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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/18/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Crist) recommended the
2 following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete lines 127 through 156

6 and insert:

7 Section 3. Section 538.23, Florida Statutes, is amended to
8 read:

9 538.23 Violations and penalties.--

10 (1) (a) Except as provided in paragraph (b), a secondary
11 metals recycler who shall, upon conviction of knowingly and
12 intentionally:

13 1.(a) Violates ~~Violating~~ s. 538.20 or s. 538.21;

14 2.(b) Engages ~~Engaging~~ in a pattern of failing to keep
15 records as required by s. 538.19; ~~or~~

16 3.(c) Violates ~~Violating~~ s. 538.26(4); or

17 4. Violates s. 538.235,



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18
19 Commits ~~be guilty of~~ a misdemeanor of the first degree,
20 punishable as provided in s. 775.082.

21 (b) A secondary metals recycler who commits a third or
22 subsequent violation of paragraph (a) commits a felony of the
23 third degree, punishable as provided in s. 775.082, s. 775.083,
24 or s. 775.084.

25 (2) A secondary metals recycler is presumed to know upon
26 receipt of stolen regulated metals property in a purchase
27 transaction that the regulated metals property has been stolen
28 from another if the secondary metals recycler knowingly and
29 intentionally fails to maintain the information required in s.
30 538.19 and shall, upon conviction of a violation of s. 812.015,
31 be punished as provided in s. 812.014(2) or (3).

32 (3) Any person who knowingly gives false verification of
33 ownership or who gives a false or altered identification and who
34 receives money or other consideration from a secondary metals
35 recycler in return for regulated metals property commits ~~shall,~~
36 ~~upon conviction, be guilty of:~~

37 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree,
38 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
39 775.084, if the value of the money or other consideration
40 received is less than \$300.

41 (b) A felony of the second ~~third~~ degree, punishable as
42 provided in s. 775.082, s. 775.083, or s. 775.084, if the value
43 of the money or other consideration received is \$300 or more.

44 (4) If ~~When~~ a lawful owner recovers stolen regulated metals
45 property from a secondary metals recycler who has complied with
46 ~~the provisions of~~ this part, and the person who sold the
47 regulated metals property to the secondary metals recycler is



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48 convicted of theft, a violation of this section, or dealing in
49 stolen property, the court shall order the defendant to make full
50 restitution, including, without limitation, attorneys' fees,
51 court costs, and other expenses to the secondary metals recycler
52 pursuant to s. 775.089.

53 (5) A person acting as a secondary metals recycler who is
54 not registered with the department under s. 538.25 commits a
55 felony of the third degree punishable as provided in s. 775.082,
56 s. 775.083, or 775.084.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60
61 On line 21, after the semicolon,
62 insert:

63
64 providing that if a person acts as a secondary metals
65 recycler but is not registered with the Department of
66 Revenue, the person commits a felony of the third degree;
67 providing criminal penalties;