

CS/HB 105 – Public Assistance Fraud

This bill amends s. 414.39, F.S. Under current law, it is a 1st degree misdemeanor for unauthorized use, possession, forgery, or alteration of a food assistance program or Medicaid ID, as well as fraudulent misappropriation of public assistance funds by an employee/official, with a value less than \$200. If that value is more than \$200, it is a level 1, 3rd degree felony. The proposed legislation removes the level 1, 3rd degree felony for a value more than \$200 and adds an **unranked, 3rd degree felony (level 1 by default)** for a person in possession of two or more electronic benefits transfer cards that are issued to other persons and sells or attempts to sell one or more of these cards. Furthermore, each electronic benefits transfer card possessed, sold, or attempted to be sold constitutes a separate offense.

Per FDLE, in FY 14-15, there were 5 guilty/convicted counts and 10 adjudication withheld counts for violating FS 414.39 with 1st degree misdemeanors. Per DOC, in FY 14-15, there were 379 (adj.) offenders sentenced under s. 414.39, F.S. Nine of these offenders were sentenced to prison (mean sentence length=28.9 m, incarceration rate: 2.4% adj.-2.4% unadj.). It is unknown how many of these offenders would be affected by this law.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House