

By Senator Brandes

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1 A bill to be entitled
2 An act relating to secondary metals recyclers;
3 providing for a type two transfer of the regulation of
4 secondary metals recyclers from the Department of
5 Revenue to the Department of Agriculture and Consumer
6 Services; amending s. 213.05, F.S.; repealing
7 provision that requires that the Department of Revenue
8 regulate the registration of secondary metals
9 recyclers; amending s. 213.053, F.S.; authorizing the
10 Department of Revenue to share specified information
11 with the Department of Agriculture and Consumer
12 Services; conforming provisions to changes made by the
13 act; amending s. 319.30, F.S.; redefining the term
14 "certificate of registration number"; amending s.
15 538.18, F.S.; redefining terms; amending s. 538.19,
16 F.S.; requiring the Department of Agriculture and
17 Consumer Services, rather than the Department of Law
18 Enforcement, to approve the form of certain records
19 maintained by secondary metals recyclers; amending s.
20 538.20, F.S.; authorizing investigators of the
21 Department of Agriculture and Consumer Services to
22 inspect regulated metals property and records of
23 secondary metals recyclers; amending s. 538.21, F.S.;
24 clarifying a provision of law; amending s. 538.23,
25 F.S.; providing criminal penalties for specified
26 prohibited acts and practices; amending s. 538.25,
27 F.S.; revising required application information for a
28 secondary metals recycler registration; requiring that
29 a secondary metals recycler maintain certain insurance

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30 coverage throughout the registration period;
31 increasing registration and renewal fees; requiring
32 that fees be deposited into the General Inspection
33 Trust Fund, rather than the Operating Trust Fund;
34 requiring a secondary metals recycler to allow
35 personnel of the Department of Agriculture and
36 Consumer Services to inspect a registration at the
37 listed place of business; providing remedies to the
38 Department of Agriculture and Consumer Services if a
39 secondary metals recycler fails to allow such
40 inspection; repealing certain civil fines; revising
41 criteria to deny or revoke a registration as a
42 secondary metals recycler; providing for immediate
43 suspension of an application for registration or a
44 registration if the applicant or registrant, or an
45 owner, officer, director, or trustee of an applicant
46 or registrant is convicted of certain felonies;
47 conforming provisions to changes made by the act;
48 amending s. 538.26, F.S.; prohibiting a secondary
49 metals recycler from purchasing or allowing any person
50 to purchase certain metals on a Sunday; revising the
51 list of regulated metals subject to certain purchase
52 restrictions; creating s. 538.27, F.S.; providing
53 administrative penalties; specifying administrative
54 procedures; providing for the collection of
55 administrative fines; creating s. 538.29, F.S.;
56 authorizing the Department of Agriculture and Consumer
57 Services to adopt certain rules and forms; providing
58 an effective date.

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

Section 1. All powers; duties; functions; records; personnel; property; pending issues and existing contracts; administrative authority; administrative rules; and unexpended balances of appropriations, allocations, and other funds for the regulation of secondary metal recyclers are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Revenue to the Department of Agriculture and Consumer Services.

Section 2. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 202, communications services tax; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter

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88 211, tax on production of oil and gas and severance of solid
 89 minerals; chapter 212, tax on sales, use, and other
 90 transactions; chapter 220, income tax code; ss. 336.021 and
 91 336.025, taxes on motor fuel and special fuel; s. 376.11,
 92 pollutant spill prevention and control; s. 403.718, waste tire
 93 fees; s. 403.7185, lead-acid battery fees; s. 538.09,
 94 registration of secondhand dealers; ~~s. 538.25, registration of~~
 95 ~~secondary metals recyclers;~~ s. 624.4621, group self-insurer's
 96 fund premium tax; s. 624.5091, retaliatory tax; s. 624.475,
 97 commercial self-insurance fund premium tax; ss. 624.509-624.511,
 98 insurance code: administration and general provisions; s.
 99 624.515, State Fire Marshal regulatory assessment; s. 627.357,
 100 medical malpractice self-insurance premium tax; s. 629.5011,
 101 reciprocal insurers premium tax; and s. 681.117, motor vehicle
 102 warranty enforcement.

