



248324

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 71 and 72

insert:

Section 2. Section 877.28, Florida Statutes, is created to  
read:

877.28 Theft of recovered material.-

(1) A person may not willfully or fraudulently, without the  
consent of any person, firm, or corporation or any lessee,  
trustee, or receiver owning, leasing, or providing recovered



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11 material collection services pursuant to an agreement with the  
12 above parties, remove more than 1 pound of recovered material  
13 from any commercial establishment or commercial establishment  
14 recovered material container.

15 (2) Any person violating this section is guilty of a  
16 misdemeanor of the first degree, punishable as provided in s.  
17 775.082 or s. 775.083. Prosecution for a violation of this  
18 section does not preclude prosecution for theft pursuant to s.  
19 812.014.

20 (3) Any person who has been convicted under this section  
21 two times in the previous 3 years is, upon the third conviction,  
22 guilty of a felony of the third degree, punishable as provided  
23 in s .775.082 and s. 775.083.

24 (4) Whoever is found in a civil action to have violated  
25 this section is liable to the party that owns the recovered  
26 material container or that owns the recovered material in an  
27 amount equal to five times the amount of the collection charge  
28 for the recovered material container or \$5,000, whichever is  
29 greater.

30 (5) For the purpose of this section, the terms "wood" and  
31 "plastic pallets" are included in the definition of recovered  
32 materials as defined in s. 403.703.

33 (6) This section does not apply to a party contracted to  
34 collect the recovered material from a commercial establishment.

36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete line 10

39 and insert:



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40 application under certain circumstances; creating s.  
41 877.28, F.S.; prohibiting a person from willfully or  
42 fraudulently and without consent removing more than a  
43 certain amount of recovered material from any  
44 commercial establishment or commercial establishment  
45 recovered material container; providing criminal  
46 penalties; providing liability; including the terms  
47 "wood" and "plastic pellets" in the definition of  
48 recovered material; providing an exception; providing  
49 an