

1978

## Session Law 78-210

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1978	Session Law No. 78-210	LOF Cite Vol. I / pt. 1 / p. 695	#pp 1
Prime Bill# HB 1487	Sponsor NUCKOLLS	Comp./Sim. Bills SB 884 (Scott) similar/substituted	
JLMC Hist. Leq. Cites	Senate pp.#s 297	House pp.#s 297	#pp 2
Committee of Ref.	Senate Jud - (CRIM)	Previous versions?	
	House CRIM, JUSTICE		

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	(CRIM, JUST.)	78	BILL FILE HB 1487 (110 bill files)		
			Mtg. FILE 5/10/78 (?)	19/518	4
			"Summaries, 1978"	19/591	X
S	JUD - (CRIM)	78	BILL FILE SB 884	18/653	
			Mtg. FILE 5/16/78 (?)	tapes only	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp
HJ 661		5/17/78		SV523	X	May 25, 1978 (technical)	
HJ 669	X	5/22/78					

Tape Recordings

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

Other Documentation

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

## 06/02/78 SENATE DIED ON CALENDAR

- S 0881 GENERAL BILL BY THOMAS, P. (IDENTICAL H 1316)  
 FUNERAL DIRECTORS & EMBALMERS; REQUIRES PERSONS WHO DESIPE TO BE  
 LICENSED AS EMBALMERS TO TAKE & SUCCESSFULLY PASS, WITHIN CERTAIN TIME  
 PERIOD, EXAMINATION ADMINISTERED BY CONFERENCE OF FUNERAL SERVICE  
 EXAMINING BDS.; PROVIDES FOR APPLICATION & FEE FOR LICENSURE BY  
 RECIPROCITY, ETC. AMENDS CH. 470. EFFECTIVE DATE: 06/06/78.  
 04/21/78 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND  
 CONSUMER AFFAIRS, APPROPRIATIONS -SJ 00188  
 05/01/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY  
 AND CONSUMER AFFAIRS  
 05/09/78 SENATE COMM. REPORT: FAVORABLE BY ECONOMIC, COMMUNITY AND  
 CONSUMER AFFAIRS -SJ 00344  
 05/10/78 SENATE NOW IN APPROPRIATIONS -SJ 00344  
 05/18/78 SENATE WITHDRAWN FROM APPROPRIATIONS -SJ 00413; PLACED ON  
 CALENDAR  
 05/25/78 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED; YEAS 32 NAYS  
 0 -SJ 00549  
 05/30/78 HOUSE RECEIVED, PLACED ON CALENDAR -HJ 00831; SUBSTITUTED FOR  
 HB 1316; READ SECOND TIME; READ THIRD TIME; PASSED;  
 YEAS 110 NAYS 0 -HJ 00843  
 06/01/78 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 00742  
 06/06/78 APPROVED BY GOVERNOR CHAPTER NO. 78-151
- S 0882 GENERAL BILL BY MACKAY (IDENTICAL H 0733)  
 IMPOPTED PORK; PROHIBITS PURCHASE BY PUBLIC AGENCIES OF IMPORTED PORK  
 UNDER CEPTAIN CIRCUMSTANCES; PROVIDES PENALTY. AMENDS 585.3401.  
