

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Combee offered the following:

Amendment (with title amendment)

Remove lines 282-494 and insert:

7 (b) The applicant's fingerprints must be submitted by the
 8 agency, entity, or vendor as authorized by s. 943.053(13). The
 9 fingerprints shall be forwarded to the Department of Law
 10 Enforcement for state processing, and the Department of Law
 11 Enforcement shall forward them to the Federal Bureau of
 12 Investigation for national processing.

13 (c) All fingerprints submitted to the Department of Law
 14 Enforcement as required under this subsection shall be retained
 15 by the Department of Law Enforcement as provided under s.
 16 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
 17 Investigation's national retained print arrest notification
 18 program. Fingerprints shall be enrolled in the national retained

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19 print arrest notification program when the Department of Law
20 Enforcement begins participation with the Federal Bureau of
21 Investigation. Arrest fingerprints will be searched against the
22 retained prints by the Department of Law Enforcement and the
23 Federal Bureau of Investigation.

24 (d) The fees for state and national fingerprint processing,
25 along with the fingerprint retention fees, shall be borne by the
26 applicant. The state cost for fingerprint processing is that
27 authorized in s. 943.053(3) (b) for records provided to persons or
28 entities other than those specified as exceptions therein.

29 (e) For any renewal of the applicant's registration, the
30 department shall request the Department of Law Enforcement to
31 forward the retained fingerprints of the applicant to the
32 Federal Bureau of Investigation unless the applicant is enrolled
33 in the national retained print arrest notification program
34 described in paragraph (c). The fee for the national criminal
35 history check will be paid as part of the renewal fee to the
36 department and forwarded by the department to the Department of
37 Law Enforcement. If the applicant's fingerprints are retained
38 in the national retained print arrest notification program, the
39 applicant shall pay the state and national retention fee to the
40 department which will forward the fee to the Department of Law
41 Enforcement.

42 (f) The department shall notify the Department of Law
43 Enforcement regarding any person whose fingerprints have been
44 retained but who is no longer registered under this chapter.

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45 (g) The department shall screen background results to
46 determine if an applicant meets registration requirements.

47 ~~The department shall forward the full set of fingerprints to the~~
48 ~~Department of Law Enforcement for state and federal processing,~~
49 ~~provided the federal service is available, to be processed for~~
50 ~~any criminal justice information as defined in s. 943.045. The~~
51 ~~cost of processing such fingerprints shall be payable to the~~
52 ~~Department of Law Enforcement by the department. The department~~
53 ~~may issue a temporary registration to each location pending~~
54 ~~completion of the background check by state and federal law~~
55 ~~enforcement agencies but shall revoke such temporary~~
56 ~~registration if the completed background check reveals a~~
57 ~~prohibited criminal background. The Department of Law~~
58 ~~Enforcement shall report its findings to the department of~~
59 ~~Revenue within 30 days after the date the fingerprints are~~
60 ~~submitted for criminal justice information.~~

61 (h)-(e) An applicant for a secondary metals recycler
62 registration must be a natural person who has reached the age of
63 18 years or a corporation organized or qualified to do business
64 in the state.

65 1. If the applicant is a natural person, the registration
66 must include a complete set of her or his fingerprints,
67 certified by an authorized law enforcement officer, and a valid
68 ~~recent~~ fullface photographic identification card of herself or
69 himself.

70 2. If the applicant is a partnership, all the partners

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71 must make application for registration.

72 3. If the applicant is a corporation, the registration
73 must include the name and address of such corporation's
74 registered agent for service of process in the state and a
75 certified copy of statement from the Secretary of State that the
76 corporation is duly organized in the state or, if the
77 corporation is organized in a state other than Florida, a
78 certified copy of the statement that the corporation is duly
79 qualified to do business in this state.

80 (i) Each secondary metals recycler must maintain current
81 and valid workers' compensation insurance and general liability
82 insurance coverage in a minimum amount established by the
83 department throughout the registration period. A secondary
84 metals recycler must provide the department with written
85 evidence of workers' compensation insurance coverage and general
86 liability insurance coverage before registering with the
87 department under this section. Failure to maintain workers'
88 compensation insurance or general liability insurance in
89 accordance with this paragraph constitutes an immediate threat
90 to the public health, safety, and welfare of the residents of
91 this state. If a secondary metals recycler fails to maintain
92 insurance coverage as required by this paragraph, the department
93 may immediately suspend the secondary metals recycler's
94 registration or eligibility for registration and the secondary
95 metals recycler must immediately cease operating in this state.

