distancing guidelines and instructions for wearing face coverings.<sup>8</sup> In an effort to limit the spread of COVID-19, Florida’s Governor DeSantis issued a series of executive orders<sup>9</sup> declaring a public health emergency, shutting down non-essential businesses and schools, and

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<sup>1</sup> Centers for Disease Control and Prevention, *Past Pandemics*, (Aug. 10, 2018) <https://www.cdc.gov/flu/pandemic-resources/2009-h1n1-pandemic.html> (last visited May 4, 2021).

<sup>2</sup> National Institute of Allergy and Infectious Diseases, *Coronaviruses*, <https://www.niaid.nih.gov/diseases-conditions/coronaviruses> (last visited May 4, 2021).

<sup>3</sup> Centers for Disease Control and Prevention, *Symptoms of Coronavirus*, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> (last visited May 4, 2021).

<sup>4</sup> Michelle L. Holshue, M.P.H., *First case of 2019 novel coronavirus in the United States*, *The New England Journal of Medicine* (Mar. 5, 2020), <https://www.nejm.org/doi/full/10.1056/NEJMoa2001191> (last visited May 4, 2021).

<sup>5</sup> Centers for Disease Control and Prevention, *Washington state reports first COVID–19 death*, <https://www.cdc.gov/media/releases/2020/s0229-COVID-19-first-death.html> (last visited May 4, 2021).

<sup>6</sup> World Health Organization, *WHO Director-General’s opening remarks at the media briefing on COVID–19*, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (last visited May 4, 2021).

<sup>7</sup> U.S. Department of Health & Human Services, *Fact Sheet: Explaining Operation Warp Speed*, <https://www.hhs.gov/coronavirus/explaining-operation-warp-speed/index.html> (last visited May 4, 2021).

<sup>8</sup> Centers for Disease Control and Prevention, *COVID-19, Social Distancing*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last visited May 4, 2021).

<sup>9</sup> Florida Governor Ron DeSantis, *2020 Executive Orders*, <https://www.flgov.com/2020-executive-orders/> (last visited May 4, 2021).

encouraging citizens to stay at home.<sup>10</sup> Florida also listed PPE, sanitizing and disinfecting supplies, and COVID-19 test kits as essential commodities.<sup>11</sup>

### Personal Protective Equipment

Personal protective equipment (PPE) refers to protective clothing, helmets, gloves, face shields, goggles, facemasks, respirators, or other equipment designed to protect a person from injury or the spread of infection or illness. PPE is commonly used in health care settings to act as a barrier between infectious materials such as viral and bacterial contaminants and a person's skin, mouth, nose, or eyes, to block transmission of contaminants from blood, bodily fluids, or respiratory secretions. PPE is also used to protect patients who are at high risk for contracting infections brought in by visitors and healthcare workers.<sup>12</sup>

The COVID-19 pandemic increased the need for PPE for healthcare workers, patients, and the general public, resulting in PPE shortages nationwide. Some healthcare facilities were unable to access appropriate PPE, forcing them to identify alternative means to protect healthcare workers and provide adequate patient care.<sup>13</sup>

As suppliers rushed to produce PPE, federal authorities quickly identified attempts by individuals and organizations to fraudulently secure contracts for the delivery of PPE to private and public entities. In the last year, the Federal Bureau of Investigation, Department of Justice, and other law enforcement agencies pursued numerous cases of PPE fraud, including attempts to fraudulently secure large government or private procurement contracts with no intention of ever delivering the PPE or even having access to PPE.<sup>14</sup> According to the Department of Homeland Security, more than 19,000 new websites selling PPE emerged as COVID-19 began to spread in the U.S., resulting in numerous reports of sites taking orders, accepting payment, and failing to deliver products.<sup>15</sup> In April 2020, a Georgia man was arrested after making a series of fraudulent misrepresentations to secure \$750 million from the Department of Veterans Affairs for 125 million facemasks and other PPE, knowing he was unable to fulfill the orders.<sup>16</sup> In January 2021, a Philadelphia man was arrested after fraudulently claiming to be a PPE provider and entering into agreements for over \$700 million to provide PPE to the City of New York.<sup>17</sup>

Florida's Attorney General (AG) has issued more than 30 consumer alerts warning Floridians about emerging COVID-19 related scams, including one in May 2020, urging Floridians to be on the lookout for fraudulent websites purporting to sell PPE.<sup>18</sup> As of December 2020, the Better Business Bureau had received 96 complaints in Florida related to COVID-19.<sup>19</sup>

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<sup>10</sup> Fla. Exec. Order No. 20-51 (Mar. 1, 2020).

