

1977

Session Law 77-348

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1977	Session Law No. 77-348	LOF Cite Vol. I/Pt. 2/pp 1508-1509	#pp 1
Prime Bill# SB 1047	Sponsor Zinkel	Comp./Sim. Bills HB 1021 (Warner)	similar/substituted
JLMC Hist. Leg. Cites	Senate pp.#s 347	House pp.#s 254	#pp 2
Committee of Ref.	Senate Jud-Crim	Previous versions?	
	House		

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	Jud. (Crim)	77	BILL FILE SB 1047	18/545	1
			Mtg. FILE 5/23/77 (?) NO 5/23 mtg	18/546	X
H	Jud.	77	BILL FILE HB 1021	19/213	EC
			Mtg. FILE 5/13/77 (?) 5-12 ^{no meeting} files	tapes only	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp
SJ 640	X	5/31/77 (Amend - SB 1047)					

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

- 04/27/77 SENATE INTRODUCED, REFERRED TO COMMERCE -SJ 00233
 05/11/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE -SJ 00367
 05/25/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE -SJ 00502
 05/27/77 SENATE WITHDRAWN FROM COMMERCE -SJ 00552; PLACED ON CALENDAR
 06/03/77 SENATE DIED ON CALENDAR
- S 1046 GENERAL BILL BY WILLIAMSON (IDENTICAL H 1722)
 PUBLIC DEFENDERS; CREATES FLA. PUBLIC DEFENDER COORDINATION OFFICE TO BE PART OF JUDICIAL BRANCH OF STATE GOVERNMENT; DESIGNATES POWERS & DUTIES; CREATES EXECUTIVE COMMITTEE; AUTHORIZES EMPLOYMENT OF EXECUTIVE DIRECTOR & STAFF, ETC. CREATES 27.6J. APPROPRIATION: \$140,221. EFFECTIVE DATE: 07/01/77.
 04/27/77 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, GOVERNMENTAL OPERATIONS, APPROPRIATIONS -SJ 00233
 05/03/77 SENATE COMM. REPORT: FAVORABLE BY JUDICIARY-CIVIL
 05/04/77 SENATE NOW REFERRED TO GOVERNMENTAL OPERATIONS -SJ 00324
 05/18/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL OPERATIONS -SJ 00429
 05/27/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL OPERATIONS -SJ 00552
 06/03/77 SENATE DIED IN COMMITTEE ON GOVERNMENTAL OPERATIONS
- S 1047 GENERAL BILL BY ZINKIL (SIMILAR H 1021)
 FRAUDULENT PRACTICES; PROHIBITS PERSONS FROM ENGAGING IN SCHEMES TO DEFRAUD; REQUIRES CERTAIN PROOF IN A PROSECUTION; PROVIDES PENALTIES. CREATES 817.035. EFFECTIVE DATE: 10/01/77.
 04/27/77 SENATE INTRODUCED, REFERRED TO JUDICIARY-CRIMINAL -SJ 00233
 05/06/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL -SJ 00339
 05/23/77 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY JUDICIARY-CRIMINAL -SJ 00500
 05/31/77 SENATE PASSED AS AMENDED; YEAS 32 NAYS 0 -SJ 00640; CHECK IDENTICAL BILL STATUS
 06/01/77 HOUSE RECEIVED, PLACED ON CALENDAR -HJ 00941
 06/02/77 HOUSE SUBSTITUTED FOR H 1021; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 108 NAYS 4 -HJ 01145
 06/10/77 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 06/24/77 APPROVED BY GOVERNOR CHAPTER NO. 77-348
- S 1048 GENERAL BILL BY ZINKIL (IDENTICAL H 0362)
 RELIEF/CITY OF HOLLYWOOD; PROVIDES FOR REIMBURSEMENT FOR RECONVERSION OF SEWAGE TREATMENT PLANT. CLAIM WITH APPROPRIATION: \$1,476,500. EFFECTIVE DATE: UPON BECOMING LAW.
 04/27/77 SENATE INTRODUCED, REFERRED TO THE SPECIAL MASTER FOR CLAIM BILLS, FINANCE, TAXATION AND CLAIMS, GOVERNMENTAL OPERATIONS; ALSO REFERRED TO APPROPRIATIONS -SJ 00234
 05/04/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS -SJ 00326
 05/19/77 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS -SJ 00447
 06/03/77 SENATE DIED IN COMMITTEE ON THE SPECIAL MASTER FOR CLAIM BILLS
- S 1049 RESOLUTION BY SPICOLA AND OTHERS
 CONTINUED ON NEXT PAGE

