

By Senator Campbell

33-1234-01

See HB

1                                   A bill to be entitled  
2           An act relating to coin-operated vending  
3           machines and parking meters; amending s.  
4           877.08, F.S.; increasing the penalty for  
5           maliciously or mischievously molesting,  
6           opening, breaking, injuring, damaging, or  
7           making specified insertions into a  
8           coin-operated vending machine or parking meter;  
9           increasing the penalty for molesting, opening,  
10          breaking, injuring, damaging, or making  
11          specified insertions into a coin-operated  
12          vending machine or parking meter with intent to  
13          commit larceny; increasing the penalty for  
14          subsequent violations of molesting, opening,  
15          breaking, injuring, damaging, or making  
16          specified insertions into a coin-operated  
17          vending machine or parking meter with intent to  
18          commit larceny; providing a condition that  
19          specified notice be posted on or near destroyed  
20          or damaged coin-operated vending machines and  
21          parking meters; providing that violators may be  
22          required to make restitution for damages;  
23          requiring the court to revoke or suspend the  
24          driving privilege, or eligibility therefor, of  
25          a minor found to have committed specified  
26          delinquent acts; providing for the period of  
27          revocation or suspension to be reduced by the  
28          performance of community service; providing  
29          legislative intent that a county or  
30          municipality is not preempted by state law from  
31          establishing an ordinance that prohibits the

1 molesting, opening, breaking, injuring,  
2 damaging, or making specified insertions into a  
3 coin-operated vending machine or parking meter  
4 and penalizes such offenses with higher  
5 penalties than those provided by state law or  
6 with mandatory penalties; providing that the  
7 court may not provide a disposition of the case  
8 which is less severe than such higher or  
9 mandatory penalties in certain juvenile  
10 proceedings for violation of the ordinance;  
11 providing an effective date.

12

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

14

15 Section 1. Section 877.08, Florida Statutes, is  
16 amended to read:

17 877.08 Coin-operated vending machines and parking  
18 meters; defined; prohibited acts, penalties.--

19 (1) A "coin-operated vending machine" or "parking  
20 meter," for the purposes of this act, is defined to be any  
21 machine, contrivance, or device that is adapted for use in  
22 such a way that, as the result of the insertion of any piece  
23 of money, coin, or other object, the machine, contrivance,  
24 parking meter, or device is caused to operate or may be  
25 operated and by reason of such operation the user may become  
26 entitled to receive any food, drink, telephone or telegraph  
27 service, insurance protection, parking privilege or any other  
28 personal property, service, protection, right or privilege of  
29 any kind or nature whatsoever.

30 (2) Whoever maliciously or mischievously molests,  
31 opens, breaks, injures, damages, or inserts any part of her or

1 his body or any instrument into any coin-operated vending  
2 machine or parking meter of another, shall be guilty of a  
3 felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as  
4 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084;  
5 provided, however, that a conspicuous notice of the provisions  
6 of subsections (2), (3), and (4) and the penalties provided  
7 are posted on or near the destroyed or damaged vending machine  
8 or parking meter and visible to the public at the time of the  
9 commission of the offense.

10 (3) Whoever molests, opens, breaks, injures, damages,  
11 or inserts any part of her or his body or any instrument into  
12 any coin-operated vending machine or parking meter of another  
13 with intent to commit larceny is guilty of a felony  
14 ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided  
15 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084; provided,  
16 however, that a conspicuous notice of the provisions of  
17 subsections (2), (3), and (4) and the penalties provided are  
18 posted on or near the destroyed or damaged vending machine or  
19 parking meter and visible to the public at the time of the  
20 commission of the offense.

21 (4) Whoever violates the provisions of subsection (3)  
22 a second time, and is convicted of such second separate  
23 offense, either at the same term or a subsequent term of  
24 court, shall be guilty of a felony of the second ~~third~~ degree,  
25 punishable as provided in s. 775.082, s. 775.083, or s.  
26 775.084.

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

30 (6) In addition to any other penalty provided by law,  
31 if a minor is found to have committed a delinquent act under

1 this section for molesting, opening, breaking, injuring,  
2 damaging, or inserting any part of his or her body or any  
3 instrument into any coin-operated vending machine or parking  
4 meter of another, and:

5 (a) The minor is eligible by reason of age for a  
6 driver's license or driving privilege, the court shall direct  
7 the Department of Highway Safety and Motor Vehicles to revoke  
8 or withhold issuance of the minor's driver's license or  
9 driving privilege for not more than 1 year.

10 (b) The minor's driver's license or driving privilege  
11 is under suspension or revocation for any reason, the court  
12 shall direct the Department of Highway Safety and Motor  
13 Vehicles to extend the period of suspension or revocation by  
14 an additional period of not more than 1 year.

15 (c) The minor is ineligible by reason of age for a  
16 driver's license or driving privilege, the court shall direct  
17 the Department of Highway Safety and Motor Vehicles to  
18 withhold issuance of the minor's driver's license or driving  
19 privilege for not more than 1 year after the date on which he  
20 or she would otherwise have become eligible.

21 (7) A minor whose driver's license or driving  
22 privilege is revoked, suspended, or withheld under subsection  
23 (6) may elect to reduce the period of revocation, suspension,  
24 or withholding by performing community service at the rate of  
25 1 day for each hour of community service performed. In  
26 addition, if the court determines that due to a family  
27 hardship, the minor's driver's license or driving privilege is  
28 necessary for employment or medical purposes of the minor or a  
29 member of the minor's family, the court shall order the minor  
30 to perform community service and reduce the period of  
31

1 revocation, suspension, or withholding at the rate of 1 day  
2 for each hour of community service performed.

3 (8) It is the intent of the Legislature that  
4 municipalities and counties not be preempted by state law from  
5 establishing ordinances that prohibit the molesting, opening,  
6 breaking, injuring, damaging, or inserting any part of his or  
7 her body or any instrument into any coin-operated vending  
8 machine or parking meter of another. Furthermore, as related  
9 to such offenses, such municipalities and counties are not  
10 preempted by state law from establishing greater penalties  
11 than those provided by state law and mandatory penalties when  
12 state law provides discretionary penalties. Such greater and  
13 mandatory penalties include fines that do not exceed the  
14 amount specified in ss. 125.69 and 162.21, community service,  
15 restitution, and forfeiture. Upon a finding that a juvenile  
16 has violated an ordinance prohibiting the molesting, opening,  
17 breaking, injuring, damaging, or inserting any part of his or  
18 her body or any instrument into any coin-operated vending  
19 machine or parking meter of another, a court acting under  
20 chapter 985 may not provide a disposition of the case which is  
21 less severe than any mandatory penalty prescribed by municipal  
22 or county ordinance for such violation.

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

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LEGISLATIVE SUMMARY

Increases, from a second degree misdemeanor to a third degree felony, the penalty for maliciously or mischievously molesting, opening, breaking, injuring, damaging, or making specified insertions into a coin-operated vending machine or parking meter and the penalty for committing such acts with intent to commit larceny. Increases, from a third degree felony to a second degree felony, the penalty for subsequent commission of such acts with intent to commit larceny. Provides a condition that specified notice be posted on or near destroyed or damaged coin-operated vending machines and parking meters.

Provides that violators may be required to make restitution for damages. Requires the court to revoke or suspend the driving privilege, or eligibility therefor, of a minor found to have committed such specified delinquent acts.

Provides that a county or municipality is not preempted by state law from establishing an ordinance that prohibits the commission of such acts and penalizes such offenses with higher penalties than those provided by state law or with mandatory penalties. Provides that the court may not provide a disposition of the case which is less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance.