

1 A bill to be entitled

2 An act relating to secondary metals recyclers; amending s.
3 538.18, F.S.; revising the definition of "personal
4 identification card"; deleting an exclusion of
5 transactions under a specified amount from the definition
6 of "purchase transaction" for specified purposes; amending
7 s. 538.19, F.S.; providing for additional seller
8 information to be obtained; requiring an image of the
9 regulated metals being sold; amending s. 538.23, F.S.;
10 providing for enhanced penalties for third or subsequent
11 violations of a specified provision; providing enhanced
12 penalties for violations of specified provisions relating
13 to false verification of ownership or false or altered
14 identification of a seller of regulated metals; amending
15 s. 538.25, F.S.; requiring the Department of Revenue to
16 provide a law enforcement official, upon request, with
17 specified information regarding certain secondhand
18 dealers; amending s. 538.26, F.S.; prohibiting the
19 purchase of any regulated metals property, other than
20 aluminum cans, when presented at the property of a
21 secondary metals recycler and not transported in a motor
22 vehicle; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (5) and (6) of section 538.18,
27 Florida Statutes, are amended to read:

28 538.18 Definitions.--As used in this part, the term:

29 (5) "Personal identification card" means any government-
 30 issued photographic identification card ~~a driver's license or~~
 31 ~~identification card issued by the Department of Highway Safety~~
 32 ~~and Motor Vehicles under s. 322.03 or s. 322.051, or a similar~~
 33 ~~card issued by another state, a military identification card, a~~
 34 ~~passport, or an appropriate work authorization issued by the~~
 35 ~~United States Bureau of Citizenship and Immigration Services.~~

36 (6) "Purchase transaction" means a transaction in which a
 37 secondary metals recycler gives consideration ~~having a value in~~
 38 ~~excess of \$10 in exchange~~ for regulated metals property.

39 Section 2. Subsection (2) of section 538.19, Florida
 40 Statutes, is amended to read:

41 538.19 Records required.--

42 (2) The following information must be maintained on a form
 43 approved by the Department of Law Enforcement for each purchase
 44 transaction:

45 (a) The name and address of the secondary metals recycler.

46 (b) The name, initials, or other identification of the
 47 individual entering the information on the ticket.

48 (c) The date and time of the transaction.

49 (d) The weight, quantity, or volume, and a description of
 50 the type of regulated metals property purchased in a purchase
 51 transaction.

52 (e) The amount of consideration given in a purchase
 53 transaction for the regulated metals property.

54 (f) A signed statement from the person delivering the
 55 regulated metals property stating that she or he is the rightful

56 owner of, or is entitled to sell, the regulated metals property
 57 being sold.

58 (g) The distinctive number from the personal
 59 identification card of the person delivering the regulated
 60 metals property to the secondary metals recycler.

61 (h) A description of the person from whom the goods were
 62 acquired, including:

63 1. Full name, current residential address, workplace, and
 64 home and work phone numbers.

65 2. Height, weight, date of birth, race, gender, hair
 66 color, eye color, and any other identifying marks.

67 3. The right thumbprint, free of smudges and smears.

68 4. Vehicle description to include the make, model, and tag
 69 number of the vehicle and trailer of the person selling the
 70 regulated metals property.

71 5. Any other information required by the form approved by
 72 the Department of Law Enforcement.

73 (i) A photograph, videotape, or digital image of the
 74 regulated metals being sold.

75 (j)~~(h)~~ A photograph, videotape, or similar likeness of the
 76 person receiving consideration in which such person's facial
 77 features are clearly visible.

78 Section 3. Subsections (1) and (3) of section 538.23,
 79 Florida Statutes, are amended to read:

80 538.23 Violations and penalties.--

81 (1) (a) Except as provided in paragraph (b), a secondary
 82 metals recycler who shall,~~upon conviction of~~ knowingly and
 83 intentionally:

84 1.(a) ~~Violates~~ Violating s. 538.20 or s. 538.21;
 85 2.(b) ~~Engages~~ Engaging in a pattern of failing to keep
 86 records ~~as~~ required by s. 538.19; or
 87 3.(c) ~~Violates~~ Violating s. 538.26(4),

88
 89 ~~commits~~ ~~be guilty of~~ a misdemeanor of the first degree,
 90 punishable as provided in s. 775.082.

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

95 (3) Any person who knowingly gives false verification of
 96 ownership or who gives a false or altered identification and who
 97 receives money or other consideration from a secondary metals
 98 recycler in return for regulated metals property ~~commits shall,~~
 99 ~~upon conviction, be guilty of:~~

100 (a) A ~~felony~~ ~~misdemeanor~~ of the third ~~first~~ degree,
 101 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
 102 775.084, if the value of the money or other consideration
 103 received is less than \$300.

104 (b) A felony of the second ~~third~~ degree, punishable as
 105 provided in s. 775.082, s. 775.083, or s. 775.084, if the value
 106 of the money or other consideration received is \$300 or more.

107 Section 4. Subsection (6) is added to section 538.25,
 108 Florida Statutes, to read:

109 538.25 Registration.--

110 (6) Upon the request of a law enforcement official, the
 111 Department of Revenue shall release to the official the name and

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112 address of any secondhand dealer registered to do business
113 within the official's jurisdiction.

114 Section 5. Subsection (4) of section 538.26, Florida
115 Statutes, is amended to read:

116 538.26 Certain acts and practices prohibited.--It is
117 unlawful for a secondary metals recycler to do or allow any of
118 the following acts:

119 (4) Purchase regulated metals property, with the exception
120 of aluminum cans, from any seller who presents such property for
121 sale at the registered location of the secondary metals recycler
122 when such property was not transported in a motor vehicle ~~unless~~
123 ~~the seller can prove ownership of the regulated metals property.~~

124 Section 6. This act shall take effect October 1, 2008.