103 Section 3. Subsection (1), paragraph (p) of subsection (8),
 104 and subsection (11) of section 213.053, Florida Statutes, are
 105 amended to read:

106 213.053 Confidentiality and information sharing.—

107 (1) This section applies to:

108 (a) Section 125.0104, county government;

109 (b) Section 125.0108, tourist impact tax;

110 (c) Chapter 175, municipal firefighters' pension trust
 111 funds;

112 (d) Chapter 185, municipal police officers' retirement
 113 trust funds;

114 (e) Chapter 198, estate taxes;

115 (f) Chapter 199, intangible personal property taxes;

116 (g) Chapter 201, excise tax on documents;

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117 (h) Chapter 202, the Communications Services Tax
118 Simplification Law;

119 (i) Chapter 203, gross receipts taxes;

120 (j) Chapter 211, tax on severance and production of
121 minerals;

122 (k) Chapter 212, tax on sales, use, and other transactions;

123 (l) Chapter 220, income tax code;

124 (m) Section 252.372, emergency management, preparedness,
125 and assistance surcharge;

126 (n) Section 379.362(3), Apalachicola Bay oyster surcharge;

127 (o) Chapter 376, pollutant spill prevention and control;

128 (p) Section 403.718, waste tire fees;

129 (q) Section 403.7185, lead-acid battery fees;

130 (r) Section 538.09, registration of secondhand dealers;

131 ~~(s) Section 538.25, registration of secondary metals~~
132 ~~recyclers;~~

133 (s) ~~(t)~~ Sections 624.501 and 624.509-624.515, insurance
134 code;

135 (t) ~~(u)~~ Section 681.117, motor vehicle warranty enforcement;
136 and

137 (u) ~~(v)~~ Section 896.102, reports of financial transactions
138 in trade or business.

139 (8) Notwithstanding any other provision of this section,
140 the department may provide:

141 (p) Names, addresses, ~~and~~ sales tax registration
142 information, and information relative to chapter 212 for
143 purposes of enforcing s.538.235(3), to the Division of Consumer
144 Services of the Department of Agriculture and Consumer Services
145 in the conduct of its official duties.

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147 Disclosure of information under this subsection shall be
148 pursuant to a written agreement between the executive director
149 and the agency. Such agencies, governmental or nongovernmental,
150 shall be bound by the same requirements of confidentiality as
151 the Department of Revenue. Breach of confidentiality is a
152 misdemeanor of the first degree, punishable as provided by s.
153 775.082 or s. 775.083.

154 (11) Notwithstanding any other provision of this section,
155 with respect to a request for verification of a certificate of
156 registration issued pursuant to s. 212.18 to a specified dealer
157 or taxpayer or with respect to a request by a law enforcement
158 officer for verification of a certificate of registration issued
159 pursuant to s. 538.09 to a specified secondhand dealer ~~or~~
160 ~~pursuant to s. 538.25 to a specified secondary metals recycler,~~
161 the department may disclose whether the specified person holds a
162 valid certificate or whether a specified certificate number is
163 valid or whether a specified certificate number has been
164 canceled or is inactive or invalid and the name of the holder of
165 the certificate. This subsection does ~~shall not be construed to~~
166 create a duty to request verification of any certificate of
167 registration.

168 Section 4. Paragraph (b) of subsection (1) of section
169 319.30, Florida Statutes, is amended to read:

170 319.30 Definitions; dismantling, destruction, change of
171 identity of motor vehicle or mobile home; salvage.—

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

173 (b) "Certificate of registration number" means the
174 certificate of registration number issued by the Department of

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175 ~~Agriculture and Consumer Services Revenue of the State of~~
176 ~~Florida~~ pursuant to s. 538.25.

177 Section 5. Subsections (2) and (7) of section 538.18,
178 Florida Statutes, are amended to read:

179 538.18 Definitions.—As used in this part, the term:

180 (2) "Department" means the Department of Agriculture and
181 Consumer Services Revenue.

182 (7) "Personal identification card" means one of the
183 following forms of identification, which must be valid and
184 contain the individual's photograph and current address:

185 (a) ~~A valid~~ A Florida driver license.

186 (b) ~~τ~~ A Florida identification card issued by the
187 Department of Highway Safety and Motor Vehicles.

188 (c) ~~A, an equivalent~~ form of identification equivalent to
189 paragraph (a) or paragraph (b) issued by another state.

190 (d) ~~τ~~ A passport.

191 (e) ~~τ, or~~ An employment authorization issued by the United
192 States Bureau of Citizenship and Immigration Services that
193 ~~contains an individual's photograph and current address.~~

194 Section 6. Subsections (1) through (3) of section 538.19,
195 Florida Statutes, are amended to read:

196 538.19 Records required; limitation of liability.—

197 (1) A secondary metals recycler shall maintain a legible
198 paper record of all purchase transactions to which such
199 secondary metals recycler is a party. A secondary metals
200 recycler shall also maintain a legible electronic record, in the
201 English language, of all such purchase transactions. The
202 appropriate law enforcement official may provide data
203 specifications regarding the electronic record format, but such

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204 format must be approved by the department ~~of Law Enforcement~~. An
205 electronic record of a purchase transaction shall be
206 electronically transmitted to the appropriate law enforcement
207 official no later than 10 a.m. of the business day following the
208 date of the purchase transaction. The record transmitted to the
209 appropriate law enforcement official must not contain the price
210 paid for the items. A secondary metals recycler who transmits
211 such records electronically is not required to also deliver the
212 original or paper copies of the transaction forms to the
213 appropriate law enforcement official. However, such official
214 may, for purposes of a criminal investigation, request the
215 secondary metals recycler to make available the original
216 transaction form that was electronically transmitted. This
217 original transaction form must include the price paid for the
218 items. The secondary metals recycler shall make the form
219 available to the appropriate law enforcement official within 24
220 hours after receipt of the request.

221 (2) The following information must be maintained on the
222 form approved by the department ~~of Law Enforcement~~ for each
223 purchase transaction:

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

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

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

228 (d) The weight, quantity, or volume, and a description of
229 the type of regulated metals property purchased in a purchase
230 transaction.

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

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233 (f) A signed statement from the person delivering the
234 regulated metals property stating that she or he is the rightful
235 owner of, or is entitled to sell, the regulated metals property
236 being sold. If the purchase involves a stainless steel beer keg,
237 the seller must provide written documentation from the
238 manufacturer that the seller is the owner of the stainless steel
239 beer keg or is an employee or agent of the manufacturer.

240 (g) The distinctive number from the personal identification
241 card of the person delivering the regulated metals property to
242 the secondary metals recycler.

243 (h) A description of the person from whom the regulated
244 metals property was acquired, including:

245 1. Full name, current residential address, workplace, and
246 home and work phone numbers.

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

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

250 4. Vehicle description to include the make, model, and tag
251 number of the vehicle and trailer of the person selling the
252 regulated metals property.

253 5. Any other information required by the form approved by
254 the department ~~of Law Enforcement~~.

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

257 (j) A photograph, videotape, or similar likeness of the
258 person receiving consideration in which such person's facial
259 features are clearly visible.

260 (3) A secondary metals recycler complies with the
261 requirements of this section if it maintains an electronic

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262 database containing the information required by subsection (2)
263 as long as the electronic information required by subsection
264 (2), along with an electronic oath of ownership with an
265 electronic signature of the seller of the secondary metals being
266 purchased by the secondary metals recyclers and an electronic
267 image of the seller's right thumbprint that has no smudges and
268 smears, can be downloaded onto a paper form in the image of the
269 form approved by the department ~~of Law Enforcement~~ as provided
270 in subsection (2).

271 Section 7. Section 538.20, Florida Statutes, is amended to
272 read:

273 538.20 Inspection of regulated metals property and
274 records.—During the usual and customary business hours of a
275 secondary metals recycler, a law enforcement officer or a
276 nonsworn, trained regulatory investigator of the department
277 shall, after properly identifying herself or himself ~~as a law~~
278 ~~enforcement officer~~, have the right to inspect:

279 (1) Any and all purchased regulated metals property in the
280 possession of the secondary metals recycler, and

281 (2) Any and all records required to be maintained under s.
282 538.19.

