

ENROLLED  
CS/HB 799

2008 Legislature

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.

12  
13   Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1.   Section 812.145, Florida Statutes, is created  
16   to read:

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

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

19           (a) "Communications services" means the transmission,  
20 conveyance, or routing of voice, data, audio, video, or any  
21 other information or signals, including cable services, to a  
22 point, or between or among points, by or through any electronic,  
23 radio, satellite, cable, optical, microwave, or other medium or  
24 method now in existence or hereafter devised, regardless of the  
25 protocol used for such transmission or conveyance. The term  
26 includes such transmission, conveyance, or routing in which  
27 computer processing applications are used to act on the form,  
28 code, or protocol of the content for purposes of transmission,

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29 conveyance, or routing without regard to whether such service is  
 30 referred to as voice-over-Internet-protocol services or is  
 31 classified by the Federal Communications Commission as enhanced  
 32 or value-added.

33 (b) "Communications services provider" includes any  
 34 person, firm, corporation, or political subdivision, whether  
 35 private, municipal, county, or cooperative, which is engaged in  
 36 the sale, generation, provision, or delivery of communications  
 37 services.

38 (c) "Copper or other nonferrous metals" means metals not  
 39 containing significant quantities of iron or steel, including,  
 40 without limitation, copper, copper alloy, copper utility or  
 41 communications service wire, brass, aluminum, bronze, lead,  
 42 zinc, nickel, and alloys thereof.

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

48 (e) "Utility service" means electricity for light, heat,  
 49 or power and natural or manufactured gas for light, heat, or  
 50 power, including the transportation, delivery, transmission, and  
 51 distribution of electricity or natural or manufactured gas.

52 (2) A person who knowingly and intentionally takes copper  
 53 or other nonferrous metals from a utility or communications  
 54 services provider, thereby causing damage to the facilities of a  
 55 utility or communications services provider, interrupting or  
 56 interfering with utility service or communications services, or

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57 interfering with the ability of a utility or communications  
58 services provider to provide service, commits a felony of the  
59 first degree, punishable as provided in s. 775.082, s. 775.083,  
60 or s. 775.084.

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