- 05/11/77 HOUSE WITHDRAWN FROM FINANCE AND TAXATION -HJ 00506; NOW REFERRED TO APPROPRIATIONS
- 05/16/77 HOUSE WITHDRAWN FROM APPROPRIATIONS -HJ 00579; PLACED ON CALENDAR
- 06/03/77 HOUSE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER TO S 13 (CH. 77-125) & S 535 (CH. 77-357)
- H 1021 GENERAL BILL BY WARNER AND OTHERS (SIMILAR ENG/S 1047)
FRAUDULENT PRACTICES; PROHIBITS PERSONS FROM ENGAGING IN SCHEMES TO DEFRAUD; REQUIRES CERTAIN PROOF IN PROSECUTION; PROVIDES PENALTIES. CREATES 817.035. EFFECTIVE DATE: 10/01/77.
- 04/06/77 HOUSE INTRODUCED, REFERRED TO JUDICIARY, APPROPRIATIONS -HJ 00128
- 05/13/77 HOUSE COMM. REPORT: FAVORABLE BY JUDICIARY -HJ 00577; NOW REFERRED TO APPROPRIATIONS
- 05/18/77 HOUSE WITHDRAWN FROM APPROPRIATIONS -HJ 00607; PLACED ON CALENDAR
- 06/02/77 HOUSE IDEN./SIM. SENATE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO S 1047 (CH. 77-348) -HJ 01145
- H 1022 GENERAL BILL BY MCDONALD AND OTHERS (IDENTICAL H 2336)
VOCATIONAL REHABILITATION DIV.; CREATES SAID DIVISION IN EDUCATION DEPT. & TRANSFERS TO IT POWERS & DUTIES OF H.R.S. RE VOCATIONAL REHABILITATION; CONFORMS VARIOUS SECS. OF STATUTES TO THIS ACT; ABOLISHES VOCATIONAL REHABILITATION PROGRAM OFFICE OF H.R.S. AMENDS CHS. 413 & 20. EFFECTIVE DATE: UPON BECOMING LAW.
- 04/06/77 HOUSE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS, APPROPRIATIONS -HJ 00129
- 05/06/77 HOUSE COMM. REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY GOVERNMENTAL OPERATIONS -HJ 00474
- 06/01/77 HOUSE WITHDRAWN FROM FURTHER CONSIDERATION -HJ 00941
- H 1023 GENERAL BILL BY DANSON
ATTORNEYS AT LAW; ALLOWS DEPUTY SHERIFFS TO PRACTICE LAW. AMENDS 454.18. EFFECTIVE DATE: 10/01/77.
- 04/06/77 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00129
- 04/18/77 HOUSE WITHDRAWN FROM JUDICIARY; WITHDRAWN FROM FURTHER CONSIDERATION -HJ 00263
- H 1024 GENERAL BILL BY FOSTER (COMPARE S 1412)
DRIVERS' LICENSES; PROVIDES OPERATOR'S OR CHAUFFEUR'S LICENSES SHALL NOT BE ISSUED TO PERSON UNDER 18 WHO HAS NOT SUCCESSFULLY COMPLETED DRIVER EDUCATION COURSE; PROVIDES SUCH COURSE CONSIST OF AT LEAST 36 HOURS OF INSTRUCTION, ETC. CREATES 322.115. EFFECTIVE DATE: 07/01/77.
- 04/06/77 HOUSE INTRODUCED, REFERRED TO TRANSPORTATION -HJ 00129
- 05/04/77 HOUSE ALSO REFERRED TO APPROPRIATIONS -HJ 00411
- 06/03/77 HOUSE DIED IN COMMITTEE ON TRANSPORTATION
- H 1025 GENERAL BILL BY NEAL
NURSING HOMES; AUTHORIZES APPLICANTS FOR REVIEW BY H.R.S. OF PLANS FOR CONSTRUCTION OF NURSING HOMES TO SEEK REVIEW BY PRIVATE AGENCY UNDER CERTAIN CIRCUMSTANCES; REQUIRES DEPT. TO ACT UPON DETERMINATION OF SUCH AGENCY. AMENDS 400.23. EFFECTIVE DATE: UPON BECOMING LAW.

