

CHAPTER 2024-129

Committee Substitute for Committee Substitute for House Bill No. 1171

An act relating to schemes to defraud; amending s. 817.034, F.S.; revising the definition of “scheme to defraud”; providing for reclassification of certain offenses when committed against persons 65 years of age or older, against minors, or against persons with mental and physical disabilities; providing for civil actions for damages by persons whose image or likeness was used in a scheme to defraud without their consent; providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) and subsection (4) of section 817.034, Florida Statutes, are amended to read:

817.034 Florida Communications Fraud Act.—

(3) DEFINITIONS.—As used in this section, the term:

(d) “Scheme to defraud” means a systematic, ongoing course of conduct with intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, endorsements of nonconsenting parties, or promises or willful misrepresentations of a future act.

(4) OFFENSES.—

(a) Any person who engages in a scheme to defraud and obtains property thereby commits is guilty of organized fraud, punishable as follows:

1. If the amount of property obtained has an aggregate value of \$50,000 or more, the person commits violator is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the amount of property obtained has an aggregate value of \$20,000 or more, but less than \$50,000, the person commits violator is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the amount of property obtained has an aggregate value of less than \$20,000, the person commits violator is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who engages in a scheme to defraud and, in furtherance of that scheme, communicates with any person with intent to obtain property from that person commits is guilty, for each such act of communication, of communications fraud, punishable as follows:

1. If the value of property obtained or endeavored to be obtained by the communication is valued at \$300 or more, the ~~person commits violator is guilty of~~ a third degree felony, punishable as set forth in s. 775.082, s. 775.083, or s. 775.084.

2. If the value of the property obtained or endeavored to be obtained by the communication is valued at less than \$300, the ~~person commits violator is guilty of~~ a misdemeanor of the first degree, punishable as set forth in s. 775.082 or s. 775.083.

(c) The penalty for committing an offense specified in paragraph (a) or paragraph (b) against a person age 65 years or older, against a minor, or against a person with a mental or physical disability, as defined in s. 775.0863(1)(b), shall be reclassified as follows:

1. A misdemeanor of the first degree is reclassified to a felony of the third degree.

2. A felony of the third degree is reclassified to a felony of the second degree.

3. A felony of the second degree is reclassified to a felony of the first degree.

4. A felony of the first degree is reclassified to a life felony.

(d) A person whose image or likeness was used without his or her consent in a scheme to defraud may file a civil action in a court of competent jurisdiction to recover damages caused by the use of his or her image or likeness. The remedies provided for in this paragraph shall be in addition to and not in limitation of the remedies available to any person under the common law or any other law.

~~(e)~~^(e) Notwithstanding any contrary provisions of law, separate judgments and sentences for organized fraud under paragraph (a) and for each offense of communications fraud under paragraph (b) may be imposed when all such offenses involve the same scheme to defraud.

~~(f)~~^(d) Notwithstanding any other provision of law, a criminal action or civil action or proceeding under this section may be commenced at any time within 5 years after the cause of action accrues; however, in a criminal proceeding under this section, the period of limitation does not run during any time when the defendant is continuously absent from ~~this the~~ state or is without a reasonably ascertainable place of abode or work within ~~this the~~ state, but in no case shall this extend the period of limitation otherwise applicable by more than 1 year.

Section 2. This act shall take effect October 1, 2024.

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.