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Section 1. Section 860.142, Florida Statutes, is created to read:

860.142 Catalytic Converter Antitheft Act.—

(1) This section may be cited as the "Catalytic Converter Antitheft Act."

(2) As used in this section, the term:

(a) "Catalytic converter" means an emission control device that is designed to be installed and operate in a motor vehicle to convert toxic gases and pollutants in the motor vehicle's exhaust system into less toxic substances via chemical reaction.

(b) "Detached catalytic converter" means a catalytic converter that has been removed from a motor vehicle.

(c) "Registered secondary metals recycler" means a secondary metals recycler, as defined in s. 538.18, who is registered with the Department of Revenue as required in s. 538.25.

(d) "Salvage motor vehicle dealer" has the same meaning as in s. 320.27(1)(c)5.

(3)(a) A person may not knowingly purchase a detached catalytic converter unless he or she is a registered secondary metals recycler.

(b) A registered secondary metals recycler who purchases a detached catalytic converter must comply with the requirements in ss. 538.19 and 538.26(5).

51 (c) A registered secondary metals recycler who does not
52 comply with the requirements of paragraph (b) is subject to the
53 penalties in s. 538.23.

54 (4)(a) A person may not knowingly possess, purchase, sell,
55 or install:

56 1. A stolen catalytic converter;

57 2. A catalytic converter that has been removed from a
58 stolen motor vehicle;

59 3. A new or detached catalytic converter from which the
60 manufacturer's part identification number, aftermarket
61 identification number, or owner-applied number has been removed,
62 altered, or defaced; or

63 4. A detached catalytic converter without proof of
64 ownership, unless the person is a registered secondary metals
65 recycler or a salvage motor vehicle dealer or meets the criteria
66 for exemption provided in s. 538.22.

67 (b) A person who violates paragraph (a) commits a felony
68 of the third degree, punishable as provided in s. 775.082, s.
69 775.083, or s. 775.084.

70 (c) Proof that a person was in possession of two or more
71 detached catalytic converters, unless satisfactorily explained,
72 gives rise to an inference that the person in possession of the
73 catalytic converters knew or should have known that the
74 catalytic converters may have been stolen or fraudulently
75 obtained.

76 Section 2. Section 860.147, Florida Statutes, is created
 77 to read:

78 860.147 Import, sale, or installation of counterfeit,
 79 fake, or nonfunctional catalytic converters.-

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

81 (a) "Catalytic converter" has the same meaning as provided
 82 in s. 860.142(2).

83 (b) "Counterfeit catalytic converter" means a catalytic
 84 converter displaying a mark identical or similar to the genuine
 85 mark of a catalytic converter manufacturer or motor vehicle
 86 manufacturer without authorization from such manufacturer.

87 (c) "Fake catalytic converter" means an item, other than a
 88 catalytic converter designed in accordance with United States
 89 Environmental Protection Agency regulations for a given make,
 90 model, and year of motor vehicle as part of a motor vehicle
 91 emission control system, including a counterfeit or
 92 nonfunctional catalytic converter, which is used to replace a
 93 legitimate catalytic converter.

94 (d) "Nonfunctional catalytic converter" means a
 95 replacement catalytic converter that:

96 1. Was previously recalled or damaged; or

97 2. Includes a part or object, including, but not limited
 98 to, a counterfeit or repaired catalytic converter, installed in
 99 a motor vehicle to mislead the owner or operator of such motor
 100 vehicle to believe that a functional catalytic converter has

101 been installed.

102 (2) A person may not knowingly import, manufacture,
103 purchase for the purpose of reselling or installing, sell, offer
104 for sale, or install or reinstall in a motor vehicle a
105 counterfeit, fake, or nonfunctional catalytic converter. A
106 person who violates this subsection commits a felony of the
107 second degree, punishable as provided in s. 775.082, s. 775.083,
108 or s. 775.084.

109 Section 3. Subsection (6) is added to section 538.26,
110 Florida Statutes, to read:

111 538.26 Certain acts and practices prohibited.—It is
112 unlawful for a secondary metals recycler to do or allow any of
113 the following acts:

114 (6) Process or remove from the place of business of a
115 secondary metals recycler a detached catalytic converter that
116 the secondary metals recycler has purchased within 10 business
117 days after the date of purchase. This subsection does not apply
118 to the purchase of a detached catalytic converter from another
119 secondary metals recycler, a salvage motor vehicle dealer as
120 defined in s. 320.27(1)(c)5., or a person or entity listed in s.
121 538.22.

122 Section 4. This act shall take effect July 1, 2023.