

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; revising  
 7           the definition of "regulated metals property"; amending s.  
 8           538.19, F.S.; revising recordkeeping requirements for  
 9           purchase transactions; providing for additional seller  
 10          information to be obtained; requiring an image of the  
 11          regulated metals being sold; amending s. 538.23, F.S.;  
 12          providing for enhanced penalties for third or subsequent  
 13          violations of a specified provision; providing enhanced  
 14          penalties for violations of specified provisions relating  
 15          to false verification of ownership or false or altered  
 16          identification of a seller of regulated metals; creating  
 17          s. 538.235, F.S.; prohibiting secondary metals recyclers  
 18          from entering into cash transactions in certain  
 19          circumstances; amending s. 538.25, F.S.; requiring the  
 20          Department of Revenue to provide a law enforcement  
 21          official, upon request, with specified information  
 22          regarding certain secondary metals recyclers; amending s.  
 23          538.26, F.S.; prohibiting the purchase of any regulated  
 24          metals property when presented at the property of a  
 25          secondary metals recycler and not transported in a motor  
 26          vehicle; providing an effective date.

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

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Section 1. Subsections (5), (6), and (7) of section 538.18, Florida Statutes, are amended to read:

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

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

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

(7) "Regulated metals property" means any item composed primarily of any nonferrous metals, but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers. The term shall include stainless steel beer kegs.

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

538.19 Records required.--

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

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

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

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

58 (d) The weight, quantity, or volume, and a description of  
 59 the type of regulated metals property purchased in a purchase  
 60 transaction.

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

63 (f) A signed statement from the person delivering the  
 64 regulated metals property stating that she or he is the rightful  
 65 owner of, or is entitled to sell, the regulated metals property  
 66 being sold. If the purchase involves a stainless steel beer keg,  
 67 the seller must provide written documentation from the  
 68 manufacturer that the seller is the owner of the stainless steel  
 69 beer keg or is an employee or agent of the manufacturer.

70 (g) The distinctive number from the personal  
 71 identification card of the person delivering the regulated  
 72 metals property to the secondary metals recycler.

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

75 1. Full name, current residential address, workplace, and  
 76 home and work phone numbers.

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

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

80 4. Vehicle description to include the make, model, and tag  
 81 number of the vehicle and trailer of the person selling the  
 82 regulated metals property.

83 5. Any other information required by the form approved by  
 84 the Department of Law Enforcement.

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

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

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

92 538.23 Violations and penalties.--

93 (1) (a) Except as provided in paragraph (b), a secondary  
 94 metals recycler who shall, upon conviction of knowingly and  
 95 intentionally:

96 1.(a) Violates ~~Violating~~ s. 538.20 or s. 538.21;

97 2.(b) Engages ~~Engaging~~ in a pattern of failing to keep  
 98 records ~~as~~ required by s. 538.19; ~~or~~

99 3.(c) Violates ~~Violating~~ s. 538.26(4); ~~r~~ or

100 4. Violates s. 538.235,

101  
 102 commits ~~be guilty of~~ a misdemeanor of the first degree,  
 103 punishable as provided in s. 775.082.

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

108 (3) Any person who knowingly gives false verification of  
 109 ownership or who gives a false or altered identification and who  
 110 receives money or other consideration from a secondary metals  
 111 recycler in return for regulated metals property commits ~~shall,~~  
 112 ~~upon conviction, be guilty of:~~

113 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree,  
 114 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
 115 775.084, if the value of the money or other consideration  
 116 received is less than \$300.

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

120 Section 4. Section 538.235, Florida Statutes, is created  
 121 to read:

122 538.235 Method of payment.--A secondary metals recycler  
 123 shall not enter into any cash transaction in excess of \$1,000 in  
 124 payment for the purchase of regulated metals property. Payment  
 125 in excess of \$1,000 for the purchase of regulated metals  
 126 property shall be made by check issued to the seller of the  
 127 metal and payable to the seller.

128 Section 5. Subsection (6) is added to section 538.25,  
 129 Florida Statutes, to read:

130 538.25 Registration.--

131 (6) Upon the request of a law enforcement official, the  
 132 Department of Revenue shall release to the official the name and  
 133 address of any secondary metals recycler registered to do  
 134 business within the official's jurisdiction.

135 Section 6. Subsection (4) of section 538.26, Florida  
 136 Statutes, is amended to read:

137 538.26 Certain acts and practices prohibited.--It is  
 138 unlawful for a secondary metals recycler to do or allow any of  
 139 the following acts:

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140           (4) Purchase regulated metals property from any seller who  
141 presents such property for sale at the registered location of  
142 the secondary metals recycler when such property was not  
143 transported in a motor vehicle ~~unless the seller can prove~~  
144 ~~ownership of the regulated metals property.~~

145           Section 7. This act shall take effect October 1, 2008.