

By Senator Gutman

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A bill to be entitled
An act relating to criminal mischief; amending
s. 806.13, F.S.; authorizing the court to
aggregate the value of damage to separate
properties in determining the sentence for an
offense of criminal mischief in which the
damage occurred during one scheme or course of
conduct; providing an effective date.

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

Section 1. Subsections (1), (2), and (3) of section
806.13, Florida Statutes, are reenacted and subsection (4) of
that section is amended, to read:

806.13 Criminal mischief; penalties; penalty for
minor.--

(1)(a) A person commits the offense of criminal
mischief if he or she willfully and maliciously injures or
damages by any means any real or personal property belonging
to another, including, but not limited to, the placement of
graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is \$200 or less,
it is a misdemeanor of the second degree, punishable as
provided in s. 775.082 or s. 775.083.

2. If the damage to such property is greater than \$200
but less than \$1,000, it is a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083.

3. If the damage is \$1,000 or greater, or if there is
interruption or impairment of a business operation or public
communication, transportation, supply of water, gas or power,
or other public service which costs \$1,000 or more in labor

1 and supplies to restore, it is a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

4 (2) Any person who willfully and maliciously defaces,
5 injures, or damages by any means any church, synagogue,
6 mosque, or other place of worship, or any religious article
7 contained therein, is guilty of a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084, if the damage to the property is greater than \$200.

10 (3) Whoever, without the consent of the owner thereof,
11 willfully destroys or substantially damages any public
12 telephone, or telephone cables, wires, fixtures, antennas,
13 amplifiers, or any other apparatus, equipment, or appliances,
14 which destruction or damage renders a public telephone
15 inoperative or which opens the body of a public telephone, is
16 guilty of a felony of the third degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084; provided, however,
18 that a conspicuous notice of the provisions of this subsection
19 and the penalties provided is posted on or near the destroyed
20 or damaged instrument and visible to the public at the time of
21 the commission of the offense.

22 (4)(a) In determining a penalty under this section,
23 the court may aggregate the value of damage to property owned
24 by separate owners if the property was damaged during one
25 scheme or course of conduct.

26 (b) Any person who violates this section may, in
27 addition to any other criminal penalty, be required to pay for
28 the damages caused by such offense.

29 Section 2. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Provides that in determining the sentence to be imposed for criminal mischief, the court may aggregate the value of damage to property owned by separate owners if the property was damaged during one scheme or course of conduct.