283 Section 8. Subsection (3) of section 538.21, Florida
284 Statutes, is amended to read:

285 538.21 Hold notice.—

286 (3) A secondary metals recycler may not dispose of property
287 at any location until a holding period has expired. At the
288 expiration of the hold period or, if extended in accordance with
289 this section, at the expiration of the extended hold period, the
290 hold is automatically released and the secondary metals recycler

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291 may dispose of the regulated metals property unless other
292 disposition has been ordered by a court of competent
293 jurisdiction.

294 Section 9. Subsections (1) and (3) of section 538.23,
295 Florida Statutes, are amended to read:

296 538.23 Violations and penalties.—

297 (1) (a) Except as provided in paragraph (b), a secondary
298 metals recycler who knowingly and intentionally:

299 1. Violates s. 538.20, ~~or~~ s. 538.21, s. 538.235, or s.
300 538.26; or

301 2. Engages in a pattern of failing to keep records required
302 under ~~by~~ s. 538.19;

303 ~~3. Violates s. 538.26(2); or~~

304 ~~4. Violates s. 538.235,~~

305

306 commits a felony of the third degree, punishable as provided in
307 s. 775.082, s. 775.083, or s. 775.084.

308 (b) A secondary metals recycler who commits a third or
309 subsequent violation of paragraph (a) commits a felony of the
310 second degree, punishable as provided in s. 775.082, s. 775.083,
311 or s. 775.084.

312 (3) A ~~Any~~ person who knowingly provides false information,
313 gives false verification of ownership, or who gives a false or
314 altered identification and who receives money or other
315 consideration from a secondary metals recycler in return for
316 regulated metals property commits:

317 (a) A felony of the third degree, punishable as provided in
318 s. 775.082, s. 775.083, or s. 775.084, if the value of the money
319 or other consideration received is less than \$300.

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320 (b) A felony of the second degree, punishable as provided
321 in s. 775.082, s. 775.083, or s. 775.084, if the value of the
322 money or other consideration received is \$300 or more or is for
323 restricted regulated metals.

324 Section 10. Section 538.25, Florida Statutes, is amended to
325 read:

326 538.25 Registration.—

327 (1) A person may not engage in business as a secondary
328 metals recycler at any location without registering with the
329 department. To register as a secondary metals recycler, an
330 application must be submitted to the department on a department
331 prescribed form. One application is required for each secondary
332 metals recycler. An applicant must be a natural person who is at
333 least 18 years of age or a corporation that is organized or
334 qualified to do business in this state. If the applicant is a
335 partnership, each partner must separately apply for
336 registration.

337 (a) The application must include all the following
338 information:

339 1. The full name and address of the applicant. If the
340 applicant is not a natural person, the applicant shall provide
341 the full name and address of each direct and beneficial owner of
342 at least 10 percent equity interest in the applicant. If the
343 applicant is a corporation, the applicant must also state the
344 full name and address of each officer and director. The
345 department shall accept applications only from a fixed business
346 address. The department may not accept an application that
347 provides an address of a hotel room or motel room, a vehicle, or
348 a post office box.

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349 2. The address of each location where the applicant will
350 engage in business as a secondary metals recycler. The
351 department shall issue a duplicate registration for each
352 location. For purposes of subsections (3) and (4) and s. 538.27,
353 duplicate registrations are individual registrations.

354 3. If the applicant is a natural person, a complete set of
355 his or her fingerprints, certified by an authorized law
356 enforcement officer, and a copy of a valid fullface photographic
357 identification card.

358 4. If the applicant is a corporation, the name and address
359 of the corporation's registered agent for service of process in
360 the state; and a certified copy of a statement from the
361 Secretary of State declaring that the corporation is duly
362 organized in this state or, if the corporation is organized in
363 another state, declaring that the corporation is duly qualified
364 to do business in this state.