<sup>11</sup> Attorney General Ashley Moody, *COVID-19 Resources to Stay Informed*, <http://www.myfloridalegal.com/covid19> (last visited May 4, 2021).

<sup>12</sup> U.S. Food and Drug Administration, *Personal Protective Equipment for Infection Control*, (Feb. 10, 2021) <https://www.fda.gov/medical-devices/general-hospital-devices-and-supplies/personal-protective-equipment-infection-control> (last visited May 4, 2021).

<sup>13</sup> COCA Now, *Strategies for Optimizing PPE Supplies During Shortages*, <https://emergency.cdc.gov/newsletters/coca/010521.htm> (last visited May 4, 2021).

<sup>14</sup> JDSUPRA, *With Latest COVID-19 Surge, Federal Officials Will Be Prepared to Combat PPE Fraud*, (Dec. 28, 2020) <https://www.jdsupra.com/legalnews/with-latest-covid-19-surge-federal-33450/> (last visited May 4, 2021).

<sup>15</sup> Office of Attorney General Ashley Moody, *Consumer Alert: New Websites Selling PPE Take Money, Don't Deliver Gear*, (May 14, 2020) <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/DD06CDD09BE8587B85258568004EC790> (last visited May 4, 2021).

<sup>16</sup> Johnny Diaz and Aimee Ortiz, *Man Charged in Scheme to Sell 125 Million Nonexistent Masks*, *The New York Times*, (Apr. 11, 2020) <https://www.nytimes.com/2020/04/11/us/coronavirus-face-mask-fraud-christopher-parris.html> (last visited May 4, 2021).

<sup>17</sup> The U.S. Attorney's Office, District of New Jersey, *Philadelphia Man Arrested for COVID-19 PPE Fraud*, (Jan. 20, 2021) <https://www.justice.gov/usao-nj/pr/philadelphia-man-arrested-covid-19-ppe-fraud> (last visited May 4, 2021).

<sup>18</sup> *Supra* n. 15.

<sup>19</sup> Merris Badcock, *COVID-19 Vaccine Scams at Center of New Crime-Fighting Effort*, (Dec. 7, 2020) <https://www.clickorlando.com/news/local/2020/12/08/covid-19-vaccine-scams-at-center-of-new-crime-fighting-effort/> (last visited May 4, 2021).

## COVID-19 Vaccine

In December 2020, the Food and Drug Administration granted Pfizer/BioNTech's and Moderna's COVID-19 vaccines Emergency Use Authorization.<sup>20</sup> Later that month, Governor DeSantis issued an executive order prioritizing vaccine recipients and authorizing vaccines to be administered only to priority populations,<sup>21</sup> including: long term care facility residents and staff; persons 65 years of age or older; health care personnel with direct patient contact; or any person a hospital provider deems to be extremely vulnerable to COVID-19.<sup>22</sup> Counties were authorized to implement local processes for administering the vaccine. Several counties opted to use Eventbrite, a digital event management and ticketing website, which allows residents to register online for vaccine appointments.<sup>23</sup>

In January 2021, scammers created fake Eventbrite accounts posing as the Pasco, Pinellas, and Martin County Health Departments offering to take payment in exchange for COVID-19 vaccination appointments,<sup>24</sup> and scammers attempting to obtain credit card information in return for a vaccine appointment intercepted calls made to the Lee County COVID-19 vaccine registration hotline.<sup>25</sup> Another scam involves Medicare fraudsters offering in-home vaccines for seniors and requiring Medicare card information to schedule the appointment. In response to these scams, the AG warned Florida consumers to avoid COVID-19 vaccine scams involving vaccine appointment calls, misleading webpages charging for vaccine appointments, and supposed in-home vaccinations through Medicare.<sup>26</sup>

