

By the Committee on Communications and Public Utilities; and
Senators Dean and Lynn

579-04539-08

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1 A bill to be entitled

2 An act relating to the theft of copper or other nonferrous
3 metals; creating s. 812.145, F.S.; providing definitions;
4 providing that it is a felony of the first degree to
5 knowingly and intentionally take copper or other
6 nonferrous metal from a utility or communications services
7 provider, thereby causing damage to the facilities of a
8 utility or communications services provider or
9 interrupting or interfering with utility or communications
10 services; providing criminal penalties; providing an
11 effective date.

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

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15 Section 1. Section 812.145, Florida Statutes, is created to
16 read:

17 812.145 Theft of copper or other nonferrous metals.--

18 (1) As used in this section, the term:

19 (a) "Copper or other nonferrous metals" means metals not
20 containing significant quantities of iron or steel, including,
21 without limitation, copper, copper alloy, copper utility or
22 communications service wire, brass, aluminum, bronze, lead, zinc,
23 nickel, and alloys thereof.

24 (b) "Communications services" means the transmission,
25 conveyance, or routing of voice, data, audio, video, or any other
26 information or signals, including cable services, to a point, or
27 between or among points, by or through any electronic, radio,
28 satellite, cable, optical, microwave, or other medium or method
29 now in existence or hereafter devised, regardless of the protocol

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30 used for such transmission or conveyance. The term includes such
31 transmission, conveyance, or routing in which computer processing
32 applications are used to act on the form, code, or protocol of
33 the content for purposes of transmission, conveyance, or routing
34 without regard to whether such service is referred to as voice-
35 over-Internet-protocol services or is classified by the Federal
36 Communications Commission as enhanced or value-added.

37 (c) "Communications services provider" includes any person,
38 firm, corporation, or political subdivision, whether private,
39 municipal, county, or cooperative, which is engaged in the sale,
40 generation, provision, or delivery of communications services.

41 (d) "Utility service" means electricity for light, heat, or
42 power and natural or manufactured gas for light, heat, or power,
43 including the transportation, delivery, transmission, and
44 distribution of electricity or natural or manufactured gas.

45 (e) "Utility" includes any person, firm, corporation,
46 association, or political subdivision, whether private,
47 municipal, county, or cooperative, which is engaged in the sale,
48 generation, provision, or delivery of gas or electricity service.

49 (2) A person who knowingly and intentionally takes copper
50 or other nonferrous metals from a utility or communications
51 services provider, thereby causing damage to the facilities of a
52 utility or communications services provider, interrupting or
53 interfering with communications services or utility service, or
54 interfering with the ability of a utility or communications
55 services provider to provide service, commits a felony of the
56 first degree, punishable as provided in s. 775.082, s. 775.083,
57 or s. 775.084.

58 Section 2. This act shall take effect October 1, 2008.