 EFFECTIVE DATE: 10/01/78.  
 04/21/78 SENATE INTRODUCED, REFERRED TO AGRICULTURE, COMMERCE  
 -SJ 00189  
 05/04/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE AGRICULTURE  
 06/02/78 SENATE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO HB 733 (CH. 78-71)
- S 0883 GENERAL BILL BY MACKAY AND OTHERS (SIMILAR H 1314)  
 EDUCATION; AUTHORIZES EDUCATION DEPT. TO SELL STUDENT LOAN NOTES TO  
 STUDENT LOAN MARKETING ASSN.; AUTHORIZES DEPT. TO ENTER INTO AGREEMENTS  
 WITH SUCH ASSOCIATION & TAKE SUCH ACTION & ADOPT SUCH REGULATIONS AS ARE  
 NECESSARY TO COMPLY WITH FEDERAL REQUIREMENTS & WITH SUCH AGREEMENTS.  
 AMENDS 239.72. EFFECTIVE DATE: UPON BECOMING LAW.  
 04/21/78 SENATE INTRODUCED, REFERRED TO EDUCATION -SJ 00189  
 04/25/78 SENATE WITHDRAWN FROM EDUCATION; PLACED ON SPECIAL ORDER  
 CALENDAR -SJ 00211; IDEN./SIM. HOUSE BILL SUBSTITUTED;  
 LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL  
 PASSED, REFER TO HB 1314 (CH. 78-11) -SJ 00211
- S 0884 GENERAL BILL BY SCOTT AND OTHERS (SIMILAR ENG/H 1487)  
 THEFT, ROBBERY & RELATED CRIMES; DEFINES TERM "ORGANIZED FRAUD";  
 PPOVIDES PENALTIES RE PERSONS WHO ARE CONVICTED OF COMMITTING CRIME OF  
 ORGANIZED FRAUD. CREATES 812.0145. EFFECTIVE DATE: 10/01/78.  
 04/21/78 SENATE INTRODUCED, REFERRED TO JUDICIARY-CRIMINAL -SJ 00189  
 05/01/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL  
 05/15/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL  
 05/16/78 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR  
 BY JUDICIARY-CRIMINAL -SJ 00384  
 05/25/78 SENATE IDEN./SIM. HOUSE BILL SUBSTITUTED -SJ 00522; LAID ON  
 TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER  
 TO HB 1487 (CH. 78-210) -SJ 00523
- S 0885 GENERAL BILL BY SCOTT (SIMILAR ENG/H 0650, CS/S 0657)  
 INTANGIBLE PERSONAL PROPERTY TAX; PROVIDES THAT WHEN A TAX EXECUTION  
 LEVIED FOR DELINQUENT INTANGIBLE PERSONAL PROPERTY TAXES BECOMES VOID,  
 THE REVENUE DEPT. & CERTAIN OTHER OFFICIALS SHALL CANCEL SAME OF RECORD  
 UPON REQUEST. AMENDS 199.262. EFFECTIVE DATE: UPON BECOMING LAW.  
 04/21/78 SENATE INTRODUCED, REFERRED TO FINANCE, TAXATION AND CLAIMS  
 -SJ 00189  
 05/01/78 SENATE WITHDRAWN FROM FINANCE, TAXATION AND CLAIMS;  
 INDEFINITELY POSTPONED, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO HB 650 (CH. 78-43) -SJ 00255