Emerging vaccine-related scams prompted federal, state, and local authorities to issue warnings to the public to avoid fraudulent activity specifically related to the COVID-19 vaccine. The Federal Trade Commission published guidance on how to identify and avoid COVID-19 vaccine scams, warning consumers not to:

- Pay to put their name on a list to get the vaccine;
- Pay to gain early access to the vaccine; or
- Provide their social security number, bank account, or credit card number to get the vaccine.<sup>27</sup>

## Current Crimes

### *Theft*

A person commits theft when he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property;<sup>28</sup> or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.<sup>29</sup>

<sup>20</sup> U.S. Food and Drug Administration, *Pfizer-BioNTech COVID-19 Vaccine*, <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/pfizer-biontech-covid-19-vaccine> (last visited May 4, 2021). Emergency use authorization is a mechanism for facilitating the availability and use of medical countermeasures, such as vaccines, during public health emergencies. See U.S. Food and Drug Administration, *Emergency Use Authorization for Vaccines Explained*, <https://www.fda.gov/vaccines-blood-biologics/vaccines/emergency-use-authorization-vaccines-explained> (last visited May 4, 2021).

<sup>21</sup> While vaccine distribution was initially aimed at prioritizing vulnerable populations, effective April 5, 2021, all Floridians are eligible to receive any COVID-19 vaccine as prescribed by the Food and Drug Administration. Fla. Exec. Order No. 21-79 (Mar. 26, 2021).

<sup>22</sup> Fla. Exec. Order No. 20-315 (Dec. 23, 2020).

<sup>23</sup> Siladitya Ray, *Florida Seniors Duped Into Paying For Covid Vaccination Appointments On Eventbrite*, Forbes (Jan. 5, 2021), <https://www.forbes.com/sites/siladityaray/2021/01/05/florida-seniors-duped-into-paying-for-covid-vaccination-appointments-on-eventbrite/?sh=4ae21e2a4933> (last visited May 4, 2021).

<sup>24</sup> *Supra* note 22. Renay Rouse, *DOH-Martin-Use Caution Booking Online Appointments: news release* (Jan. 20, 2021), <http://martin.floridahealth.gov/newsroom/2021/01/covid19pr.html> (last visited May 4, 2021).

<sup>25</sup> David Dorsey, *Scammers intercept unknown number of Lee County COVID-19 vaccine hotline calls*, News-Press (Jan. 6, 2021), <https://www.news-press.com/story/news/2021/01/06/scammers-intercept-unknown-number-lee-county-covid-19-vaccine-hotline-calls/6561370002/> (last visited May 4, 2021).

<sup>26</sup> Attorney General Ashley Moody, *As Vaccines Outpace COVID-19 Infections, Be Wary of Vaccine-Related Scams*, (Feb. 15, 2021) <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/9DD25D025124078C8525867D0058C270> (last visited May 4, 2021).

<sup>27</sup> Federal Trade Commission, *FTC Issues Consumer Tips for Avoiding COVID-19 Vaccine Scams*, <https://www.ftc.gov/news-events/press-releases/2020/12/ftc-issues-consumer-tips-avoiding-covid-19-vaccine-scams> (last visited May 4, 2021).

<sup>28</sup> S. 812.014(1)(a), F.S.

<sup>29</sup> S. 812.014(1)(b), F.S.