96 (j) A person applying for or renewing a local business tax

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97 receipt to engage in business as a secondary metals recycler
98 must exhibit an active registration certificate from the
99 department before the local business tax receipt may be issued
100 or renewed.

101 (2) A secondary metals recycler's registration shall be
102 conspicuously displayed at the place of business set forth on
103 the registration. A secondary metals recycler must allow
104 department personnel to enter the secondary metals recycler's
105 place of business in order to verify that a registration is
106 valid. If department personnel are refused entry for this
107 purpose, the department may seek an inspection warrant pursuant
108 to ss. 993.20-993.30 to obtain compliance with this requirement
109 ~~shall not dispose of property at any location until any holding~~
110 ~~period has expired.~~

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

117 (3)(4) In addition to the penalties ~~fine~~ provided in s.
118 538.27 subsection (3), registration under this section may be
119 denied or any registration granted may be revoked, restricted,
120 or suspended by the department if, after October 2, 1989, and
121 within a 10-year ~~24-month~~ period immediately preceding such
122 denial, revocation, restriction, or suspension:

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123 (a) The applicant or registrant, or any owner, officer,
124 director or trustee of a registrant or applicant has been
125 convicted of knowingly and intentionally:

126 1. Violating s. 538.20, ~~or~~ s. 538.21, or s. 538.26;

127 2. Engaging in a pattern of failing to keep records as
128 required by s. 538.19;

129 3. Making a material false statement in the application
130 for registration; or

131 4. Engaging in a fraudulent act in connection with any
132 purchase or sale of regulated metals property;

133 (b) The applicant or registrant, or any owner, officer,
134 director or trustee of a registrant or applicant has been
135 convicted of, or entered a plea of guilty or nolo contendere to,
136 a felony ~~committed by the secondary metals recycler~~ against the
137 laws of the state or of the United States involving theft,
138 larceny, dealing in stolen property, receiving stolen property,
139 burglary, embezzlement, obtaining property by false pretenses,
140 possession of altered property, or any felony drug offense or of
141 knowingly and intentionally violating the laws of the state
142 relating to registration as a secondary metals recycler; or

143 (c) The applicant has, after receipt of written notice
144 from the Department of Revenue of failure to pay sales tax,
145 failed or refused to pay, within 30 days after the secondary
146 metals recycler's receipt of such written notice, any sales tax
147 owed to the Department of Revenue.

148 ~~(4)-(5)~~ A denial of an application, or a revocation,

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149 restriction, or suspension of a registration, by the department
150 shall be probationary for a period of 12 months in the event
151 that the secondary metals recycler subject to such action has
152 not had any other application for registration denied, or any
153 registration revoked, restricted, or suspended, by the
154 department within the previous 24-month period.

155 (a) If, during the 12-month probationary period, the
156 department does not again deny an application or revoke,
157 restrict, or suspend the registration of the secondary metals
158 recycler, the action of the department shall be dismissed and
159 the record of the secondary metals recycler cleared thereof.

160 (b) If, during the 12-month probationary period, the
161 department, for reasons other than those existing before ~~prior~~
162 ~~to~~ the original denial or revocation, restriction, or
163 suspension, again denies an application or revokes, restricts,
164 or suspends the registration of the secondary metals recycler,
165 the probationary nature of such original action shall terminate
166 and both the original action of the department and the action of
167 the department causing the termination of the probationary
168 nature thereof shall immediately be reinstated against the
169 secondary metals recycler.

170 (5) The department shall suspend the registration or the
171 application for registration of any registrant or applicant, if
172 that registrant or applicant, or any of its owners, officers,
173 directors or trustees have been convicted of a felony under
174 chapter 812 or chapter 817 immediately upon receiving written

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175 verification of the conviction from a law enforcement agency,
176 court, or state attorney's office or the Department of Law
177 Enforcement.

178 (6) Upon the request of a law enforcement official, the
179 department ~~of Revenue~~ shall release to the official the name and
180 address of any secondary metals recycler registered to do
181 business within the official's jurisdiction.

