

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.; providing a definition; prohibiting removing or
 8 assisting with the removal of copper or other
 9 nonferrous metals from an electrical substation site
 10 without authorization of the utility; providing
 11 criminal penalties; providing 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,

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 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

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. Paragraphs (d) and (e) of subsection (1) of
 33 section 812.145, Florida Statutes, are redesignated as
 34 paragraphs (e) and (f), respectively, a new paragraph (d) is
 35 added to that subsection, and subsection (3) is added to that
 36 section, to read:

37 812.145 Theft of copper or other nonferrous metals.—

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

39 (d) "Electrical substation" means a facility that takes
 40 electricity from the transmission grid and converts it to a
 41 lower voltage so it can be distributed to customers in the local
 42 area on the local distribution grid through one or more
 43 distribution lines less than 69 kilovolts in size.

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

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