05/23/78 SENATE CONSIDERED, PLACED ON LOCAL CALENDAR BY RULES AND CALENDAR -SJ 00451  
05/24/78 SENATE PASSED; YEAS 38 NAYS 0 -SJ 00494  
05/31/78 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00933  
06/16/78 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE CHAPTER NO. 78-530

H 1483 GENERAL BILL BY CONSIDINE  
EVIDENCE; PERMITS PARTY TO CALL & INTERROGATE WITNESS WHO IS EMPLOYEE OF ADVERSE PARTY AS IF WITNESS WERE CALLED BY ADVERSE PARTY; LIMITS SCOPE OF CROSS-EXAMINATION BY ADVERSE PARTY. AMENDS 90.612. EFFECTIVE DATE: 07/01/78.  
04/17/78 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00226  
06/02/78 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 1484 GENERAL BILL BY CONSIDINE  
MOBILE HOME PARKS; PROHIBITS INFRINGEMENT UPON RIGHT OF M.H. OWNERS TO PEACEABLY ASSEMBLE AT REASONABLE TIMES & IN REASONABLE MANNER IN COMMON AREAS OR RECREATION AREAS; PROHIBITS INFRINGEMENT UPON RIGHT OF M.H. OWNER TO INVITE PUBLIC OFFICERS OR CANDIDATES TO APPEAR & SPEAK, ETC. AMENDS F.S. EFFECTIVE DATE: 10/01/78.  
04/17/78 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00226  
05/05/78 HOUSE SUBREFERRED TO SUBCOMMITTEE ON CONSUMER, PROBATE & FAMILY LAW  
06/02/78 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 1485 GENERAL BILL BY CONSIDINE (SIMILAR S 0548)  
EXCISE TAX ON DOCUMENTS; AUTHORIZES IMPOSITION OF UP TO .4 OF 1% REAL PROPERTY TRANSFER TAX BY VARIOUS SCHOOLS BOARDS OF STATE UPON TRANSFER OF ANY REAL PROPERTY WITHIN SCHOOL DISTRICT; PROVIDES METHOD OF COLLECTION; LIMITS USE OF SUCH REVENUE FOR SCHOOL CAPITAL OUTLAY, ETC. CREATES 201.0215. EFFECTIVE DATE: UPON BECOMING LAW.  
04/17/78 HOUSE INTRODUCED, REFERRED TO EDUCATION, FINANCE & TAXATION, APPROPRIATIONS -HJ 00226  
06/02/78 HOUSE DIED IN COMMITTEE ON EDUCATION

H 1486 GENERAL BILL BY GERSTEN, COX (IDENTICAL S 0666, COMPARE H 1009, ENG/S 0445)  
FIREFIGHTERS PENSION TRUST FUND; REPEALS PROVISION RE LIMITATION ON AMOUNT OF MONEYS RECEIVED BY PARTICIPATING MUNICIPALITIES FROM FUND. REPEALS 175.122. EFFECTIVE DATE: UPON BECOMING LAW.  
04/17/78 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS -HJ 00226  
05/04/78 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY COMMUNITY AFFAIRS -HJ 00420  
06/02/78 HOUSE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER TO SB 445 (VETOED BY GOV.)

H 1487 GENERAL BILL BY NUCKOLLS, HOGGES, SMITH AND OTHERS (SIMILAR S 0884)  
FRAUDULENT PRACTICES; DEFINES TERM "ORGANIZED FRAUD"; PROVIDES PENALTIES RE PERSONS WHO ARE CONVICTED OF COMMITTING CRIME OF ORGANIZED FRAUD. CREATES 817.036. EFFECTIVE DATE: 10/01/78.  
04/17/78 HOUSE INTRODUCED, REFERRED TO CRIMINAL JUSTICE, APPROPRIATIONS -HJ 00226  
05/10/78 HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY CRIMINAL JUSTICE -HJ 00473; NOW IN APPROPRIATIONS  
05/11/78 HOUSE WITHDRAWN FROM APPROPRIATIONS -HJ 00474; PLACED ON CALENDAR  
05/17/78 HOUSE PLACED ON SPECIAL ORDER CALENDAR  
05/19/78 HOUSE READ SECOND TIME; AMENDMENT ADOPTED -HJ 00661  
05/22/78 HOUSE READ THIRD TIME; PASSED AS AMENDED; YEAS 107 NAYS 0 -HJ 00669  
05/24/78 SENATE RECEIVED, REFERRED TO JUDICIARY-CRIMINAL -SJ 00450  
05/25/78 SENATE WITHDRAWN FROM JUDICIARY-CRIMINAL; PLACED ON CALENDAR; SUBSTITUTED FOR S 884 -SJ 00522; PASSED AS AMENDED; YEAS 29 NAYS 0 -SJ 00523  
05/30/78 HOUSE CONCURRED; PASSED AS FURTHER AMENDED; YEAS 109 NAYS 0 -HJ 00838  
06/02/78 HOUSE ORDERED ENGROSSED, THEN ENROLLED  
06/05/78 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR  
06/14/78 APPROVED BY GOVERNOR CHAPTER NO. 78-210

