

1   A bill to be entitled  
 2           An act relating to agricultural storage and shipping  
 3           containers; amending s. 506.19, F.S.; authorizing the  
 4           use of certain brands and marks on containers used for  
 5           the storage and transport of agricultural and other  
 6           commercial products to designate and distinguish  
 7           ownership of the containers; creating s. 506.265,  
 8           F.S.; providing definitions; providing requirements  
 9           for the sale and purchase of a specified number of  
 10          plastic bulk merchandise containers; providing that  
 11          prosecuting attorneys may inspect records of purchase  
 12          at any time upon reasonable notice; providing criminal  
 13          and civil penalties; providing an exception for the  
 14          operator of a waste management facility and certain  
 15          tax-exempt entities; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Section 506.19, Florida Statutes, is amended to  
 20           read:

21           506.19 Protection of owners of marked or branded field  
 22           boxes or other specified containers; recordation.—Any person who  
 23           owns ~~being the owner of~~ field boxes, pallets, crates,  
 24           containers, or receptacles used in the general production,  
 25           harvesting, packing, transportation, or marketing of fruits or  
 26           vegetables or their byproducts or used for the storage or  
 27           transport of agricultural or other commercial goods in this the  
 28           state may adopt for his or her exclusive use and ownership a

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.-

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) "Noncash payment" means payment by a method other than  
62 | coins or currency.

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

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

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

75 | (a) Obtain from the seller proof of ownership of the  
76 | containers.

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

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

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

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

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

95 (b) A person who violates this section in a transaction  
 96 valued at more than \$10,000 commits a felony of the third  
 97 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 98 775.084.

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

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

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