

By Senator Crist

12-00364B-08

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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.; requiring that a
19 secondary metals recycler purchasing regulated metals
20 retain documentation showing proof of the seller's
21 ownership; providing that it is a first-degree misdemeanor
22 to sell, offer for sale, purchase, or attempt to purchase
23 a stainless steel beer keg without proof of ownership;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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

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30 538.18 Definitions.--As used in this part, the term:

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

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

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

43 538.19 Records required.--

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

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

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

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

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

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

56 (f) A signed statement from the person delivering the
57 regulated metals property stating that she or he is the rightful
58 owner of, or is entitled to sell, the regulated metals property

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59 being sold.

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

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

65 1. Full name, current residential address, workplace, and
66 home and work phone numbers.

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

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

70 4. Vehicle description, which must include the make, model,
71 and tag number of the vehicle and trailer of the person selling
72 the regulated metals property.

73 5. Any other information required by the form approved by
74 the Department of Law Enforcement.

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

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

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

82 538.23 Violations and penalties.--

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

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

87 2. (b) Engages ~~Engaging~~ in a pattern of failing to keep

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88 records ~~as~~ required by s. 538.19; or

89 3.(e) Violates ~~Violating~~ s. 538.26(4), (6), or (7),

90

91 commits ~~be guilty of~~ a misdemeanor of the first degree,

92 punishable as provided in s. 775.082.

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

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

102 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree,
103 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
104 775.084, if the value of the money or other consideration
105 received is less than \$300.

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

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

111 538.25 Registration.--

112 (6) Upon the request of a law enforcement official, the
113 Department of Revenue shall release to the official the name and
114 address of any secondhand dealer registered to do business within
115 the official's jurisdiction.

116 Section 5. Subsection (4) of section 538.26, Florida

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117 Statutes, is amended, and subsections (6) and (7) are added to
118 that section, to read:

119 538.26 Certain acts and practices prohibited.--It is
120 unlawful for a secondary metals recycler to do or allow any of
121 the following acts:

122 (4) Purchase regulated metals property from any seller who
123 presents such property for sale at the registered location of the
124 secondary metals recycler when such property was not transported
125 in a motor vehicle unless the seller can prove ownership of the
126 regulated metals property. The secondary metals recycler shall
127 retain a copy of the proof of ownership along with the records
128 required under s. 538.19.

129 (6) Sell or offer for sale a stainless steel beer keg
130 without providing reasonable written documentation that the
131 seller owns the stainless steel beer keg or is an employee,
132 agent, or other person authorized to sell the beer keg on behalf
133 of the owner.

134 (7) Purchase or attempt to purchase a stainless steel beer
135 keg without obtaining reasonable written documentation that the
136 seller owns the stainless steel beer keg or is an employee,
137 agent, or other person authorized to sell the beer keg on behalf
138 of the owner.

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