

29 ~~particular~~ mark or brand that designates or distinguishes ~~to~~
 30 ~~designate and distinguish~~ his or her ownership thereof and may
 31 identify his or her field boxes, pallets, crates, containers, or
 32 receptacles ~~so used~~ with a such mark or brand using in the form
 33 ~~of such combinations,~~ initials, symbols, designs, ~~or~~ names, or
 34 any combination thereof ~~as he or she may desire,~~ by plainly and
 35 distinctly stamping, stenciling, painting, cutting, etching, or
 36 burning the mark or brand ~~same~~ into or upon both ends or sides
 37 of the such field boxes, pallets, crates, receptacles, or
 38 containers. For purposes of any court or administrative
 39 proceeding, if a copy of the mark or brand is filed and recorded
 40 with the Department of Agriculture and Consumer Services
 41 pursuant to this chapter, ~~and~~ the presence of this such
 42 identifying mark or brand and the required registration number
 43 on any field box, pallet, crate, container, or receptacle is
 44 ~~whenever a copy or description thereof shall have been filed and~~
 45 ~~recorded in the office of the Department of Agriculture and~~
 46 ~~Consumer Services as herein provided for,~~ shall, in any court
 47 and in any proceedings in this state, be prima facie evidence of
 48 the ownership ~~of such boxes, pallets, crates, containers, or~~
 49 ~~receptacles by the person in whose name such mark or brand may~~
 50 ~~have been recorded, provided such mark or brand shall have been~~
 51 ~~recorded with the Department of Agriculture and Consumer~~
 52 ~~Services as herein provided and shall bear the registered number~~
 53 ~~herein provided for.~~

54 Section 2. Section 506.265, Florida Statutes, is created
 55 to read:

56 506.265 Purchase of plastic bulk merchandise containers.-

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57 | (1) As used in this section, the term:

58 | (a) "Bona fide purchaser" means a person who in good faith
59 | makes a purchase without knowledge of another person's
60 | outstanding rights.

61 | (b) "Plastic bulk merchandise container" means a plastic
62 | crate or shell used by a product manufacturer, distributor, or
63 | retailer for the bulk transportation or storage of goods, and
64 | includes a plastic pallet used as a portable platform upon which
65 | containers, products, or materials may be placed to facilitate
66 | handling.

67 | (c) "Proof of ownership" means a bill of sale or other
68 | evidence showing that a person who claims to be the owner of an
69 | item is the bona fide purchaser who purchased the item for fair
70 | market value.

71 | (2) A person who purchases five or more plastic bulk
72 | merchandise containers from one seller shall:

73 | (a) Obtain from the seller proof of ownership of the
74 | containers.

75 | (b) Maintain a record that contains the date of the
76 | transaction; the seller's or consignee's name, address, and
77 | telephone number; and a description of the containers, including
78 | the number of containers being sold, each container's serial
79 | number, and other identifying marks.

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

83 | (d) Make a noncash payment for five or more plastic bulk
84 | merchandise containers and record the method of payment used in

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85 each transaction.

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

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

93 (b) A person who violates this section in a transaction
94 valued at more than \$10,000 commits a felony of the first
95 degree, punishable as provided in s. 775.082, s. 775.083, or s.
96 775.084.

97 (c) A person who violates this section is liable to the
98 owner of a stolen plastic bulk merchandise container for three
99 times the replacement value of the stolen plastic bulk
100 merchandise container. The owner of the plastic bulk merchandise
101 container may bring an action in a court of competent
102 jurisdiction to recover money damages and attorney fees and
103 costs incurred in maintaining the action.

104 (5) This section does not apply to the collection,
105 receipt, or recycling of plastic bulk merchandise containers by
106 the operator of a waste management facility.

107 Section 3. This act shall take effect October 1, 2013.