CONTINUED ON NEXT PAGE

administration of drugs, and the performance of other necessary procedures to administer advanced life-support services. The department shall allow 1 year from the date on which the rules authorized under this subsection are published for affected persons to comply with such rules and standards. In carrying out the provisions of this section and prior to public hearings as provided in chapter 120, F.S., the department shall consult with employees, who represent no less than nine public employers who are certified by a licensed physician or local medical society, whichever is applicable, and who are performing advanced life support service as members of the employers' emergency medical team. Said rules shall be published at least three months prior to the effective date of this section. Provisional certification as provided in section 401.27(7)F.S. shall not be applicable to this section 401.47.

(2) Any person desiring certification as a paramedic shall make application to the department on forms provided by the department. The department shall issue certification as a paramedic to those persons who meet the qualifications established in rules promulgated by the department.

(3) Paramedics shall administer advanced life-support services only under the responsible supervision of a licensed physician.

(4) Any person who has not been certified by the department as having met the qualifications for certification as a paramedic and who holds himself out as a paramedic is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.084, or by fine not exceeding \$500.

Section 10. This act shall take effect July 1, 1977.

Approved by the Governor June 24, 1977.

Filed in Office Secretary of State June 24, 1977.

CHAPTER 77-348

Senate Bill No. 1047

AN ACT relating to fraudulent practices; creating s. 817.035, Florida Statutes, prohibiting persons from engaging in schemes to defraud; requiring certain proof in a prosecution; providing penalties; providing an effective date.

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

Section 1. Section 817.035, Florida Statutes, is created to read:

817.035 Schemes to defraud; proof; penalties.--

(1) Any person who engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person, or to obtain property from more than one person by false or fraudulent pretenses, representations, or promises, and who so obtains property from one or more of such persons, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud ten or more persons, or to obtain property from ten or more persons by false or fraudulent pretenses, representations, or promises, and who so obtains property from one or more of such persons, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In any prosecution under this section, it shall be necessary to prove the identity of at least one person from whom the defendant so obtained property, but it shall not be necessary to prove the identity of any intended victim.

Section 2. This act shall take effect October 1, 1977.

Approved by the Governor June 24, 1977.

Filed in Office Secretary of State June 24, 1977.

CHAPTER 77-349

Senate Bill No. 1246

AN ACT relating to standards of conduct for public officers and employees; adding s. 112.313(12), Florida Statutes; permitting members of advisory boards to have or hold an employment or contractual relationship with a business entity or agency which is subject to the regulation of, or is doing business with, their own agencies and to purchase, rent, lease, or sell realty, goods, or services to or from their own agencies upon disclosure to, and grant of a waiver by, the body or person that appointed such member to the advisory board; exempting elected officials of counties and municipalities having a specified population from the prohibition against doing business with their own agency and the prohibition relating to conflicting employment and contractual relationships upon disclosure and upon approval; providing an effective date.

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

Section 1. Subsection (12) of section 112.313, Florida Statutes, is created to read:

112.313 Standards of conduct for public officers and employees of agencies.--

(12) EXEMPTION.--The requirements of subsection (3) and subsection (7) as they pertain to persons serving on an advisory board may be waived in a particular instance by the body which appointed the person to the advisory board upon a full disclosure of the transaction or relationship and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances where appointment to the advisory board is made by an individual, waiver may be effected after public hearing by a determination of the appointing person and full disclosure of the transaction or

1 whom the defendant so obtained property, but it shall not be
2 necessary to prove the identity of any other intended victim.

3 Section 2. This act shall take effect October 1, 1977.

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5 *****

6 HOUSE SUMMARY

7 Provides that any person who engages in a scheme with
8 intent to defraud more than one person, or to obtain
9 property from more than one person by false or fraudulent
10 pretenses, representations, or promises, is guilty of a
11 misdemeanor of the first degree. Provides that if the
12 scheme involves an intent to so defraud or obtain
13 property from ten or more persons, the penalty is a
14 felony of the third degree.

15 Provides that in any prosecution under the act, it shall
16 only be necessary to prove the identity of one person
17 from whom the defendant so obtained property.

