



387182

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/26/2012	.	
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The Committee on Commerce and Tourism (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

538.23 Violations and penalties.—

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

1. Violates s. 538.20 or s. 538.21;

2. Engages in a pattern of failing to keep records required



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13 by s. 538.19;

14 3. Violates s. 538.26(4); or

15 4. Violates s. 538.235,

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

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

23 Section 2. Present paragraphs (d) and (e) of subsection (1)
24 of section 812.145, Florida Statutes, are redesignated as
25 paragraphs (e) and (f), respectively, a new paragraph (d) is
26 added to that subsection, and subsection (3) is added to that
27 section, to read:

28 812.145 Theft of copper or other nonferrous metals.—

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

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

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.

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42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete everything before the enacting clause

45 and insert:

46 A bill to be entitled

47 An act relating to metal theft; amending s. 538.23,
48 F.S.; increasing the criminal penalties for specified
49 violations relating to secondary metals recycling;
50 providing increased criminal penalties for third and
51 subsequent criminal violations; amending s. 812.145,
52 F.S.; defining the term "electrical substation";
53 prohibiting removing or assisting with the removal of
54 copper or other nonferrous metals from an electrical
55 substation site without authorization of the utility;
56 providing criminal penalties; providing an effective
57 date.