365 5. Evidence of general liability insurance and workers'
366 compensation insurance coverage. Each secondary metals recycler
367 must maintain general liability insurance and workers'
368 compensation insurance throughout the registration period.
369 Failure to maintain general liability insurance and workers'
370 compensation insurance during the registration period
371 constitutes an immediate threat to the public health, safety,
372 and welfare, and the department may suspend or deny the
373 registration of a secondary metals recycler without such
374 insurance coverage.

375 6. Any additional information requested by the department.

376 (b)~~(a)~~ An applicant shall remit a registration fee of \$350
377 for each of the applicant's business locations with each

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378 application for registration and, if applicable, a fee equal to
379 the federal and state costs for processing required fingerprints
380 ~~must be submitted to the department with each application for~~
381 ~~registration. One application is required for each secondary~~
382 ~~metals recycler. If a secondary metals recycler is the owner of~~
383 ~~more than one secondary metals recycling location, the~~
384 ~~application must list each location, and the department shall~~
385 ~~issue a duplicate registration for each location. For purposes~~
386 ~~of subsections (3), (4), and (5), these duplicate registrations~~
387 ~~shall be deemed individual registrations. A secondary metals~~
388 ~~recycler shall pay a fee of \$6 per location at the time of~~
389 ~~registration and an annual renewal fee of \$350~~ \$6 per location
390 on October 1 of each year. All fees collected, less costs of
391 administration, shall be transferred into the General Inspection
392 Operating Trust Fund.

393 (c)(b) Where applicable, the department shall forward the
394 full set of fingerprints to the Department of Law Enforcement
395 for state and federal processing, provided the federal service
396 is available, to be processed for any criminal justice
397 information as defined in s. 943.045. The cost of processing
398 such fingerprints shall be payable to the Department of Law
399 Enforcement by the department. The department may issue a
400 temporary registration to each location pending completion of
401 the background check by state and federal law enforcement
402 agencies but shall revoke such temporary registration if the
403 completed background check reveals a prohibited criminal
404 background. The Department of Law Enforcement shall report its
405 findings to the department ~~of Revenue~~ within 30 days after the
406 date the fingerprints are submitted for criminal justice

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407 information.

408 ~~(c) An applicant for a secondary metals recycler~~
409 ~~registration must be a natural person who has reached the age of~~
410 ~~18 years or a corporation organized or qualified to do business~~
411 ~~in the state.~~

412 ~~1. If the applicant is a natural person, the registration~~
413 ~~must include a complete set of her or his fingerprints,~~
414 ~~certified by an authorized law enforcement officer, and a recent~~
415 ~~fullface photographic identification card of herself or himself.~~

416 ~~2. If the applicant is a partnership, all the partners must~~
417 ~~make application for registration.~~

418 ~~3. If the applicant is a corporation, the registration must~~
419 ~~include the name and address of such corporation's registered~~
420 ~~agent for service of process in the state and a certified copy~~
421 ~~of statement from the Secretary of State that the corporation is~~
422 ~~duly organized in the state or, if the corporation is organized~~
423 ~~in a state other than Florida, a certified copy of the statement~~
424 ~~that the corporation is duly qualified to do business in this~~
425 ~~state.~~

426 (2) A secondary metals recycler's registration shall be
427 conspicuously displayed at the place of business set forth on
428 the registration. A secondary metals recycler must allow
429 department personnel to enter the place of business to ascertain
430 whether a registration is current. If department personnel are
431 refused entry or access for such purpose, the department may
432 seek an inspection warrant pursuant to ss. 933.20-933.30 to
433 obtain compliance with this subsection ~~A secondary metals~~
434 ~~recycler shall not dispose of property at any location until any~~
435 ~~holding period has expired.~~

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436 ~~(3) The Department of Revenue may impose a civil fine of up~~
437 ~~to \$10,000 for each knowing and intentional violation of this~~
438 ~~section, which fine shall be transferred into the General~~
439 ~~Revenue Fund. If the fine is not paid within 60 days, the~~
440 ~~department may bring a civil action under s. 120.69 to recover~~
441 ~~the fine.~~

442 (3)(4) In addition to the penalties ~~fine~~ provided in s.
443 538.27 subsection (3), registration under this section may be
444 denied or any registration granted may be revoked, restricted,
445 or suspended by the department if, after October 2, 1989, and
446 within a 10-year ~~24-month~~ period immediately preceding such
447 denial, revocation, restriction, or suspension:

