

By the Committee on Criminal Justice and Senators Gutman and Brown-Waite

307-1758-98

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A bill to be entitled
An act relating to criminal mischief; amending
s. 806.13, F.S.; authorizing the aggregation of
the value of damage to separate properties in
determining the grade of the offense for
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) The amounts of value of damage to property
23 owned by separate persons, if the property was damaged during
24 one scheme or course or conduct, may be aggregated in
25 determining the grade of the offense under this section.

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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 772

It allows the aggregation of the value of property damage to occur when the offense is charged, not when the defendant is sentenced for criminal mischief.