Section 812.014, F.S., defines theft offenses and generally categorizes the offense level based on the value of the property stolen. Whether a theft is a misdemeanor or a felony may also depend on the offender's prior history of theft convictions or the type of property stolen. The offense levels for theft crimes based on property value range from a second degree misdemeanor to a first degree felony.<sup>30</sup>

### *Fraudulent Practices*

Chapter 817, F.S., prohibits fraudulent practices against individuals, corporations, and governments, including, in relevant part:

- Providing misleading advertisements<sup>31</sup> – a first or second degree misdemeanor;<sup>32</sup>
- Misleading solicitation of payments – a second degree misdemeanor fine;<sup>33</sup>
- Obtaining property by fraudulent promise to furnish inside information<sup>34</sup> – a third degree felony;<sup>35</sup> and
- Unlawful possession of the personal identification information of another person<sup>36</sup> – a first degree misdemeanor or third degree felony.

### *Criminal Use of Personal Identification Information*

Section 817.568, F.S., prohibits the criminal use of another person's personal identification information (PII).<sup>37</sup> PII is a name or number that may be used, alone or in conjunction with any other information, to identify a specific person. Section 817.568(1)(f), F.S., lists several examples of PII, including:

- A name;
- An address;
- Contact information, such as a telephone number or email address;
- A social security number;
- A date of birth;
- A mother's maiden name;
- An official state- or federally-issued driver license or identification number;
- Another identification number, such as an alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank, credit, or debit card number;
- Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
- Unique electronic identification number, address, or routing code;
- Medical records;
- Telecommunication identifying information or access device; or
- Any other number or information that can be used to access a person's financial resources.

Any person who willfully and without authorization fraudulently uses, or possesses with intent to fraudulently use, another person's PII without that person's consent, commits the offense of fraudulent use of personal identification information, a third degree felony. However, the offense level and potential sanctions<sup>38</sup> increase for a violation, based on the dollar amount of the benefit or value received by an offender, the dollar amount of the injury or fraud perpetrated on a victim, the number of

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<sup>30</sup> See ch. 812, F.S. A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. 775.082 and 775.083, F.S.

<sup>31</sup> Ss. 817.06 and 817.44, F.S.

<sup>32</sup> S. 817.45, F.S. A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine and a second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Ss. 775.082 and 775.083, F.S.

<sup>33</sup> Ss. 817.061 and 775.083, F.S.

<sup>34</sup> S. 817.11, F.S.

<sup>35</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082 and 775.083, F.S.

<sup>36</sup> S. 817.5685, F.S.

<sup>37</sup> S. 817.568, F.S.

<sup>38</sup> Several offenses include a mandatory minimum sentence. See ss. 817.568(2)(b)–(c), 817.568(3), and 817.568(8)(b)–(c), F.S.

victims from which an offender takes PII, the age or status of the victim or victims, and the offender's relationship to the victim.<sup>39</sup>

Florida does not specifically criminalize pandemic-related fraud such as vaccine scams to obtain money or personal identification information from another person or fraudulently offering for sale or advertising PPE. While some pandemic-related scams may be prosecuted under current law, other fraudulent activity may not qualify as a crime and ending the fraudulent activity may be difficult.

### The Attorney General

Florida's AG is recognized as the chief legal officer of the state and is the head of the Department of Legal Affairs (DLA).<sup>40</sup> DLA is responsible for providing all legal services required by any executive department unless otherwise provided by law. The Office of Statewide Prosecution (OSP) is a part of the DLA and is responsible for prosecuting crimes impacting two or more judicial circuits in the state. The OSP focuses mainly on complex, often large scale, organized criminal activity.<sup>41</sup>

As chief legal officer of the State, the AG may bring actions on behalf of Floridians.<sup>42</sup> The AG may also institute a civil action for a violation, or to prevent a violation, of certain activities. For example, the AG may institute a civil action to:

- Stop a violation of, or prevent a violation of, certain voter registration and ballot initiative laws;<sup>43</sup>
- Seek declaratory or injunctive relief<sup>44</sup> against an entity violating federal immigration policies;<sup>45</sup>
- Maintain an action for injunctive relief against any person or entity violating the Environmental Protection Act;<sup>46</sup> or
- Enjoin any person who has violated, is violating, or is otherwise likely to violate any portion of the Florida Deceptive and Unfair Trade Practices Act.<sup>47</sup>

### **Effect of the Bill**

The bill creates a crime to penalize a person who, with the intent to obtain or receive any money or other valuable consideration, knowingly and willfully makes a materially false or misleading statement or disseminates false or misleading information relating to the characteristics, authenticity, effectiveness, or availability of PPE in any marketing or advertising material, on a website, social media platform, or other media, or by telephone, text message, mail, or email.

