

1 (b) Dwelling, and there is not another person in the
2 dwelling at the time the offender enters or remains;

3 (c) Structure, and there is another person in the
4 structure at the time the offender enters or remains; or

5 (d) Conveyance, and there is another person in the
6 conveyance at the time the offender enters or remains.

7
8 However, if the burglary is committed within an area that is
9 subject to a state of emergency declared by the Governor under
10 chapter 252, the burglary is a felony of the first degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084. For purposes of sentencing under chapter 921 and
13 determining eligibility for incentive gain-time under chapter
14 944, a felony offense that is reclassified under this
15 subsection is ranked one level above the ranking under s.
16 921.0022 or s. 921.0023 of the offense committed.

17 (4) Burglary is a felony of the third degree,
18 punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084, if, in the course of committing the offense, the
20 offender does not make an assault or battery and is not and
21 does not become armed with a dangerous weapon or explosive,
22 and the offender enters or remains in a:

23 (a) Structure, and there is not another person in the
24 structure at the time the offender enters or remains; or

25 (b) Conveyance, and there is not another person in the
26 conveyance at the time the offender enters or remains.

27
28 However, if the burglary is committed within an area that is
29 subject to a state of emergency declared by the Governor under
30 chapter 252, the burglary is a felony of the second degree,
31 punishable as provided in s. 775.082, s. 775.083, or s.

1 775.084. For purposes of sentencing under chapter 921 and
2 determining eligibility for incentive gain-time under chapter
3 944, a felony offense that is reclassified under this
4 subsection is ranked one level above the ranking under s.
5 921.0022 or s. 921.0023 of the offense committed.

6 Section 2. Paragraphs (b) and (c) of subsection (2) of
7 section 812.014, Florida Statutes, are amended to read:

8 812.014 Theft.--

9 (2)

10 (b)1. If the property stolen is valued at \$20,000 or
11 more, but less than \$100,000;

12 2. The property stolen is cargo valued at less than
13 \$50,000 that has entered the stream of interstate or
14 intrastate commerce from the shipper's loading platform to the
15 consignee's receiving dock; or

16 3. The property stolen is emergency medical equipment,
17 valued at \$300 or more, that is taken from a facility licensed
18 under chapter 395 or from an aircraft or vehicle permitted
19 under chapter 401,

20
21 the offender commits grand theft in the second degree,
22 punishable as a felony of the second degree, as provided in s.
23 775.082, s. 775.083, or s. 775.084. Emergency medical
24 equipment means mechanical or electronic apparatus used to
25 provide emergency services and care as defined in s.
26 395.002(10) or to treat medical emergencies. However, if the
27 property is stolen within an area that is subject to a state
28 of emergency declared by the Governor under chapter 252, the
29 offender commits a felony of the first degree, punishable as
30 provided in s. 775.082, s. 775.083, or s. 775.084. For
31 purposes of sentencing under chapter 921 and determining

1 eligibility for incentive gain-time under chapter 944, a
2 felony offense that is reclassified under this paragraph is
3 ranked one level above the ranking under s. 921.0022 or s.
4 921.0023 of the offense committed.

5 (c) It is grand theft of the third degree and a felony
6 of the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084, if the property stolen is:

- 8 1. Valued at \$300 or more, but less than \$5,000.
- 9 2. Valued at \$5,000 or more, but less than \$10,000.
- 10 3. Valued at \$10,000 or more, but less than \$20,000.
- 11 4. A will, codicil, or other testamentary instrument.
- 12 5. A firearm.
- 13 6. A motor vehicle, except as provided in paragraph

14 (2)(a).

15 7. Any commercially farmed animal, including any
16 animal of the equine, bovine, or swine class, or other grazing
17 animal, and including aquaculture species raised at a
18 certified aquaculture facility. If the property stolen is
19 aquaculture species raised at a certified aquaculture
20 facility, then a \$10,000 fine shall be imposed.

21 8. Any fire extinguisher.

22 9. Any amount of citrus fruit consisting of 2,000 or
23 more individual pieces of fruit.

24 10. Taken from a designated construction site
25 identified by the posting of a sign as provided for in s.
26 810.09(2)(d).

27 11. Any stop sign.

28 12. Anhydrous ammonia.

29
30 However, if the property is stolen within an area that is
31 subject to a state of emergency declared by the Governor under

1 chapter 252, and the property is valued at \$5,000 or more, but
2 less than \$10,000, as provided under subparagraph 2., or the
3 property is valued at \$10,000 or more, but less than \$20,000,
4 as provided under subparagraph 3., the offender commits a
5 felony of the second degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084. For purposes of sentencing
7 under chapter 921 and determining eligibility for incentive
8 gain-time under chapter 944, a felony offense that is
9 reclassified under this paragraph is ranked one level above
10 the ranking under s. 921.0022 or s. 921.0023 of the offense
11 committed.

12 Section 3. This act shall take effect July 1, 2005.

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15 SENATE SUMMARY

16 Provides that if specified burglaries are committed
17 during a state of emergency, the burglary is a felony of
the first degree or a felony of the second degree.
18 Provides that if certain property is stolen during a
state of emergency, the theft is a felony of the first
19 degree or a felony of the second degree. Directs that an
offense of felony burglary or theft which is reclassified
20 be ranked one level above the current ranking of the
offense committed.