18/545

By - Senator Zinkl-

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A bill to be entitled

An act relating to fraudulent practices;
creating s. 817.035, Florida Statutes,
prohibiting persons from engaging in schemes to
defraud; requiring certain proof in a
prosecution; providing penalties; providing an
effective date.

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

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created to read:

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(1) Any person who engages in a scheme constituting a
systematic ongoing course of conduct with intent to defraud
more than one person, or to obtain property from more than one
person by false or fraudulent pretenses, representations, or
promises, and who so obtains property from one or more of such
persons, is guilty of a misdemeanor of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

(2) Any person who engages in a scheme constituting a
systematic ongoing course of conduct with intent to defraud
ten or more persons, or to obtain property from ten or more
persons by false or fraudulent pretenses, representations, or
promises, and who so obtains property from one or more of such
persons, is guilty of a felony of the third degree, punishable
as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In any prosecution under this section, it shall be
necessary to prove the identity of at least one person from

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1	whom the defendant so obtained property, but it shall not be	1.21
2	necessary to prove the identity of any other intended victim.	1.22
3	Section 2. This act shall take effect October 1, 1977.	1.23
4		
5	*****	1:hbs
6	HOUSE SUMMARY	1:hbs
7	Provides that any person who engages in a scheme with	1.25
8	intent to defraud more than one person, or to obtain	1.25/2
9	property from more than one person by false or fraudulent	1.25/3
10	pretenses, representations, or promises, is guilty of a	1.25/4
11	misdemeanor of the first degree. Provides that if the	1.25/5
12	scheme involves an intent to so defraud or obtain	1.25/6
13	property from ten or more persons, the penalty is a	
14	felony of the third degree.	
15		
16	Provides that in any prosecution under the act, it shall	1.25/6
17	only be necessary to prove the identity of one person	1.32
18	from whom the defendant so obtained property.	1.33
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19/213

By Representative Warner

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A bill to be entitled
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punishable as provided in s. 775.082, s. 775.083, or s.
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(2) Any person who engages in a scheme constituting a
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(3) In any prosecution under this section, it shall be
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Fraudulent Practices

Senate Bill 1047 prohibits two schemes to defraud whereby property is obtained from at least one person. A scheme in which the intent was to defraud or obtain property from more than one person is punishable as a 1st degree misdemeanor. A scheme in which the intent was to defraud or obtain property from ten or more persons is punishable as a 3rd degree felony. Proof of the identity of at least one person from whom property was obtained is required in any prosecution, but the identity of intended victims need not be proved.

JUDICIARY COMMITTEE

19/2/13

HB: 1021

STAFF SUMMARY

SPONSOR: Warner and Becker

SUBJECT: Fraudulent practices

DATE: 5-4-77 STN

I. STATEMENT OF THE PROBLEM:

Chapter 817, F.S., relating to fraudulent practices contains many prohibitions against specific types of fraudulent or deceptive practices. However, there is no section regarding to general systematic ongoing schemes to defraud more than one person.

II. FACTS BEARING ON THE PROBLEM:

- A. Statutes affected: s. 817.035, F.S., created.
- B. Legislative intent: To prohibit systematic ongoing courses of conduct with the intent to defraud more than one person, or to obtain property from more than one person by false or fraudulent pretenses, representations, or promises, and which results in
- C. Other: obtaining property from one or more of such persons.

Identical to SB 1047, which has been referred to the Senate Judiciary Criminal Committee.

III. DISCUSSION:

This bill is technically correct in form and substance.

IV. PROBABLE CONSEQUENCES OF BILL:

One who engages in a "scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person, or to obtain property from one or more person by false or fraudulent pretenses, etc., who so obtains property from at least one of such persons, will be guilty of a misdemeanor of the first degree, provided in s. 775.082, s. 775.083, s. 775.084. One who intends to defraud 10 or more persons, and obtains property from at least one of them is guilty of a third degree felony, punishable under above listed sections. In a prosecution under this section, it is necessary to

- V. FISCAL IMPACT: prove identity of at least one person from whom defendant so obtained property, but it shall not be necessary to prove identity of any other intended victim.
None.

VI. ECONOMIC IMPACT:

Possible reduction in the amount of property and money lost to fraudulent schemes.