

Florida Statutes Section 810.02 Burglary

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(1)(b) For offenses committed after July 1, 2001, “burglary” means:

1. Entering a dwelling, a structure, or a conveyance with the intent to commit an offense therein, unless the premises are at the time open to the public or the defendant is licensed or invited to enter; or
2. Notwithstanding a licensed or invited entry, remaining in a dwelling, structure, or conveyance:
 - a. Surreptitiously, with the intent to commit an offense therein;
 - b. After permission to remain therein has been withdrawn, with the intent to commit an offense therein; or
 - c. To commit or attempt to commit a forcible felony.

(2) Burglary is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment if, in the course of committing the offense, the offender:

- (a) Makes an assault or battery upon any person; or
- (b) Is or becomes armed within the dwelling, structure, or conveyance, with explosives or a dangerous weapon; or
- (c) Enters an occupied or unoccupied dwelling or structure, and:
 1. Uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense, and thereby damages the dwelling or structure; or
 2. Causes damage to the dwelling or structure, or to property within the dwelling or structure in excess of \$1,000.

(3) Burglary is a felony of the second degree, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;

- (b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;
- (c) Structure, and there is another person in the structure at the time the offender enters or remains;
- (d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;
- (e) Authorized emergency vehicle, or
- (f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance.

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(4) Burglary is a felony of the third degree, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Structure, and there is not another person in the structure at the time the offender enters or remains; or
- (b) Conveyance, and there is not another person in the conveyance at the time the offender enters or remains.

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Florida Statutes Section 810.011 Definitions

As used in this chapter:

- (1) “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.
- (2) “Dwelling” means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term includes such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.
- (3) “Conveyance” means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and “to enter a conveyance” includes taking apart any portion of the conveyance. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term “conveyance” means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist.