

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senators Boyd, Hooper,
and Stewart

604-02562-23

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1 A bill to be entitled
2 An act relating to catalytic converters; creating s.
3 860.142, F.S.; providing a short title; providing
4 definitions; prohibiting a person from knowingly
5 purchasing a detached catalytic converter unless he or
6 she is a registered secondary metals recycler;
7 requiring a registered secondary metals recycler to
8 comply with specified recordkeeping requirements;
9 providing penalties; prohibiting a person from
10 knowingly possessing, purchasing, selling, or
11 installing a stolen, altered, or detached catalytic
12 converter; providing criminal penalties; providing for
13 an inference that a catalytic converter may have been
14 stolen; creating s. 860.147, F.S.; providing
15 definitions; prohibiting a person from knowingly
16 importing, manufacturing, purchasing for a certain
17 purpose, selling, offering for sale, or installing or
18 reinstalling a counterfeit, fake, or nonfunctional
19 catalytic converter; providing criminal penalties;
20 amending s. 538.26, F.S.; prohibiting a secondary
21 metals recycler from processing or removing a detached
22 catalytic converter from the recycler's place of
23 business for a specified number of days; providing
24 exceptions; providing an effective date.

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

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

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30 860.142 Catalytic Converter Antitheft Act.—

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

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

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

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

40 (c) "Registered secondary metals recycler" means a
41 secondary metals recycler, as defined in s. 538.18, that is
42 registered with the Department of Revenue as required in s.
43 538.25.

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

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

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

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

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

57 1. Stolen catalytic converter;

58 2. Catalytic converter that has been removed from a stolen

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59 motor vehicle;

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

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

68 (b) A person who violates paragraph (a) commits a felony of
69 the third degree, punishable as provided in s. 775.082, s.
70 775.083, or s. 775.084.

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

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

79 860.147 Import, sale, or installation of counterfeit, fake,
80 or nonfunctional catalytic converters.—

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

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

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

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

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

97 1. Was previously recalled or damaged; or

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

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

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

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

115 (6) Process or remove from the place of business of a
116 secondary metals recycler a detached catalytic converter the

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117 secondary metals recycler has purchased for a period of 10
118 business days after the date of purchase. This subsection does
119 not apply to the purchase of a detached catalytic converter from
120 another secondary metals recycler, a salvage motor vehicle
121 dealer as defined in s. 320.27(1)(c)5., or a person or an entity
122 specified in s. 538.22.

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