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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Criminal and Civil Justice
(Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 860.142, Florida Statutes, is created to
read:

860.142 Catalytic Converter Antitheft Act.-

(1) This section may be cited as the "Catalytic Converter
Antitheft Act."

(2) As used in this section, the term:



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11 (a) "Catalytic converter" means an emission control device
12 that is designed to be installed and operate in a motor vehicle
13 to convert toxic gases and pollutants in the motor vehicle's
14 exhaust system into less toxic substances via chemical reaction.

15 (b) "Detached catalytic converter" means a catalytic
16 converter that has been removed from a motor vehicle.

17 (c) "Registered secondary metals recycler" means a
18 secondary metals recycler, as defined in s. 538.18, that is
19 registered with the Department of Revenue as required in s.
20 538.25.

21 (d) "Salvage motor vehicle dealer" has the same meaning as
22 provided in s. 320.27(1)(c)5.

23 (3) (a) A person may not knowingly purchase a detached
24 catalytic converter unless he or she is a registered secondary
25 metals recycler.

26 (b) A registered secondary metals recycler who purchases a
27 detached catalytic converter must comply with the requirements
28 in ss. 538.19 and 538.26(5).

29 (c) A registered secondary metals recycler who does not
30 comply with the requirements of paragraph (b) is subject to the
31 penalties in s. 538.23.

32 (4) (a) A person may not knowingly possess, purchase, sell,
33 or install a:

34 1. Stolen catalytic converter;

35 2. Catalytic converter that has been removed from a stolen
36 motor vehicle;

37 3. New or detached catalytic converter from which the
38 manufacturer's part identification number, aftermarket
39 identification number, or owner-applied number has been removed,



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40 altered, or defaced; or

41 4. Detached catalytic converter without proof of ownership,
42 unless the person is a registered secondary metals recycler, a
43 salvage motor vehicle dealer, or meets the criteria for
44 exemption provided in s. 538.22.

45 (b) A person who violates paragraph (a) commits a felony of
46 the third degree, punishable as provided in s. 775.082, s.
47 775.083, or s. 775.084.

48 (c) Proof that a person was in possession of two or more
49 detached catalytic converters, unless satisfactorily explained,
50 gives rise to an inference that the person in possession of the
51 catalytic converters knew or should have known that the
52 catalytic converters may have been stolen or fraudulently
53 obtained.

54 Section 2. Section 860.147, Florida Statutes, is created to
55 read:

56 860.147 Import, sale, or installation of counterfeit, fake,
57 or nonfunctional catalytic converters.—

58 (1) As used in this section, the term:

59 (a) "Catalytic converter" has the same meaning as provided
60 in s. 860.142(2) (a).

61 (b) "Counterfeit catalytic converter" means a catalytic
62 converter displaying a mark identical or similar to the genuine
63 mark of a catalytic converter manufacturer or motor vehicle
64 manufacturer without authorization from such manufacturer.

65 (c) "Fake catalytic converter" means an item, other than a
66 catalytic converter designed in accordance with United States
67 Environmental Protection Agency regulations for a given make,
68 model, and year of motor vehicle as part of a motor vehicle



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69 emission control system, including a counterfeit or
70 nonfunctional catalytic converter, which is used to replace a
71 legitimate catalytic converter.

72 (d) "Nonfunctional catalytic converter" means a replacement
73 catalytic converter that:

- 74 1. Was previously recalled or damaged; or
75 2. Includes a part or object, including, but not limited
76 to, a counterfeit or repaired catalytic converter, installed in
77 a motor vehicle to mislead the owner or operator of such motor
78 vehicle to believe that a functional catalytic converter has
79 been installed.

80 (2) A person may not knowingly import, manufacture,
81 purchase for the purpose of reselling or installing, sell, offer
82 for sale, or install or reinstall in a motor vehicle a
83 counterfeit, fake, or nonfunctional catalytic converter. A
84 person who violates this subsection commits a felony of the
85 second degree, punishable as provided in s. 775.082, s. 775.083,
86 or s. 775.084.

87 Section 3. Subsection (6) is added to section 538.26,
88 Florida Statutes, to read:

89 538.26 Certain acts and practices prohibited.—It is
90 unlawful for a secondary metals recycler to do or allow any of
91 the following acts:

92 (6) Process or remove from the place of business of a
93 secondary metal recycler a detached catalytic converter the
94 secondary metals recycler has purchased for a period of 10
95 business days after the date of purchase. This subsection does
96 not apply to the purchase of a detached catalytic converter from
97 another secondary metals recycler, a salvage motor vehicle



98 dealer as defined in s. 320.27(1)(c)5., or a person or entity in
99 s. 538.22.

100 Section 4. This act shall take effect July 1, 2023.

101
102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete everything before the enacting clause
105 and insert:

106 A bill to be entitled
107 An act relating to catalytic converters; creating s.
108 860.142, F.S.; providing a short title; providing
109 definitions; prohibiting a person from purchasing a
110 detached catalytic converter unless he or she is a
111 registered secondary metals recycler; requiring a
112 registered secondary metals recycler to comply with
113 specified recordkeeping requirements; providing
114 penalties; prohibiting a person from possessing,
115 purchasing, selling, or installing a stolen, altered,
116 or detached catalytic converter; providing penalties;
117 providing for an inference that a catalytic converter
118 may have been stolen; creating s. 860.147, F.S.;
119 providing definitions; prohibiting the import,
120 manufacture, specified purchase, sale, or installation
121 of a counterfeit, fake, or nonfunctional catalytic
122 converter; providing penalties; amending s. 538.26,
123 F.S.; prohibiting a secondary metals recycler from
124 processing or removing a detached catalytic converter
125 from the recycler's place of business for a specified
126 period; providing exceptions; providing an effective



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date.