

By 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. 20.60, F.S.;  
4           authorizing the Department of Economic Opportunity to  
5           employ law enforcement officers to investigate  
6           violations of ch. 443, F.S.; providing qualifications  
7           for employment or appointment as a law enforcement  
8           officer; specifying the responsibilities of such a law  
9           enforcement officer; amending s. 322.142, F.S.; adding  
10          the department as an entity that may be issued  
11          reproductions from certain files or digital records  
12          for specified reasons; amending s. 443.101, F.S.;  
13          providing for disqualification from eligibility for  
14          reemployment benefits for a specified period of time  
15          determined by the number of incidents of false or  
16          fraudulent representation and date of repayment of  
17          certain overpayments; amending s. 443.151, F.S.;  
18          providing methods for the department to collect  
19          repayment of benefits; amending s. 895.02, F.S.;  
20          expanding the definition of the term "racketeering  
21          activity" to include knowingly making false statements  
22          or representations or knowingly failing to disclose a  
23          material fact to obtain or increase benefits or other  
24          payments under ch. 443, F.S., and other specified  
25          laws; providing an effective date.

26  
27          WHEREAS, the incidence of identity theft and resulting  
28          fraud has reached a crisis level, and

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

32          WHEREAS, stolen identities are used to commit an ever-

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33 expanding range of fraud, including public assistance fraud, and

34 WHEREAS, identity theft and related fraud harm those whose  
35 identities are stolen, rob the social safety net of precious  
36 resources, impose unwarranted costs on taxpayers, and undermine  
37 public confidence in government, and

38 WHEREAS, the Department of Economic Opportunity's efforts  
39 to detect, prevent, and prosecute fraud have revealed that  
40 thousands of fraudulent claims for reemployment assistance are  
41 being filed, and

42 WHEREAS, the Department of Economic Opportunity has made  
43 prevention, detection, and prosecution of reemployment  
44 assistance fraud a top priority and has identified additional  
45 resources and tools necessary to effectively combat fraud, NOW,  
46 THEREFORE,

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. This act may be cited as the "Department of  
51 Economic Opportunity Cybercrime Prevention Act."

52 Section 2. Paragraph (d) is added to subsection (5) of  
53 section 20.60, Florida Statutes, to read:

54 20.60 Department of Economic Opportunity; creation; powers  
55 and duties.—

56 (5) The divisions within the department have specific  
57 responsibilities to achieve the duties, responsibilities, and  
58 goals of the department. Specifically:

59 (d) The Division of Workforce Services may employ law  
60 enforcement officers. Each law enforcement officer employed by  
61 the division must meet the requirements for employment or

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62 appointment as a law enforcement officer specified in s. 943.13  
63 and must be certified under chapter 943 as a law enforcement  
64 officer by the Department of Law Enforcement. Each law  
65 enforcement officer has statewide jurisdiction and authority  
66 granted by chapter 901.

67 1. The primary responsibility of each law enforcement  
68 officer appointed under this section is the statewide  
69 investigation, enforcement, and prosecution of violations of  
70 chapter 443 and rules adopted thereunder, as well as other state  
71 laws that the division is specifically authorized to enforce.

72 2. The secondary responsibility of each law enforcement  
73 officer appointed under this section is to enforce all other  
74 state laws; however, such enforcement must be incidental to the  
75 officer's exercise of his or her primary responsibility, and an  
76 officer may exercise the powers of a deputy sheriff only after  
77 consultation or coordination with the appropriate local  
78 sheriff's office or municipal police department or when the  
79 division participates in the Florida Mutual Aid Plan during a  
80 declared state emergency.

81 Section 3. Present paragraphs (k) and (l) of subsection (4)  
82 of section 322.142, Florida Statutes, are redesignated as  
83 paragraphs (l) and (m), respectively, and a new paragraph (k) is  
84 added to that subsection, to read:

85 322.142 Color photographic or digital imaged licenses.—

86 (4) The department may maintain a film negative or print  
87 file. The department shall maintain a record of the digital  
88 image and signature of the licensees, together with other data  
89 required by the department for identification and retrieval.  
90 Reproductions from the file or digital record are exempt from

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91 the provisions of s. 119.07(1) and may be made and issued only:

92 (k) To the Department of Economic Opportunity pursuant to  
93 an interagency agreement to facilitate the validation of  
94 reemployment assistance claims and the identification of  
95 fraudulent or false reemployment assistance claims.

