

certain estate taxes; providing for payment of such tax by the personal representative; providing an effective date.

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

Section 1. Section 198.15, Florida Statutes, is amended to read:

198.15 When tax due; extension; interest.--The tax imposed by this chapter shall be due and payable 9 months after the decedent's death, and shall be paid by the personal representative ~~executor~~ to the department. Where the department finds that the payment on the due date of the tax or any part thereof would impose undue hardship upon the estate, the department may extend the time for payment of any such part, but no extension shall be for more than 1 year, and the aggregate of extensions with respect to any estate shall not exceed 10 years from the due date. In such case, the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, unless a further extension be granted. If the time for the payment is thus extended, there shall be collected, as part of such amount, interest thereon at the rate of ~~one-half of~~ 1 percent per month of the amount due from the due date of the tax to the date the same shall be paid.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 19, 1980.

Filed in Office Secretary of State May 19, 1980.

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CHAPTER 80-25

House Bill No. 21

An act relating to venue; creating s. 910.15, Florida Statutes, providing alternative venue for certain criminal prosecutions involving theft and fraudulent practices; providing an effective date.

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

Section 1. Section 910.15, Florida Statutes, is created to read:

910.15 Theft and fraudulent practices involving various means of communication.--A person charged with committing a fraudulent practice in a manner in which it may reasonably be assumed that a solicitation or false or misleading representation could or would be disseminated across jurisdictional lines, or a theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication may be tried in the county in which the dissemination originated or in which the dissemination was made or in which the last act necessary to consummate the offense occurred.

Section 2. This act shall take effect October 1, 1980.

Approved by the Governor May 20, 1980.

Filed in Office Secretary of State May 20, 1980.

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CHAPTER 80-26

House Bill No. 136

An act relating to insurance; amending s. 631.52, Florida Statutes, excluding self-insurers from coverage of the Florida Insurance Guaranty Association Act; amending s. 631.67, Florida Statutes, altering the length of mandatory stays of certain proceedings; providing an effective date.

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

Section 1. Section 631.52, Florida Statutes, is amended to read:

631.52 Scope.--This part shall apply to all kinds of direct insurance except life, title, surety, disability, credit, mortgage guaranty, surplus lines, self-insurance, ocean marine, and wet marine insurance.

Section 2. Section 631.67, Florida Statutes, is amended to read:

631.67 Stay of proceedings; reopening of default judgments.--All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court or before any quasi-judicial body or administrative board in this state shall be stayed for ~~up to~~ 6 months, or such additional period from the date the insolvency is adjudicated, by a court of competent jurisdiction to permit proper defense by the association of all pending causes of action as to any covered claims ~~arising from a judgment under any decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend an insured~~; provided that such stay may be extended for a period of time greater than 6 months upon proper application to a court of competent jurisdiction. The association, either on its own behalf or on behalf of such insured, may apply to have any such judgment, order, decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend an insured set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding, and shall be permitted to defend against such claim on the merits. If requested by the association, the stay of proceedings may be shortened or waived.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 20, 1980.

Filed in Office Secretary of State May 20, 1980.

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CHAPTER 80-27

Committee Substitute for House Bill Nos. 532 and 630

November 27, 1979

HB 21 by Representative Eckhart

Provides alternative venue for certain prosecutions of theft or fraudulent practices under Chapter 817, Florida Statutes.

Other Committees of Reference

None

I. Statement of the Problem

Introducer feels that statutory law is necessary to provide for alternate venue for cases involving fraud and false pretenses.

II. Fiscal Impact

Impact minimal

III. Comments

A. Discussion

Section 910.05 and 910.06, Florida Statutes, already provide that for most offenses which involve multi-jurisdictional issues, venue may lie in more than one county. Cases involving fraud and false pretenses, however, are unique in that case law holds that venue lies only in the county where the last act necessary to consummate the offense has occurred; that is the jurisdiction where the money was obtained.

This bill takes care of that problem in that it provides for alternate venue for prosecution of fraudulent practices. It allows the case to be tried in the county in which the dissemination originated or in which the dissemination was made or in which the last act necessary to consummate the offense occurred.

The bill's intent may not be clear as to whether all fraudulent practices under Chapter 817 come under this bill or just those fraudulent practices involving misleading advertising or thefts involving the use of the mail, telephone, newspaper, radio, television, or other means of communication.

B. Constitutionality

The bill appears to be constitutional.

HB 21 by Representative Eckhart

C. Legislative Intent

The intent to provide alternate venue for the prosecution of fraudulent practices is clear, but what fraudulent practices are to be included is subject to differing interpretations.

IV. Amendments

By Senator Hill

1 A bill to be entitled  
 2 An act relating to venue; creating s. 910.15,  
 3 Florida Statutes, providing alternative venue  
 4 for certain criminal prosecutions involving  
 5 theft and fraudulent practices; providing an  
 6 effective date.

