

1 A bill to be entitled
 2 An act relating to metal theft; amending s. 538.23,
 3 F.S.; increasing the criminal penalties for specified
 4 violations relating to secondary metals recycling;
 5 providing increased criminal penalties for third and
 6 subsequent criminal violations; amending s. 812.145,
 7 F.S.; prohibiting removing or assisting with the
 8 removal of copper or other nonferrous metals from an
 9 electrical substation site without authorization of
 10 the utility; providing criminal penalties; providing
 11 an effective date.

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

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 15 Section 1. Subsection (1) of section 538.23, Florida
 16 Statutes, is amended to read:

17 538.23 Violations and penalties.—

18 (1)(a) Except as provided in paragraph (b), A secondary
 19 metals recycler who knowingly and intentionally:

- 20 1. Violates s. 538.20 or s. 538.21;
- 21 2. Engages in a pattern of failing to keep records
- 22 required by s. 538.19;
- 23 3. Violates s. 538.26(4); or
- 24 4. Violates s. 538.235,

25
 26 commits a felony of the third ~~misdemeanor of the first~~ degree,
 27 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

28 (b) A secondary metals recycler who commits a third or

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29 subsequent violation of paragraph (a) commits a felony of the
30 first ~~third~~ degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

32 Section 2. Subsection (3) is added to section 812.145,
33 Florida Statutes, to read:

34 812.145 Theft of copper or other nonferrous metals.—

35 (3) A person who knowingly and intentionally removes, or
36 assists with the removal of, copper or other nonferrous metals
37 from an electrical substation without authorization of the
38 utility commits a felony of the first degree, punishable as
39 provided in s. 775.082, s. 775.083, or s. 775.084.

40 Section 3. This act shall take effect October 1, 2012.