96 Section 4. Subsection (6) of section 443.101, Florida  
97 Statutes, is amended to read:

98 443.101 Disqualification for benefits.—An individual shall  
99 be disqualified for benefits:

100 (6) For making any false or fraudulent representation for  
101 the purpose of obtaining benefits contrary to this chapter,  
102 constituting a violation under s. 443.071. The disqualification  
103 imposed under this subsection begins ~~shall begin with~~ the week  
104 in which the false or fraudulent representation is made and  
105 continues ~~shall continue~~ for a period of:

106 (a) Five years ~~not to exceed 1 year~~ after the date the  
107 Department of Economic Opportunity discovers the first incident  
108 of false or fraudulent representation and until any overpayment  
109 of benefits resulting from such representation has been repaid  
110 in full.

111 (b) Ten years after the date the Department of Economic  
112 Opportunity discovers the second incident of false or fraudulent  
113 representation, which must occur in a benefit year other than  
114 the benefit year of the first incident, and until any  
115 overpayment of benefits resulting from such representation has  
116 been repaid in full.

117 (c) The lifetime of the individual after the date the  
118 Department of Economic Opportunity discovers the third incident  
119 of false or fraudulent representation, which must occur in a

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120 benefit year that is not the benefit year of the first or second  
121 incident.

122  
123 This disqualification may be appealed in the same manner as any  
124 other disqualification imposed under this section. A conviction  
125 by any court of competent jurisdiction in this state of the  
126 offense prohibited or punished by s. 443.071 is conclusive upon  
127 the appeals referee and the commission of the making of the  
128 false or fraudulent representation for which disqualification is  
129 imposed under this section.

130 Section 5. Paragraph (e) of subsection (6) of section  
131 443.151, Florida Statutes, is amended to read:

132 443.151 Procedure concerning claims.—

133 (6) RECOVERY AND RECOUPMENT.—

134 (e) The department shall collect the repayment of benefits  
135 without interest by any of the following methods: ~~the deduction~~  
136 ~~of benefits through a redetermination or by a civil action.~~

137 1. The deduction of reemployment assistance benefits  
138 through a redetermination.

139 2. The recovery of overpayments through attachment and  
140 garnishment as provided in chapters 76 and 77. An overpayment  
141 determination, decision, or order issued by the department or  
142 commission which has become final as provided in this section  
143 may be enforced by attachment or garnishment in the same manner  
144 as a judgment of any court of competent jurisdiction as provided  
145 in chapters 76 and 77 for a debt due. Upon application to the  
146 clerk of court by the department, a writ shall be issued by the  
147 clerk of court as upon a judgment of the court duly docketed and  
148 recorded. These writs must be returnable to the court. A bond

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149 may not be required of the department as a condition for the  
150 issuance of a writ of attachment or a writ of garnishment.  
151 Issues raised under proceedings by attachment or garnishment  
152 must be tried by the court in the same manner as a judgment  
153 under chapters 76 and 77. Venue for attachment and garnishment  
154 proceedings originating under this section is in Leon County.

155 3. Any additional recovery method provided for by law.

156 Section 6. Paragraph (a) of subsection (1) of section  
157 895.02, Florida Statutes, is amended to read:

158 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

159 (1) "Racketeering activity" means to commit, to attempt to  
160 commit, to conspire to commit, or to solicit, coerce, or  
161 intimidate another person to commit:

162 (a) Any crime that is chargeable by petition, indictment,  
163 or information under the following provisions of the Florida  
164 Statutes:

165 1. Section 210.18, relating to evasion of payment of  
166 cigarette taxes.

167 2. Section 316.1935, relating to fleeing or attempting to  
168 elude a law enforcement officer and aggravated fleeing or  
169 eluding.

170 3. Section 403.727(3)(b), relating to environmental  
171 control.

172 4. Section 409.920 or s. 409.9201, relating to Medicaid  
173 fraud.

