

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1173 — Florida Communications Fraud Act

by Criminal Justice Subcommittee and Rep. Spano and others (CS/SB 1404 by Criminal Justice Committee and Senator Stargel)

The bill amends s. 817.034, F.S., the Communications Fraud Act (CFA). The CFA makes it a crime for a person to engage in a scheme to defraud and obtain property; or engage in a scheme to defraud and, in furtherance of that scheme, communicate with any person with intent to obtain property from that person.

The CFA does not contain a provision specifying a statute of limitation for violations; therefore, the general statutes of limitation contained in s. 775.15, F.S., apply. This requires that violations be prosecuted as follows:

- Prosecution for a felony of the first degree must be commenced within 4 years after it is committed;
- Prosecution for any other felony must be commenced within 3 years after it is committed;
- Prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed; and
- Prosecution for a misdemeanor of the second degree or a noncriminal violation must be commenced within 1 year after it is committed.

The bill extends the statute of limitation for violations of the Communications Fraud Act to 5 years after the cause of action accrues in both civil and criminal matters.

The bill tolls the statute of limitation for up to an additional year if the defendant in a criminal case is outside the jurisdiction of the court.

The Criminal Punishment Code is amended to elevate violations of the CFA from Level 6 to Level 7. This amendment has the effect of increasing the total sentencing points and therefore could result in more defendants being sentenced to prison for violations of the Act.

This bill substantially amends ss. 817.034 and 921.0022, F.S.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 36-0; House 117-0