

Committee on Criminal Justice

CS/CS/HB 1171 — Schemes to Defraud

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Steele and others
(SB 1220 by Senator Martin)

The bill amends s. 817.034, F.S., to reclassify the penalty for committing specified offenses of schemes to defraud. A scheme to defraud is 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. The penalty for committing the offense of scheme to defraud against a person 65 years of age or older, against a minor, or against a person with a mental or physical disability, is as follows:

- A first degree misdemeanor is reclassified to a third degree felony;
- A third degree felony is reclassified to a second degree felony;
- A second degree felony is reclassified to a first degree felony; and
- A first degree felony is reclassified to a life felony.

The bill adds “endorsements of nonconsenting parties” to the definition of “scheme to defraud.”

The bill provides that a person whose image or likeness is 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 civil remedies in the bill are in addition to and not in limitation of the remedies available under common law or any other law.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2024.

Vote: Senate 39-0; House 104-8