

CS/HB 813 – Secondary Metals Recyclers (Identical SB 618)

Amends s. 538.23, F.S., expanding the violations to include all of s. 538.26, F.S., which prohibits certain acts and practices of a secondary metals recycler. A violation of any part of this entire statute would result in a 3rd degree felony, and a third or subsequent violation would result in a 2nd degree felony. Under current law, only subsection 2 of this statute is subject to these felonies. Additionally, s. 538.26, F.S. is also amended to add Sundays to the unlawful time period for a secondary metals recycler to purchase regulated metals, restricted regulated metals, or ferrous metals, and also prohibits the recycler from purchasing a metal electric light pole, its fixtures, and identifiable hardware that is connected to the metal electric light structure without initially obtaining proof of ownership from the seller. Furthermore, s. 538.20, F.S. and s. 538.21, F.S., which are both subjected to these felonies under current law, are also expanded. s. 538.20 now adds an employee of the department who is a nonsworn trained regulatory investigator as someone who the secondary metals recycler must allow to inspect regulated metals property. s. 538.21 adds: “A secondary metals recycler may not dispose of any property identified by a hold notice or extended hold notice until the applicable hold period expires.”

This bill also expands the definition for the 3rd degree and 2nd degree felonies for someone who receives money in return for regulated metals property to include a person who knowingly “provides false information.” Furthermore, for the 2nd degree felony, it also adds that “the money or other consideration received is for restricted regulated metals” would make it a 2nd degree felony.

Per DOC, in FY-13-14, 7 (adj.) offenders were sentenced for violations committed as a secondary metals recycler and 0 received a prison sentence. No offenders were sentenced for a third or subsequent violation. Per FDLE, in FY 13-14, 6 individuals were arrested under the other subsections of s. 538.26, F.S., which are currently 1st degree misdemeanors, with only 1 repeat offender. There were no individuals found to be guilty/convicted or having adjudication withheld.

For violations committed by someone who receives money in return for regulated metals property, 49 (adj.) offenders were sentenced for giving false verification of ownership or for giving a false or altered identification (value less than \$300), and 6 (adj.) received a prison sentence (mean sentence length=42.5 m, incarceration rate: 12.2% adj-11.8% unadj). When the value was greater than \$300, 33 (adj.) offenders were sentenced for this offense and 7 (adj.) received a prison sentence (mean sentence length=19.0 m, incarceration rate: 21.2% adj-21.7% unadj).

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House