GENERAL ACTS  
RESOLUTIONS AND MEMORIALS  
ADOPTED BY THE  
FIFTH LEGISLATURE OF FLORIDA  
UNDER THE CONSTITUTION  
AS REVISED IN 1968

During its Second Regular Session  
April 4, 1978 through June 2, 1978  
and the Special Session  
June 7, 1978 through June 8, 1978



Volume I, Part One

Published by Authority of Law

Under Direction of the

JOINT LEGISLATIVE MANAGEMENT  
COMMITTEE

TALLAHASSEE

1978

## 23.019 Population census determination.--

(1) The Department of Administration, either through its own resources or by contract, shall produce population estimates of local governmental units as of April July 1 of each year, utilizing accepted statistical practices. The population of local governments, as determined by the Department of Administration, shall apply to any revenue-sharing formula with local governments under the provisions of ss. 218.20-218.26, part II of chapter 218. For municipal annexations or consolidations occurring during the period April July 1 through February 28 May-31, the Department of Administration shall determine the population count of the annexed areas as of April July 1 and include such in its certification to the Department of Revenue for the annual revenue-sharing calculation.

Section 2. This act shall take effect January 1, 1979.

Approved by the Governor June 14, 1978.

Filed in Office Secretary of State June 14, 1978.

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CHAPTER 78-210

## House Bill No. 1487

AN ACT relating to fraudulent practices; creating s. 817.036, Florida Statutes; defining the term "organized fraud"; providing penalties with respect to persons who are convicted of committing the crime of organized fraud; providing an effective date.

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

Section 1. Section 817.036, Florida Statutes, is created to read:

817.036 Organized fraud defined; penalties.--

(1) As used in this section the term "organized fraud" means a scheme or operation by fraud or misrepresentation whereby any person obtains any property of an aggregate value of \$50,000 or more from five or more victims.

(2)(a) Any person who commits the crime of organized fraud shall, upon conviction, be guilty of a felony of the first degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1978.

Approved by the Governor June 14, 1978.

Filed in Office Secretary of State June 14, 1978.

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CHAPTER 78-211

## House Bill No. 1645



DATE: May 30, 1978 UPDATED - FINAL

COMMITTEE ACTION: 1. Fav. w/2 amends.

ANALYST STAFF DIRECTOR

2. \_\_\_\_\_

1. DiGiacomo Moore *EM*

SENATE

3. \_\_\_\_\_

2. \_\_\_\_\_ STAFF ANALYSIS AND ECONOMIC STATEMENT

AMENDMENTS ATTACHED X

3. \_\_\_\_\_ JUDICIARY-CRIMINAL COMMITTEE

BILL No. AND SPONSOR:

SUBJECT: Fraudulent Practices

SB 884 - Senator Scott & Others

REFERENCES: Judiciary-Criminal

Florida Senate - 1978

SB 884

By Senators Scott, J. Thomas, Williamson, Gorman and Trask-

*15/653*

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A bill to be entitled

An act relating to theft, robbery, and related crimes; creating s. 812.0145, Florida Statutes, defining the term "organized fraud"; providing penalties with respect to persons who are convicted of committing the crime of organized fraud; providing an effective date.

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. 775.082, 775.083  
. 817.035(2),  
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i in ss. 775.082,

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

Section 1. Section 812.0145, Florida Statutes, is created to read:

812.0145 Organized fraud defined; penalties.--

(1) As used in this section the term "organized fraud" means a scheme or operation by fraud or misrepresentation whereby any person obtains any property of an aggregate value of \$50,000 or more from five or more victims.

(2)(a) Any person who commits the crime of organized fraud shall, upon conviction, be guilty of a felony of the first degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084.

