

SB 1216 – Reemployment Assistance Fraud (Identical HB 1017)

The bill expands the definition of the term “racketeering activity” to also include s. 443.071(1), F.S., which means knowingly making false statements or representations or knowingly failing to disclose material fact to obtain or increase any benefits or other payments under ch. 443, F.S. or under an employment security law of any other state, of the Federal Government, or of a foreign government, either for herself or himself or for any other person. This statute (s. 443.071(1), F.S.) is currently a level 1, 3rd degree felony. Under current law, the only section of ch. 443, F.S. that racketeering includes is s. 443.071(4), F.S., which contains an unranked, 3rd degree felony for “establishing a fictitious employing unit by submitting to the Department of Economic Opportunity or its tax collection service provider fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled.”

Per DOC, in FY 14-15, there were 233 (adj.) offenders sentenced under s. 443.071(1), F.S., and 3 (adj.) of these offenders were sentenced to prison (mean sentence length=18.5 m, incarceration rate: 1.29% adj.-1.12% unadj.). There were 152 (adj.) offenders sentenced under s. 895.03, F.S. (racketeering), with 86 of these offenders receiving a prison sentence (mean sentence length=18.5 m, incarceration rate: 56.58% adj.-56.90% unadj.). All racketeering offenses listed under s. 895.03, F.S. are Level 8, 1st degree felonies. It is unknown how many of the 233 offenders sentenced under s. 443.071(1), F.S. would be eligible for racketeering charges.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House