

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/SB 218

INTRODUCER: Criminal Justice Committee and Senators Hutson and Gaetz

SUBJECT: Offenses Involving Electronic Benefits Transfer Cards

DATE: February 23, 2016

I. Amendments Contained in Message:

House Amendment – 381087 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 revises a provision of the bill that makes it unlawful to possess two or more electronic benefit transfer (EBT) cards issued to another person and sell one or more of those cards. The amendment requires that the person “knowingly” possess the cards. The amendment also revises the penalty in the bill for this offense. The bill provides that a first violation is a first degree misdemeanor (maximum penalty of one year in jail); second or subsequent violations are a third degree felony (maximum penalty of 5 years in state prison). The amendment provides that any violation is a third degree felony. The amendment also requires 40 hours of community service in addition to any other penalty and provides that each EBT card unlawfully possessed, sold, etc., is a separate offense. Neither provision is in the bill.

The amendment also revises the definition of “trafficking” created by the bill to simplify the descriptions of acts constituting “trafficking.” For example, references to EBT cards and other relevant information like EBT card numbers is removed because the acts described involve food assistance fraud, which would include fraud involving EBT cards and relevant EBT card information. Attempted offenses are covered by current law and the act of obtaining firearms through food assistance fraud (including EBT card fraud) would be covered by the amendment’s description of the act of buying, etc., food assistance benefits for “consideration other than eligible food.”