182 Section 10. Subsection (1) and paragraph (b) of subsection
183 (5) of section 538.26, Florida Statutes, are amended to read:

184 538.26 Certain acts and practices prohibited.—It is
185 unlawful for a secondary metals recycler to do or allow any of
186 the following acts:

187 (1) Purchase regulated metals property, restricted
188 regulated metals property, or ferrous metals between the hours
189 of 7 p.m. and before 7 a.m. or any time on Sunday after 7 p.m.

190 (5)

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

193 (a):

194 1. A manhole cover.

195 2. A metal ~~An~~ electric light pole ~~or other utility~~
196 ~~structure~~ and its fixtures, ~~wires,~~ and hardware that is ~~are~~
197 readily identifiable as connected to a metal electric light ~~the~~
198 ~~utility~~ structure.

199 3. A guard rail.

200 4. A street sign, traffic sign, or traffic signal and its

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201 fixtures and hardware.

202 5. Communication, transmission, distribution, and service
203 wire from a utility, including copper or aluminum bus bars,
204 connectors, grounding plates, or grounding wire.

205 6. A funeral marker or funeral vase.

206 7. A historical marker.

207 8. Railroad equipment, including, but not limited to, a
208 tie plate, signal house, control box, switch plate, E clip, or
209 rail tie junction.

210 9. Any metal item that is observably marked upon
211 reasonable inspection with any form of the name, initials, or
212 logo of a governmental entity, utility company, cemetery, or
213 railroad.

214 10. A copper, aluminum, or aluminum-copper condensing or
215 evaporator coil, including its tubing or rods, from an air-
216 conditioning or heating unit, excluding coils from window air-
217 conditioning or heating units and motor vehicle air-conditioning
218 or heating units.

219 11. An aluminum or stainless steel container or bottle
220 designed to hold propane for fueling forklifts.

221 12. A stainless steel beer keg.

222 13. A catalytic converter or any nonferrous part of a
223 catalytic converter unless purchased as part of a motor vehicle.

224 14. Metallic wire that has been burned in whole or in part
225 to remove insulation.

226 15. A brass or bronze commercial valve or fitting,

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227 referred to as a "fire department connection and control valve"
228 or an "FDC valve," that is commonly used on structures for
229 access to water for the purpose of extinguishing fires.

230 16. A brass or bronze commercial potable water backflow
231 preventer valve that is commonly used to prevent backflow of
232 potable water from commercial structures into municipal domestic
233 water service systems.

234 17. A shopping cart.

235 18. A brass water meter.

236 19. A storm grate.

237 20. A brass sprinkler head used in commercial agriculture.

238 21. Three or more ~~than two~~ lead-acid batteries, or any
239 part or component thereof, in a single purchase or from the same
240 individual in a single day.

241 Section 11. Section 538.27, Florida Statutes, is created
242 to read:

243 538.27 Administrative penalties.-

244 (1) Upon a determination that a violation of s. 538.19, s.
245 538.235, s. 538.25, or s. 538.26 has occurred, the department
246 may take one or more of the following actions:

247 (a) Issue a notice of noncompliance pursuant to s.
248 120.695.

249 (b) Impose an administrative fine up to \$200 per
250 violation, but not to exceed \$5,000 per inspection. Any fine
251 collected shall be deposited in the General Inspection Trust
252 Fund. If a fine is not paid within 60 days after imposition, the

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253 department may bring a civil action under s. 120.69 to recover
254 the fine.

255 (c) Direct that the secondary metals recycler cease and
256 desist specified activities.

257 (2) The administrative proceedings that could result in
258 the entry of an order imposing any of the penalties specified in
259 this section shall be conducted in accordance with chapter 120.

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262 **T I T L E A M E N D M E N T**

263 Remove line 23 and insert:

264 Inspection Trust Fund; requiring applicant fingerprints to be
265 forwarded to the Department of Law Enforcement and to the
266 Federal Bureau of Investigation; providing that fees for
267 fingerprint processing shall be borne by the applicant;
268 requiring the department to request the Department of Law
269 Enforcement to forward retained fingerprints for the renewal of
270 the applicant's registration to the Federal Bureau of
271 Investigation unless applicant is enrolled in the national
272 retained print arrest notification; requiring secondary metals
273