The bill creates a separate crime to penalize a person who, for the purpose of obtaining another's PII or money or other valuable consideration, knowingly and willfully makes a materially false or misleading statement or disseminates false or misleading information via marketing or advertising materials, a website, social media platform, or other media, or telephone, text message, mail, or email regarding the availability of, or access to, a vaccine for COVID-19 or any other pandemic disease.

Under the bill:

- PPE means protective clothing or equipment including, but not limited to, face masks, face shields, gloves, goggles, gowns, helmets, or respirators designed to protect a person from infectious materials, communicable disease, or other illness.
- PII has the same meaning as provided in s. 817.568(1)(f), F.S., and generally includes any name or number that may be used, alone or in conjunction with any other information, to identify

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<sup>39</sup> See s. 817.568(2)-(11), F.S.

<sup>40</sup> S. 16.01(2), F.S.

<sup>41</sup> Ss. 896.101 and 16.56(1)(a)13., F.S.

<sup>42</sup> See e.g., s. 736.0110, F.S., relating to charitable trusts.

<sup>43</sup> See ss. 97.0575(4) and 100.371(8), F.S.

<sup>44</sup> An injunction is a court order requiring a person to do or to stop doing a specific action. S. 60.05(2), F.S.

<sup>45</sup> S. 908.107(2), F.S.

<sup>46</sup> S. 403.412(2)(a), F.S.

<sup>47</sup> S. 501.201-213, F.S.

a specific person, including, but not limited to, information such as a person's name, postal or email address, telephone number, social security number, date of birth, driver license or identification number, government passport number, bank account, credit, or debit card number, or medical records.

A first offense of either offering or advertising a vaccine with intent to defraud or offering for sale or advertising PPE with intent to defraud is a third degree felony ranked at a level 7 on the offense severity ranking chart,<sup>48</sup> while a second or subsequent offense is a second degree felony ranked at a level 8. The rankings subject an offender to a state prison sentence for any violation.

The bill authorizes any state attorney or the Statewide Prosecutor to prosecute a violation of either crime on behalf of the state.<sup>49</sup> Additionally, the bill authorizes the AG to initiate a civil action for an injunction, restraining order, or other appropriate relief if he or she reasonably believes either crime has been committed or to prevent the commission of either crime. Such authority gives the AG the ability to shut down websites and other media platforms disseminating false information about the:

- Characteristics, authenticity, effectiveness or availability of PPE for the purpose of obtaining money or other valuable consideration; or
- Availability of, or access to, a vaccine for COVID-19 or any other pandemic disease for the purpose of obtaining PII or money or other valuable consideration.

The bill ensures that an individual perpetrating a scam related to a vaccine for any pandemic disease or fraudulently advertising or offering to sell PPE may be prosecuted and his or her illegal activity stopped.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The Criminal Justice Impact Conference reviewed a previous version of the bill and determined it may have a positive indeterminate impact on prison beds. The changes made to the bill since that time are unlikely to change the originally determined fiscal impact.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

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<sup>48</sup> Felony offenses subject to the Criminal Punishment Code are listed in a single offense severity ranking chart, which uses 10 offense levels to rank felonies from least severe (Level 1) to most severe (Level 10). Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense. The final calculation, following the scoresheet formula, determines the lowest permissible sentence that the trial court may impose, absent a valid reason for departure. S. 921.0022, F.S.

<sup>49</sup> A person charged with committing any crime facilitated by communication by mail, telephone, newspaper, radio, television, Internet, or any other means of electronic data communication may be charged and tried in the county in which: the dissemination originated; the dissemination was made; or any act necessary to consummate the offense occurred. Any communication made by or made available through the use of the Internet is considered to be made in every county within the state. S. 910.15, F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.