

20.19 ORGANIZED FRAUD

817.034(4)(a), Fla. Stat.

To prove the crime of Organized Fraud, the State must prove the following two elements beyond a reasonable doubt:

- 1. (Defendant) engaged in a scheme to defraud.**
- 2. (Defendant) thereby obtained [property] [(specify property if alleged in the information)].**

Definitions. Give if applicable.

“Scheme to Defraud” means 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.

“Willful” means intentional, purposeful, and with knowledge.

“Obtain” means to temporarily or permanently deprive any person of the right to property or a benefit therefrom, or to appropriate the property to one's own use or to the use of any other person not entitled thereto.

“Property” means anything of value, and includes:

- 1. Real property, including things growing on, affixed to, or found in land;**
- 2. Tangible or intangible personal property, including rights, privileges, interests, and claims; and**
- 3. Services.**

Degrees. Give as applicable.

If you find the defendant guilty of Organized Fraud, you must also determine if the State has proved beyond a reasonable doubt whether:

- a. The aggregate value of the property obtained was \$50,000 or more.**
- b. The aggregate value of the property obtained was \$20,000 or more but less than \$50,000.**
- c. The aggregate value of the property obtained was less than 20,000.**

“Value” means value determined according to any of the following: The market value of the property at the time and place of the offense, or, if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense.

If the exact value cannot be determined, you should attempt to determine a minimum value. If the minimum value of the property cannot be determined, you must find the value is less than \$20,000.

Note to Judge. If the property obtained is a written instrument or trade secret that does not have a readily ascertainable market value, give the definition of “value” in s. 817.034(3)(e)1.b or 1.c.

Reclassification. Give if § 817.034(4)(c), Fla. Stat. is charged.

If you find the defendant committed Organized Fraud, you must further determine whether the State proved beyond a reasonable doubt that the victim of the Organized Fraud was [65 years or older] [less than 18 years of age] [or] [a person with a mental or physical disability].

Give if applicable. § 775.0863, Fla. Stat.

“Mental or physical disability” means a condition of mental or physical incapacitation due to a developmental disability, organic brain damage, or mental illness, and one or more mental or physical limitations that restrict a person’s ability to perform the normal activities of daily living.

Lesser Included Offenses

ORGANIZED FRAUD — 817.034(4)(a)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Grand theft – second degree		812.014(2)(b)1	14.1
Grand theft – third degree		812.014(2)(c)1, 2, 3	14.1
Petit theft – first degree		812.014(2)(e)	14.1
Petit theft – second degree		812.014(3)(a)	14.1
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 2012 [87 So. 3d 679 (Fla. 2012)] and amended in 2013 [131 So. 3d 720], and on June 27, 2025.