1	A bill to be entitled
2	An act relating to schemes to defraud; amending s.
3	817.034, F.S.; revising the definition of "scheme to
4	defraud"; providing for reclassification of certain
5	offenses when committed against persons 65 years of
6	age or older, against minors, or against persons with
7	mental and physical disabilities; providing for civil
8	actions for damages by persons whose image or likeness
9	was used in a scheme to defraud without their consent;
10	providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Paragraph (d) of subsection (3) and subsection
15	(4) of section 817.034, Florida Statutes, are amended to read:
16	817.034 Florida Communications Fraud Act
17	(3) DEFINITIONSAs used in this section, the term:
18	(d) "Scheme to defraud" means a systematic, ongoing course
19	of conduct with intent to defraud one or more persons, or with
20	intent to obtain property from one or more persons by false or
21	fraudulent pretenses, representations, endorsements of
22	nonconsenting parties, or promises or willful misrepresentations
23	of a future act.
24	(4) OFFENSES
25	(a) Any person who engages in a scheme to defraud and
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26 obtains property thereby <u>commits</u> is guilty of organized fraud, 27 punishable as follows:

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
<u>commits</u> violator is guilty of a felony of the second degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

36 3. If the amount of property obtained has an aggregate 37 value of less than \$20,000, the <u>person commits</u> violator is 38 guilty of a felony of the third degree, punishable as provided 39 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 <u>commits</u> 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 <u>person commits</u> violator is guilty of a third degree felony, punishable as set forth in s. 775.082, s. 775.083, or s. 775.084.

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2. If the value of the property obtained or endeavored to

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51	be obtained by the communication is valued at less than \$300,
52	the <u>person commits</u> violator is guilty of a misdemeanor of the
53	first degree, punishable as set forth in s. 775.082 or s.
54	775.083.
55	(c) The penalty for committing an offense specified in
56	paragraph (a) or paragraph (b) against a person age 65 years or
57	older, against a minor, or against a person with a mental or
58	physical disability, as defined in s. 775.0863(1)(b), shall be
59	reclassified as follows:
60	1. A misdemeanor of the first degree is reclassified to a
61	felony of the third degree.
62	2. A felony of the third degree is reclassified to a
63	felony of the second degree.
64	3. A felony of the second degree is reclassified to a
65	felony of the first degree.
66	4. A felony of the first degree is reclassified to a life
67	felony.
68	(d) A person whose image or likeness was used without his
69	or her consent in a scheme to defraud may file a civil action in
70	a court of competent jurisdiction to recover damages caused by
71	the use of his or her image or likeness. The remedies provided
72	for in this paragraph shall be in addition to and not in
73	limitation of the remedies available to any person under the
74	common law or any other law.
75	<u>(e)-(c)</u> Notwithstanding any contrary provisions of law,
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76 separate judgments and sentences for organized fraud under 77 paragraph (a) and for each offense of communications fraud under 78 paragraph (b) may be imposed when all such offenses involve the 79 same scheme to defraud.

80 (f) (d) Notwithstanding any other provision of law, a criminal action or civil action or proceeding under this section 81 82 may be commenced at any time within 5 years after the cause of 83 action accrues; however, in a criminal proceeding under this 84 section, the period of limitation does not run during any time 85 when the defendant is continuously absent from this the state or is without a reasonably ascertainable place of abode or work 86 within this the state, but in no case shall this extend the 87 period of limitation otherwise applicable by more than 1 year. 88 89 Section 2. This act shall take effect October 1, 2024.

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