448 (a) The applicant or registrant, or an owner, officer,
449 director, or trustee of a registrant or applicant has been
450 convicted of knowingly and intentionally:

- 451 1. Violating s. 538.20, ~~or~~ s. 538.21, or s. 538.26;
- 452 2. Engaging in a pattern of failing to keep records as
453 required by s. 538.19;
- 454 3. Making a material false statement in the application for
455 registration; or
- 456 4. Engaging in a fraudulent act in connection with any
457 purchase or sale of regulated metals property;

458 (b) The applicant or registrant, or an owner, officer,
459 director, or trustee of a registrant or applicant has been
460 convicted of, or entered a plea of guilty or nolo contendere to,
461 a felony committed by the secondary metals recycler against the
462 laws of the state or of the United States involving theft,
463 larceny, dealing in stolen property, receiving stolen property,
464 burglary, embezzlement, obtaining property by false pretenses,

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465 possession of altered property, or any felony drug offense or of
466 knowingly and intentionally violating the laws of the state
467 relating to registration as a secondary metals recycler; or

468 (c) The applicant or registrant has, after receipt of
469 written notice from the Department of Revenue of failure to pay
470 sales tax, failed or refused to pay, within 30 days after the
471 secondary metals recycler's receipt of such written notice, any
472 sales tax owed to the Department of Revenue.

473 (4)~~(5)~~ A denial of an application, or a revocation,
474 restriction, or suspension of a registration, by the department
475 shall be probationary for a period of 12 months in the event
476 that the secondary metals recycler subject to such action has
477 not had any other application for registration denied, or any
478 registration revoked, restricted, or suspended, by the
479 department within the previous 24-month period.

480 (a) If, during the 12-month probationary period, the
481 department does not again deny an application or revoke,
482 restrict, or suspend the registration of the secondary metals
483 recycler, the action of the department shall be dismissed and
484 the record of the applicant or secondary metals recycler cleared
485 thereof.

486 (b) If, during the 12-month probationary period, the
487 department, for reasons other than those existing before ~~prior~~
488 ~~to~~ the original denial or revocation, restriction, or
489 suspension, again denies an application or revokes, restricts,
490 or suspends the registration of the secondary metals recycler,
491 the probationary nature of such original action shall terminate,
492 and both the original action of the department and the action of
493 the department causing the termination of the probationary

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494 nature thereof shall immediately be reinstated against the
495 applicant or secondary metals recycler.

496 (c) The department shall immediately suspend a registration
497 or the processing of an application for registration upon
498 notification and subsequent written verification by a law
499 enforcement agency, a court, a state attorney, or the Department
500 of Law Enforcement that the registrant or applicant, or an
501 owner, officer, director, or trustee of a registrant or
502 applicant, is convicted of a felony enumerated in chapter 812 or
503 chapter 817.

504 (5) ~~(6)~~ Upon the request of a law enforcement official, the
505 department ~~of Revenue~~ shall release to the official the name and
506 address of any secondary metals recycler registered to do
507 business within the official's jurisdiction.

508 Section 11. Subsections (1) and (5) of section 538.26,
509 Florida Statutes, are amended to read:

510 538.26 Certain acts and practices prohibited.—It is
511 unlawful for a secondary metals recycler to do or allow any of
512 the following acts:

513 (1) Purchase regulated metals property, restricted
514 regulated metals property, or ferrous metals before 7 a.m. or
515 after 7 p.m., or any time on Sunday.

516 (5) (a) Purchase any restricted regulated metals property
517 listed in paragraph (b) unless the secondary metals recycler
518 obtains reasonable proof that the seller:

519 1. Owns such property. Reasonable proof of ownership may
520 include, but is not limited to, a receipt or bill of sale; or

521 2. Is an employee, agent, or contractor of the property's
522 owner who is authorized to sell the property on behalf of the

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523 owner. Reasonable proof of authorization to sell the property
524 includes, but is not limited to, a signed letter on the owner's
525 letterhead, dated no later than 90 days before the sale,
526 authorizing the seller to sell the property.