(b) Upon a second or subsequent conviction for the crime of organized fraud the offender, in addition to the penalties provided for in s. 775.084, shall be sentenced to a minimum term of imprisonment of 3 calendar years.

Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the offender be eligible for parole or statutory gain-time under s. 944.27 or s. 944.29, prior to serving such minimum 3-year sentence.

Section 2. This act shall take effect October 1, 1978.

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III. ECONOMIC CONSIDERATIONS:

A. Economic Impact on the Public: Yes X No

An indeterminate cost to the public would be incurred through imprisonment and fines for those individuals convicted of the new crime of organized fraud as provided in the bill.

B. Economic Impact on State or Local Government: Yes No X

IV. COMMENTS:

HB 1487 by Representatives Nuckolls, Hodges, Smith and Others is the companion to SB 884.

HB 1487 was substituted for SB 884 and passed by the Senate on May 25, 1978. HB 1487 was passed unanimously by the House on May 22, 1978 and subsequently passed as amended by the Senate on May 25, 1978 with the House concurring on May 30, 1978.



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Series 19 Carton 518

By Representatives Nuckolls, Hodges, Smith and others

A bill to be entitled

An act relating to theft, robbery, and related crimes; creating s. 812.0145, Florida Statutes, defining the term "organized fraud"; providing penalties with respect to persons who are convicted of committing the crime of organized fraud; providing an effective date.

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

Section 1. Section 812.0145, Florida Statutes, is created to read:

812.0145 Organized fraud defined; penalties.--

(1) As used in this section the term "organized fraud" means a scheme or operation by fraud or misrepresentation whereby any person obtains any property of an aggregate value of \$50,000 or more from five or more victims.

(2)(a) Any person who commits the crime of organized fraud shall, upon conviction, be guilty of a felony of the first degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084.

(b) Upon a second or subsequent conviction for the crime of organized fraud the offender, in addition to the penalties provided for in s. 775.084, shall be sentenced to a minimum term of imprisonment of 3 calendar years.

Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the offender be eligible for parole or statutory gain-time under s. 944.27 or s. 944.29, prior to serving such minimum 3-year sentence.

Section 2. This act shall take effect October 1, 1978.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.

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*Alaska subsection*

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HOUSE SUMMARY

1:hbs

Provides a new crime called "organized fraud" as defined in the act. Provides that commission of the crime is a felony of the first degree. Provides a minimum 3-year sentence for second or subsequent convictions.

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1.18  
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April 28, 1978

HB 1487 by Nuckolls, Hodges, Smith and others  
Creating the offense of organized fraud.

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Other Committees of Reference

Appropriations

I. Statement of the Problem

Introducers apparently believe that new statutory provisions are needed to cope with certain types of fraud and that mandatory sentences for second offenses should be 3 years.

II. Facts Bearing on the Problem

A. Statutes Affected

Section 812.0145, Florida Statutes, would be created.

B. Legislative Intent

Chapter 817, Florida Statutes, deals with fraudulent practices generally. Should the new Provision be integrated with this chapter?

Subsection (1) of the present bill defines organized fraud as "a scheme or operation by fraud or misrepresentation whereby any person obtains any property of an aggregate value of \$50,000 or more from five or more victims." Does this definition sufficiently identify the new crime and differentiate it from other crimes (e.g. larceny)?

C. Other

III. Discussion

See section V, below.

IV. Constitutionality

The bill appears constitutional.

HB 1487 by Knuckolls, Hodges, Smith and Others

v. Probable Consequences of the Bill

Organized fraud would be defined (see section II, B, above). The classification of this crime would be a felony of the first degree. A second or subsequent conviction would incur an additional three year mandatory sentence.

VI. Fiscal Impact

Increased costs due to increased incarceration time for offenders could result. For second and subsequent offenses a mandatory sentence of 3 years would be imposed without possibility of withholding of adjudication or sentence. There would be no parole or statutory gain-time allowed.

VII. Economic Impact

None apparent.

L/p