

## CHAPTER 2012-185

### Committee Substitute for House Bill No. 1323

An act relating to metal theft; amending s. 538.23, F.S.; increasing the criminal penalties for specified violations relating to secondary metals recycling; providing increased criminal penalties for third and subsequent criminal violations; amending s. 812.145, F.S.; providing a definition; prohibiting removing copper or other nonferrous metals from an electrical substation site without authorization of the utility; providing criminal penalties; providing an effective date.

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

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

538.23 Violations and penalties.—

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

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

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

(b) A secondary metals recycler who commits a third or subsequent violation of paragraph (a) commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s.775.083, or s. 775.084.

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

812.145 Theft of copper or other nonferrous metals.—

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

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

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

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

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.