527 (b) The purchase of any of the following regulated metals
528 property is subject to the restrictions provided in paragraph

529 (a):

530 1. A manhole cover.

531 2. A metal ~~An~~ electric light pole ~~or other utility~~
532 ~~structure~~ and its fixtures.

533 3. ~~, wires, and~~ Hardware that is ~~are~~ readily identifiable
534 as connected to a metal electric light ~~the utility~~ structure.

535 ~~4.3.~~ A guard rail.

536 ~~5.4.~~ A street sign, traffic sign, or traffic signal and its
537 fixtures and hardware.

538 ~~6.5.~~ Communication, transmission, distribution, and service
539 wire ~~from a utility~~, including jelly wire, heavy gauge copper,
540 and aluminum wire measuring 1 inch or more in diameter with
541 insulation or measuring three-quarters of an inch without
542 insulation, and copper or aluminum bus bars, connectors,
543 grounding plates, waveguide, and underground cable ~~or grounding~~
544 ~~wire~~.

545 ~~7.6.~~ A funeral marker or funeral vase.

546 ~~8.7.~~ A historical marker.

547 ~~9.8.~~ Railroad equipment, including, but not limited to, a
548 tie plate, signal house, control box, switch plate, E clip, or
549 rail tie junction.

550 ~~10.9.~~ Any metal item that is observably marked upon
551 reasonable inspection with any form of the name, initials, or

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552 logo of a governmental entity, utility company, cemetery, or
553 railroad.

554 11.10. A copper, aluminum, or aluminum-copper condensing or
555 evaporator coil, including its tubing or rods, from an air-
556 conditioning or heating unit, excluding coils from window air-
557 conditioning or heating units and motor vehicle air-conditioning
558 or heating units.

559 12.11. An aluminum or stainless steel container or bottle
560 designed to hold propane for fueling forklifts.

561 13.12. A stainless steel beer keg.

562 14.13. A catalytic converter or any nonferrous part of a
563 catalytic converter unless purchased as part of a motor vehicle.

564 15.14. Metallic wire that has been burned in whole or in
565 part to remove insulation.

566 16.15. A brass or bronze commercial valve or fitting,
567 referred to as a "fire department connection and control valve"
568 or an "FDC valve," that is commonly used on structures for
569 access to water for the purpose of extinguishing fires.

570 17.16. A brass or bronze commercial potable water backflow
571 preventer valve that is commonly used to prevent backflow of
572 potable water from commercial structures into municipal domestic
573 water service systems.

574 18.17. A shopping cart.

575 19.18. A brass water meter.

576 20.19. A storm grate.

577 21.20. A brass sprinkler head used in commercial
578 agriculture.

579 22.21. Three or more ~~than two~~ lead-acid batteries, or any
580 part or component thereof, in a single purchase or from the same

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581 individual in a single day.

582 Section 12. Section 538.27, Florida Statutes, is created to
583 read:

584 538.27 Administrative penalties.-

585 (1) Upon a determination that a violation of s. 538.19, s.
586 538.235, s. 538.25, or s. 538.26 has occurred, the department
587 may do one or more of the following:

588 (a) Issue a notice of noncompliance pursuant to s. 120.695.

589 (b) Impose an administrative fine not to exceed \$200 per
590 violation and not to exceed \$5,000 per inspection.

591 (c) Direct that the secondary metals recycler cease and
592 desist specified activities.

593 (2) Administrative proceedings that could result in the
594 entry of an order imposing any penalty specified in this section
595 must be conducted in accordance with chapter 120.

596 (3) Fines collected under this section shall be deposited
597 into the General Inspection Trust Fund. The department may bring
598 a civil action under s. 120.69 to recover any fine imposed under
599 this section which is not paid within 60 days after imposition.

600 Section 13. Section 538.29, Florida Statutes, is created to
601 read:

602 538.29 Rulemaking authority.-The department may adopt rules
603 and forms to administer the provisions of this part. The rules
604 must include tiered penalties for violations of this part.

605 Section 14. This act shall take effect July 1, 2014.