

1                                   A bill to be entitled  
 2           An act relating to metal theft; amending s. 538.23,  
 3           F.S.; increasing the criminal penalties for specified  
 4           violations relating to secondary metals recycling;  
 5           providing increased criminal penalties for third and  
 6           subsequent criminal violations; amending s. 812.145,  
 7           F.S.; prohibiting removing or assisting with the  
 8           removal of copper or other nonferrous metals from an  
 9           electrical substation site without authorization of  
 10          the utility; providing criminal penalties; providing  
 11          an effective date.

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

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 15           Section 1. Subsection (1) of section 538.23, Florida  
 16   Statutes, is amended to read:

17           538.23   Violations and penalties.—

18           (1)(a)   Except as provided in paragraph (b), A secondary  
 19   metals recycler who knowingly and intentionally:

- 20           1.   Violates s. 538.20 or s. 538.21;
- 21           2.   Engages in a pattern of failing to keep records
- 22           required by s. 538.19;
- 23           3.   Violates s. 538.26(4); or
- 24           4.   Violates s. 538.235,

25  
 26   commits a felony of the third ~~misdemeanor of the first~~ degree,  
 27   punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

28           (b)   A secondary metals recycler who commits a third or

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29 subsequent violation of paragraph (a) commits a felony of the  
30 first ~~third~~ degree, punishable as provided in s. 775.082, s.  
31 775.083, or s. 775.084.

32 Section 2. Subsection (3) is added to section 812.145,  
33 Florida Statutes, to read:

34 812.145 Theft of copper or other nonferrous metals.—

35 (3) A person who knowingly and intentionally removes, or  
36 assists with the removal of, copper or other nonferrous metals  
37 from an electrical substation without authorization of the  
38 utility commits a felony of the first degree, punishable as  
39 provided in s. 775.082, s. 775.083, or s. 775.084.

40 Section 3. This act shall take effect October 1, 2012.