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

175 6. Section 440.105 or s. 440.106, relating to workers'  
176 compensation.

177 7. Section 443.071(1) or (4) ~~Section 443.071(4)~~, relating

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178 to ~~creation of a fictitious employer scheme to commit~~  
179 reemployment assistance fraud.

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

182 9. Section 499.0051, relating to crimes involving  
183 contraband and adulterated drugs.

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

185 11. Chapter 517, relating to sale of securities and  
186 investor protection.

187 12. Section 550.235 or s. 550.3551, relating to dogracing  
188 and horseracing.

189 13. Chapter 550, relating to jai alai frontons.

190 14. Section 551.109, relating to slot machine gaming.

191 15. Chapter 552, relating to the manufacture, distribution,  
192 and use of explosives.

193 16. Chapter 560, relating to money transmitters, if the  
194 violation is punishable as a felony.

195 17. Chapter 562, relating to beverage law enforcement.

196 18. Section 624.401, relating to transacting insurance  
197 without a certificate of authority, s. 624.437(4)(c)1., relating  
198 to operating an unauthorized multiple-employer welfare  
199 arrangement, or s. 626.902(1)(b), relating to representing or  
200 aiding an unauthorized insurer.

201 19. Section 655.50, relating to reports of currency  
202 transactions, when such violation is punishable as a felony.

203 20. Chapter 687, relating to interest and usurious  
204 practices.

205 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
206 real estate timeshare plans.

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207           22. Section 775.13(5) (b), relating to registration of  
208 persons found to have committed any offense for the purpose of  
209 benefiting, promoting, or furthering the interests of a criminal  
210 gang.

211           23. Section 777.03, relating to commission of crimes by  
212 accessories after the fact.

213           24. Chapter 782, relating to homicide.

214           25. Chapter 784, relating to assault and battery.

215           26. Chapter 787, relating to kidnapping or human  
216 trafficking.

217           27. Chapter 790, relating to weapons and firearms.

218           28. Chapter 794, relating to sexual battery, but only if  
219 such crime was committed with the intent to benefit, promote, or  
220 further the interests of a criminal gang, or for the purpose of  
221 increasing a criminal gang member's own standing or position  
222 within a criminal gang.

223           29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
224 796.05, or s. 796.07, relating to prostitution.

225           30. Chapter 806, relating to arson and criminal mischief.

226           31. Chapter 810, relating to burglary and trespass.

227           32. Chapter 812, relating to theft, robbery, and related  
228 crimes.

229           33. Chapter 815, relating to computer-related crimes.

230           34. Chapter 817, relating to fraudulent practices, false  
231 pretenses, fraud generally, and credit card crimes.

232           35. Chapter 825, relating to abuse, neglect, or  
233 exploitation of an elderly person or disabled adult.

234           36. Section 827.071, relating to commercial sexual  
235 exploitation of children.



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- 236           37. Section 828.122, relating to fighting or baiting  
237 animals.
- 238           38. Chapter 831, relating to forgery and counterfeiting.
- 239           39. Chapter 832, relating to issuance of worthless checks  
240 and drafts.
- 241           40. Section 836.05, relating to extortion.
- 242           41. Chapter 837, relating to perjury.
- 243           42. Chapter 838, relating to bribery and misuse of public  
244 office.
- 245           43. Chapter 843, relating to obstruction of justice.
- 246           44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
247 s. 847.07, relating to obscene literature and profanity.
- 248           45. Chapter 849, relating to gambling, lottery, gambling or  
249 gaming devices, slot machines, or any of the provisions within  
250 that chapter.
- 251           46. Chapter 874, relating to criminal gangs.
- 252           47. Chapter 893, relating to drug abuse prevention and  
253 control.
- 254           48. Chapter 896, relating to offenses related to financial  
255 transactions.
- 256           49. Sections 914.22 and 914.23, relating to tampering with  
257 or harassing a witness, victim, or informant, and retaliation  
258 against a witness, victim, or informant.
- 259           50. Sections 918.12 and 918.13, relating to tampering with  
260 jurors and evidence.
- 261           Section 7. This act shall take effect upon becoming a law.