

ENROLLED

CS/HB 1323, Engrossed 2

2012 Legislature

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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.; providing a definition; prohibiting removing
8 copper or other nonferrous metals from an electrical
9 substation site without authorization of the utility;
10 providing criminal penalties; providing an effective
11 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,

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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 second ~~third~~ degree, punishable as provided in s. 775.082,
31 s.775.083, or s. 775.084.

32 Section 2. Paragraphs (d) and (e) of subsection (1) of
33 section 812.145, Florida Statutes, are redesignated as
34 paragraphs (e) and (f), respectively, a new paragraph (d) is
35 added to that subsection, and subsection (3) is added to that
36 section, to read:

37 812.145 Theft of copper or other nonferrous metals.—

38 (1) As used in this section, the terms:

39 (d) "Electrical substation" means a facility that takes
40 electricity from the transmission grid and converts it to a
41 lower voltage so it can be distributed to customers in the local
42 area on the local distribution grid through one or more
43 distribution lines less than 69 kilovolts in size.

44 (3) A person who knowingly and intentionally removes
45 copper or other nonferrous metals from an electrical substation
46 without authorization of the utility commits a felony of the
47 first degree, punishable as provided in s. 775.082, s. 775.083,
48 or s. 775.084.

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