

By Senator Baxley

12-00966B-18

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1 A bill to be entitled
2 An act relating to public assistance fraud; amending
3 s. 414.39, F.S.; revising the maximum reward paid to
4 persons providing certain information leading to the
5 recovery of certain fraudulent public assistance
6 payments; revising the funding source for such
7 rewards; amending s. 414.41, F.S.; directing state-
8 retained shares of recovered public assistance
9 overpayments to be held in the Federal Grants Trust
10 Fund; requiring such funds to be reallocated to the
11 Department of Children and Families; specifying how
12 such funds may be used by the department; requiring
13 the department to submit an annual report and to
14 propose certain projects for legislative
15 authorization; amending s. 943.045, F.S.; revising the
16 definition of the term "criminal justice agency" to
17 include the fraud investigations component of the
18 department; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraphs (b) and (c) of subsection (11) of
23 section 414.39, Florida Statutes, are amended to read:

24 414.39 Fraud.—

25 (11)

26 (b) The reward may not exceed 10 percent of the amount
27 recovered in full by the department or \$500,000, whichever is
28 less, in a single case.

29 (c) The reward shall be paid from the state-retained ~~state~~

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30 share of the recovered overpayments held ~~recovery~~ in the Federal
31 Grants Trust Fund from moneys collected pursuant to s. 414.41.

32 Section 2. Subsection (4) is added to section 414.41,
33 Florida Statutes, to read:

34 414.41 Recovery of payments made due to mistake or fraud.—

35 (4) All collected state-retained shares of recovered
36 overpayments during each fiscal year shall be held in the
37 Federal Grants Trust Fund to be reallocated to the department
38 the following fiscal year for use as specified in this
39 subsection.

40 (a) Funds held in the Federal Grants Trust Fund pursuant to
41 this subsection may be used by the department to:

42 1. Pay public assistance fraud rewards as provided in s.
43 414.39(11) and to fund public assistance fraud detection; and

44 2. Fund prevention initiatives that enable the department
45 to respond to and investigate emergent public assistance fraud
46 schemes and threats pursuant to authorization under paragraph
47 (c).

48 (b) By October 1 of each year, the department shall submit
49 a report to the Legislature which includes the following:

50 1. The actual outcomes and returns on investment associated
51 with projects approved pursuant to paragraph (c) during the
52 previous fiscal year.

53 2. The amount of funds in the Federal Grants Trust Fund
54 available for expenditure pursuant to this subsection.

55 3. The number and amount of public assistance fraud rewards
56 paid during the previous fiscal year and anticipated to be paid
57 during the next fiscal year.

58 4. Descriptions of specific proposed projects to be

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59 supported by the expenditure of funds held according to this
60 subsection, including expected outcomes of the proposed
61 projects, and the estimated return on investment for the
62 following fiscal year.

63 (c) Contingent upon specific authorization in the General
64 Appropriations Act or similar legislation, and notwithstanding
65 chapter 216, the department may use funds, pursuant to this
66 subsection, to pay public assistance fraud rewards and to fund
67 one or more of the specific projects proposed in the annual
68 report required under paragraph (b).

69 Section 3. Paragraph (d) of subsection (11) of section
70 943.045, Florida Statutes, is amended to read:

71 943.045 Definitions; ss. 943.045-943.08.—The following
72 words and phrases as used in ss. 943.045-943.08 shall have the
73 following meanings:

74 (11) "Criminal justice agency" means:

75 (d) The protective and fraud investigations components
76 ~~component~~ of the Department of Children and Families, which
77 investigate ~~investigates~~ the crimes of abuse and neglect and
78 public assistance fraud.

79 Section 4. This act shall take effect July 1, 2018.