

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  
 8       copper or other nonferrous metals from an electrical  
 9       substation site without authorization of the utility;  
 10      providing criminal penalties; providing an effective  
 11      date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

14  
 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

29 subsequent violation of paragraph (a) commits a felony of the  
 30 second ~~third~~ degree, punishable as provided in s. 775.082,  
 31 s.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  
 45 copper or other nonferrous metals from an electrical substation  
 46 without authorization of the utility commits a felony of the  
 47 first degree, punishable as provided in s. 775.082, s. 775.083,  
 48 or s. 775.084.

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