

By the Committee on Commerce and Tourism; and Senator Norman

577-02441-12

20121324c1

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.; defining the term "electrical substation";
8 prohibiting removing or assisting with the removal of
9 copper or other nonferrous metals from an electrical
10 substation site without authorization of the utility;
11 providing criminal penalties; providing an effective
12 date.

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

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

18 538.23 Violations and penalties.—

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

21 1. Violates s. 538.20 or s. 538.21;

22 2. Engages in a pattern of failing to keep records required
23 by s. 538.19;

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

25 4. Violates s. 538.235,

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

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

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30 subsequent violation of paragraph (a) commits a felony of the
31 first ~~third~~ degree, punishable as provided in s. 775.082, s.
32 775.083, or s. 775.084.

33 Section 2. Present paragraphs (d) and (e) of subsection (1)
34 of section 812.145, Florida Statutes, are redesignated as
35 paragraphs (e) and (f), respectively, a new paragraph (d) is
36 added to that subsection, and subsection (3) is added to that
37 section, to read:

38 812.145 Theft of copper or other nonferrous metals.—

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

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

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

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