

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Beshears offered the following:

Amendment (with title amendment)

Remove lines 61-106 and insert:

7 (b) "Noncash payment" means payment by a method other than
 8 the use of coins or currency.

9 (c) "Plastic bulk merchandise container" means a plastic
 10 crate or shell used by a product manufacturer, distributor, or
 11 retailer for the bulk transportation or storage of goods, and
 12 includes a plastic pallet used as a portable platform upon which
 13 containers, products, or materials may be placed to facilitate
 14 handling.

15 (d) "Proof of ownership" means a bill of sale or other
 16 evidence showing that a person who claims to be the owner of an
 17 item is the bona fide purchaser who purchased the item for fair
 18 market value.

19 (2) A person who purchases five or more plastic bulk
 20 merchandise containers from one seller shall:

Amendment No. 1

21 (a) Obtain from the seller proof of ownership of the
22 containers.

23 (b) Maintain a record that contains the date of the
24 transaction; the seller's or consignee's name, address, and
25 telephone number; and a description of the containers, including
26 the number of containers being sold, each container's serial
27 number, and other identifying marks.

28 (c) Verify the seller's identity with a valid driver's
29 license or other government-issued photo identification card and
30 maintain a copy thereof in the record of sale.

31 (d) Make a noncash payment for five or more plastic bulk
32 merchandise containers and record the method of payment used in
33 each transaction.

34 (3) The purchaser shall maintain required records for at
35 least 2 years after the date of purchase or delivery, whichever
36 is later. State attorneys of the judicial circuits in this state
37 may inspect these records at any time upon reasonable notice.

38 (4) (a) A person who violates this section in a transaction
39 valued at \$10,000 or less commits a misdemeanor of the first
40 degree, punishable as provided in s. 775.082 or s. 775.083.

41 (b) A person who violates this section in a transaction
42 valued at more than \$10,000 commits a felony of the third
43 degree, punishable as provided in s. 775.082, s. 775.083, or s.
44 775.084.

45 (c) A person who violates this section is liable to the
46 owner of a stolen plastic bulk merchandise container for three
47 times the replacement value of the stolen plastic bulk
48 merchandise container. The owner of the plastic bulk merchandise

Amendment No. 1

49 container may bring an action in a court of competent
50 jurisdiction to recover monetary damages and attorney fees and
51 costs incurred in maintaining the action.

52 (5) This section does not apply to the collection,
53 receipt, or recycling of plastic bulk merchandise containers by
54 the operator of a waste management facility or an entity exempt
55 from federal income tax under s. 501(c)(3) of the Internal
56 Revenue Code.

57
58
59
60
61
62
63
64
65

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

Remove line 14 and insert:
operator of a waste management facility and certain tax-exempt
entities; providing an