

Committee on Criminal Justice

CS/SB 218 — Offenses Involving Electronic Benefits Transfer Cards

by Criminal Justice Committee and Senators Hutson, Gaetz, and Negrón

The bill amends s. 414.39, F.S., relating to public assistance fraud. This statute, in part, punishes a person who knowingly traffics (or knowingly attempts to traffic or knowingly aids another person in trafficking) in a food assistance card, an authorization for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law.

The bill specifies acts included in the term “traffic” such as buying or selling electronic benefits transfer cards for cash or consideration other than eligible food and exchanging firearms or controlled substances for food assistance benefits. The bill also punishes a person who possesses two or more electronic benefits transfer cards issued to other persons and sells or attempts to sell one or more of those cards. The first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony. Further, in addition to any other penalty, a violator shall be ordered by the court to serve at least 20 hours of community service. Community service hours must be performed at a nonprofit entity that provides the community with food services, if the court determines that community service can be performed at such entity.

If approved by the Governor, these provisions take effect October 1, 2016.

Vote: Senate 39-0; House 86-31