

By Senator Villalobos

38-190-03

1 A bill to be entitled
 2 An act relating to facilitating or furthering a
 3 burglary; creating s. 810.061, F.S.; defining
 4 the term "burglary"; providing that it is a
 5 third-degree felony for a person to damage a
 6 wire or line that transmits or conveys
 7 telephone or power to a dwelling or to
 8 otherwise impair or impede such telephone or
 9 power transmission or conveyance for the
 10 purpose of facilitating or furthering the
 11 commission or attempted commission of a
 12 burglary of a dwelling; reenacting s.
 13 810.02(1)(b), F.S., relating to the definition
 14 of the term "burglary"; amending s. 921.0022,
 15 F.S., relating to the offense severity ranking
 16 chart of the Criminal Punishment Code;
 17 conforming provisions to changes made by the
 18 act; providing an effective date.

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

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 22 Section 1. Section 810.061, Florida Statutes, is
 23 created to read:

24 810.061 Impairing or impeding telephone or power to a
 25 dwelling; facilitating or furthering a burglary; penalty.--

26 (1) As used in this section, the term "burglary" has
 27 the meaning ascribed in s. 810.02(1)(b).

28 (2) A person who, for the purpose of facilitating or
 29 furthering the commission or attempted commission of a
 30 burglary of a dwelling by any person, damages a wire or line
 31 that transmits or conveys telephone or power to that dwelling,

1 impairs any other equipment necessary for telephone or power
2 transmission or conveyance, or otherwise impairs or impedes
3 such telephone or power transmission or conveyance commits a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 Section 2. Paragraph (b) of subsection (1) of section
7 810.02, Florida Statutes, is reenacted to read:

8 810.02 Burglary.--

9 (1)

10 (b) For offenses committed after July 1, 2001,
11 "burglary" means:

12 1. Entering a dwelling, a structure, or a conveyance
13 with the intent to commit an offense therein, unless the
14 premises are at the time open to the public or the defendant
15 is licensed or invited to enter; or

16 2. Notwithstanding a licensed or invited entry,
17 remaining in a dwelling, structure, or conveyance:

18 a. Surreptitiously, with the intent to commit an
19 offense therein;

20 b. After permission to remain therein has been
21 withdrawn, with the intent to commit an offense therein; or

22 c. To commit or attempt to commit a forcible felony,
23 as defined in s. 776.08.

24 Section 3. Paragraph (b) of subsection (3) of section
25 921.0022, Florida Statutes, is amended to read:

26 921.0022 Criminal Punishment Code; offense severity
27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART
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1	Florida	Felony	
2	Statute	Degree	Description
3			
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5			(b) LEVEL 2
6	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
7			lbs. in weight or 100 cubic feet
8			in volume or any quantity for
9			commercial purposes, or hazardous
10			waste.
11	517.07	3rd	Registration of securities and
12			furnishing of prospectus
13			required.
14	590.28(1)	3rd	Willful, malicious, or
15			intentional burning.
16	784.05(3)	3rd	Storing or leaving a loaded
17			firearm within reach of minor who
18			uses it to inflict injury or
19			death.
20	787.04(1)	3rd	In violation of court order,
21			take, entice, etc., minor beyond
22			state limits.
23	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
24			or more to public communication
25			or any other public service.
26	<u>810.061(2)</u>	<u>3rd</u>	<u>Impairing or impeding telephone</u>
27			<u>or power to a dwelling;</u>
28			<u>facilitating or furthering</u>
29			<u>burglary.</u>
30	810.09(2)(e)	3rd	Trespassing on posted commercial
31			horticulture property.

1	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
2			more but less than \$5,000.
3	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
4			more but less than \$300, taken
5			from unenclosed curtilage of
6			dwelling.
7	812.015(7)	3rd	Possession, use, or attempted use
8			of an antishoplifting or
9			inventory control device
10			countermeasure.
11	817.234(1)(a)2.	3rd	False statement in support of
12			insurance claim.
13	817.481(3)(a)	3rd	Obtain credit or purchase with
14			false, expired, counterfeit,
15			etc., credit card, value over
16			\$300.
17	817.52(3)	3rd	Failure to redeliver hired
18			vehicle.
19	817.54	3rd	With intent to defraud, obtain
20			mortgage note, etc., by false
21			representation.
22	817.60(5)	3rd	Dealing in credit cards of
23			another.
24	817.60(6)(a)	3rd	Forgery; purchase goods, services
25			with false card.
26	817.61	3rd	Fraudulent use of credit cards
27			over \$100 or more within 6
28			months.
29	826.04	3rd	Knowingly marries or has sexual
30			intercourse with person to whom
31			related.

1	831.01	3rd	Forgery.
2	831.02	3rd	Uttering forged instrument;
3			utters or publishes alteration
4			with intent to defraud.
5	831.07	3rd	Forging bank bills, checks,
6			drafts, or promissory notes.
7	831.08	3rd	Possessing 10 or more forged
8			notes, bills, checks, or drafts.
9	831.09	3rd	Uttering forged notes, bills,
10			checks, drafts, or promissory
11			notes.
12	831.11	3rd	Bringing into the state forged
13			bank bills, checks, drafts, or
14			notes.
15	832.05(3)(a)	3rd	Cashing or depositing item with
16			intent to defraud.
17	843.08	3rd	Falsely impersonating an officer.
18	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
19			(2)(c)1., (2)(c)2., (2)(c)3.,
20			(2)(c)5., (2)(c)6., (2)(c)7.,
21			(2)(c)8., (2)(c)9., (3), or (4)
22			drugs other than cannabis.
23	893.147(2)	3rd	Manufacture or delivery of drug
24			paraphernalia.
25			Section 4. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Provides that a person who damages a wire or line that transmits or conveys telephone or power to a dwelling, impairs transmission or conveyance equipment, or otherwise impairs or impedes telephone or power transmission or conveyance for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling commits a felony of the third degree.