

Ancillary Criminal Offenses Relating to Environmental Disasters

Statute	Description
Section 806.13, F.S. Criminal Mischief	<p>A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.</p> <ul style="list-style-type: none"> - If the damage to such property is \$200 or less, it is a 2nd degree misdemeanor. - If the damage to such property is greater than \$200 but less than \$1,000, it is a 1st degree misdemeanor. - If the damage is \$1,000 or greater, or if there is interruption or impairment of a business operation or public communication, transportation, supply of water, gas or power, or other public service which costs \$1,000 or more in labor and supplies to restore, it is a 3rd degree felony. - If the person has one or more previous convictions for violating this subsection, the offense under subparagraph 1. or subparagraph 2. for which the person is charged shall be reclassified as a 3rd degree felony.
Section 810.08, F.S. Trespass – Structure or Conveyance	<p>Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.</p> <ul style="list-style-type: none"> - Generally a misdemeanor offense unless the trespasser is armed with a firearm or dangerous weapon.
Section 810.09, F.S. Trespass	<p>A person commits the offense of trespass on property other than a structure or conveyance if they, without being authorized, licensed, or invited, willfully enter upon or remain in any property other than a structure or conveyance:</p> <ul style="list-style-type: none"> - As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or - If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass. <p>Generally a misdemeanor offense unless the trespasser is armed with a firearm or dangerous weapon or if the property trespassed is a specified site (e.g., construction site, domestic violence center, etc.).</p> <p>Paragraph (2)(b) specifies that if the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a 1st degree misdemeanor of the first degree.</p>
Section 876.43, F.S. Unlawful Entry	<p>Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States, or of any country with which the United States shall then maintain friendly relations, or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around her or his or its property at each gate, entrance, dock or railway entrance and every 100 feet of waterfront a sign reading "No Entry Without Permission." Whoever without permission of such owner shall willfully enter upon premises so posted shall be guilty of a 2nd degree misdemeanor.</p>

<p>Section 812.014, F.S. Theft</p>	<p>A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:</p> <ul style="list-style-type: none"> - Deprive the other person of a right to the property or a benefit from the property. - Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property. <p>Punishable as varying degrees of misdemeanors and felonies depending on the value and nature of the property stolen.</p> <p>Paragraph (1)(c) specifies that if the property is stolen within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a 2nd degree felony if the property is valued at \$5,000 or more, but less than \$10,000, or if the property is valued at \$10,000 or more, but less than \$20,000.</p>
<p>Section 812.017, F.S. Using False Receipt</p>	<p>Any person who obtains merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a 1st degree misdemeanor.</p>
<p>Section 817.03, F.S. False Statements</p>	<p>Any person who shall make or cause to be made any false statement, in writing, relating to his or her financial condition, assets or liabilities, or relating to the financial condition, assets or liabilities of any firm or corporation in which such person has a financial interest, or for whom he or she is acting, with a fraudulent intent of obtaining credit, goods, money or other property, and shall by such false statement obtain credit, goods, money or other property, shall be guilty of a 1st degree misdemeanor.</p>
<p>Section 817.034, F.S. Communications Fraud Act</p>	<p>Any person who engages in a scheme to defraud and obtains property thereby is guilty of organized fraud, punishable as follows:</p> <ul style="list-style-type: none"> - If the amount of property obtained has an aggregate value of \$50,000 or more - 1st degree felony. - If the amount of property obtained has an aggregate value of \$20,000 or more, but less than \$50,000 - 2nd degree felony. - If the amount of property obtained has an aggregate value of less than \$20,000 - 3rd degree felony. <p>Any person who engages in a scheme to defraud and, in furtherance of that scheme, communicates with any person with intent to obtain property from that person is guilty, for each such act of communication, of communications fraud, punishable as follows:</p> <ul style="list-style-type: none"> - If the value of property obtained by the communication is valued at \$300 or more - 3rd degree felony. - If the value of the property obtained by the communication is valued at less than \$300 - 1st degree misdemeanor.
<p>Section 817.234, F.S. Insurance Fraud</p>	<p>A person commits insurance fraud if that person, with the intent to injure, defraud, or deceive any insurer:</p> <ul style="list-style-type: none"> - Presents or causes to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim; - Prepares or makes any written or oral statement that is intended to be presented to any insurer in connection with, or in support of, any claim for payment or other benefit pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim; or - Knowingly presents, causes to be presented, or prepares or makes with knowledge or belief that it will be presented to any insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any employee or agent thereof, any false, incomplete, or misleading information or written or oral statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a health maintenance organization subscriber or provider contract; or who knowingly conceals information concerning any fact material to such application. <p>If the value of any property involved in a violation of this section:</p> <ul style="list-style-type: none"> - Is less than \$20,000, the offender commits a 3rd degree felony. - Is \$20,000 or more, but less than \$100,000, the offender commits a 2nd degree felony. - Is \$100,000 or more, the offender commits a 1st degree felony.

Section 823.11, F.S. Abandoned Vessels	Makes it a 1 st degree misdemeanor for a person, firm, or corporation to store, leave, or abandon any derelict vessel in this state.
Chapter 837, F.S. Perjury	Whoever makes a false statement, which he or she does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a 1 st degree misdemeanor. Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a 3 rd degree felony (2 nd degree felony if official proceeding relates to the prosecution of a capital felony).
Section 775.31, F.S. Terrorism	If a person is convicted of committing a felony or misdemeanor that facilitated or furthered any act of terrorism, the court shall reclassify the felony or misdemeanor to the next higher degree.
Section 501.160, F.S. Price Gouging	Upon a declaration of a state of emergency by the Governor, it is unlawful for a person or her or his agent or employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency. It is unlawful for any person to impose unconscionable prices for the rental or lease of any dwelling unit or self-storage facility during a period of declared state of emergency. Remedies are found in the "Florida Deceptive and Unfair trade Practices Act" and include obtaining a declaratory judgment that an act is a violation, obtaining an injunction, bringing an action for actual damages, and a civil penalty of up to \$10,000 for each willful violation. The court may also impose an additional civil penalty of up to \$1,000 per violation (not to exceed \$25,000 in the aggregate).