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+LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Community Affairs (Norman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 603 - 614
and insert:

Section 10. Paragraph (d) of subsection (1) and subsection (2) of section 812.145, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

812.145 Theft of copper or other nonferrous metals.-

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

(d) "Utility" means a public utility or electric utility as defined in s. 366.02, or a ~~includes any~~ person, firm, cooperative, corporation, association, or political subdivision,



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13 whether private, municipal, county, or cooperative, which is
14 engaged in the sale, generation, provision, or delivery of heat,
15 water, oil, sewer service, telephone or telegraph service,
16 radio, telecommunications, communications, gas, or electricity
17 services.

18 (2) A person who knowingly and intentionally takes or
19 assists with the taking of copper or other nonferrous metals
20 from a utility or communications services provider, thereby
21 causing damage to the facilities of a utility or communications
22 services provider, interrupting or interfering with utility
23 service or communications services, or interfering with the
24 ability of a utility or communications services provider to
25 provide service, commits a felony of the first degree,
26 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

27 (3) A person who is found in a civil action to have
28 illegally taken copper or other nonferrous metals from a utility
29 or communications services provider in violation of subsection
30 (2) is liable to the utility or communications services provider
31 for damages in an amount equal to three times the actual damages
32 sustained by the utility or communications services provider due
33 to any personal injury, wrongful death, or property damage
34 caused by the illegal taking of the nonferrous metals or an
35 amount equal to three times any claim made against the utility
36 or communications services provider for any personal injury,
37 wrongful death, or property damage caused by the malfunction of
38 the facilities of the utility or communications services
39 provider resulting from the violation of subsection (2),
40 whichever is greater.
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42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete lines 50 - 52

45 and insert:

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47 amending s. 812.145, F.S.; redefining the term
48 "utility"; providing that a person who assists in the
49 taking of certain metals commits a felony of the first
50 degree; providing that a person who illegally takes
51 copper or other nonferrous metals from a utility or
52 communications services provider is liable to the
53 utility or communications provider for damages equal
54 to three times the amount of any claim against the
55 utility or communication services provider resulting
56 from the illegal taking of copper or other nonferrous
57 metals; limiting the liability of