7  
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10 Section 1. Section 910.15, Florida Statutes, is  
11 created to read:

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 13 various means of communication.--A person who has committed a  
 14 fraudulent practice under chapter 817, including misleading  
 15 advertising, or a theft involving the use of the mail,  
 16 telephone, newspaper, radio, television, or other means of  
 17 communication in a manner in which it may reasonably be  
 18 assumed that a solicitation or false or misleading  
 19 representation could or would be disseminated across  
 20 jurisdictional lines, may be tried in the county in which the  
 21 dissemination originated or in which the dissemination was  
 22 made or in which the last act necessary to consummate the  
 23 offense occurred.

24 Section 2. This act shall take effect October 1, 1980.

25  
26 \*\*\*\*\*

27 HOUSE SUMMARY

28 Provides alternate venue for certain prosecutions of  
 29 theft or fraudulent practices involving the use of the  
 30 mail, telephone, television, radio, newspapers, or other  
 31 means of communication if the dissemination of a  
 solicitation or misleading representation could  
 reasonably have crossed jurisdictional lines.

This public document has been promulgated in full text format. It is the policy of the legislature and the public to provide the public with the most current and complete information available. The cost of \$6.28 per printed page for 1200 copies to inform the legislature and the public of proposed legislation.

DATE: March 28, 1980

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. B. Berry	P. Liepshutz	1. J. Crim.	
2. _____		2. _____	
3. _____		3. _____	

SUBJECT: Providing alternative venue for certain fraudulent practices

BILL No. AND SPONSOR:  
SB 131 by  
Senator Hill

I. SUMMARY:

A. Present Situation:

The place of trial, generally, is covered by s. 910.03, Florida Statutes. The section provides that, except when s. 910.035, Florida Statutes, relating to transfers is applicable, criminal prosecutions shall be tried in the county where the offense was committed. If the county is not known, the accused may be charged in two or more counties conjunctively, and before trial the accused may elect the county in which he will be tried.

B. Effect of Proposed Changes:

Senate Bill 131 provides that a person who has committed certain fraudulent practices may be tried in one of three alternative venues. The bill requires that the offense committed be a fraudulent practice as provided in chapter 817, including misleading advertising, or a theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication in a manner in which it may reasonably be assumed that a solicitation or false or misleading representation could or would be disseminated across jurisdictional lines. If a person committed such a fraudulent practice, then the offender may be tried in: (1) the county in which the dissemination originated, or (2) the county in which the dissemination was made, or (3) the county in which the last act necessary to consummate the offense occurred.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public: Indeterminate

B. Government: Indeterminate

III. COMMENTS:

Senate Bill 131 is identical to House Bill 21, sponsored by Representative Eckhart.

The purpose of this legislation is to solve the problem of multiple litigation in fraudulent practice cases which involve misleading advertisement or a theft involving the mail or other means of communication. Section 910.05, Florida Statutes, presently provides that for most offenses which involve multi-jurisdictional issues, venue may lie in more than one county. However, cases involving fraud and false pretense are unique. In these kind of cases, Florida courts have held that venue lies only in the county where the last act occurred; generally, the jurisdiction where the money or other

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: B.Berry  
Staff Director: P.Liepshutz  
Subject: Providing alternative  
venue for certain fraudulent  
practices

Bill No. And Sponsor:

SB 131 by  
Senator Hill

property was obtained. As a result, no one jurisdiction is able to prosecute the overall fraudulent scheme.

This bill provides for alternative venues for prosecution of fraudulent practices. Venue will still lie where the last act necessary to consummate the offense occurred. In addition, venue will lie where the dissemination of the false or misleading representation was made, and where the dissemination originated.

It is unclear from the bill whether all fraudulent practices under chapter 817 come within its purview or just those fraudulent practices involving misleading advertising, or a theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication.

IV. AMENDMENTS:

None

DATE: April 17, 1980 (UPDATED)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. B. Berry	P. Liepshutz	1. J. Crim.	Fav/1 amend.
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

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IV. AMENDMENTS:

#1 by Judiciary-Criminal--

A technical amendment that clarifies the wording of the bill, but makes no substantive changes.



DATE: June 16, 1980 (Updated)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. B. Berry	P. Liepshutz	1. J. Crim.	Fav/1 amend.
2. _____	_____	2. _____	_____
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~~FINAL UPDATE: Senate Bill 131 as amended by the Committee on Judiciary-Criminal passed the Senate. Upon reconsideration, HB 21, the identical House companion, was substituted for SB 131. House Bill 21, previously passed by the House of Representatives, passed the Senate by a vote of 38 yeas and 0 nays on 13 May 1980 and was approved by the Governor on 20 May 1980. (See Chapter 80-25, Laws of Florida.)~~

IV. AMENDMENTS:

#1 by Judiciary-Criminal--  
A technical amendment that clarifies the wording of the bill, but makes no substantive changes.