

1 A bill to be entitled

2 An act relating to secondary metals recyclers;
3 transferring administration of part II of chapter 538,
4 F.S., relating to secondary metals recyclers, from the
5 Department of Revenue to the Department of Agriculture
6 and Consumer Services; providing for applicability
7 with respect to pending actions, orders, and rules;
8 amending s. 213.053, F.S.; authorizing the Department
9 of Revenue to share certain confidential information
10 with the Department of Agriculture and Consumer
11 Services; amending ss. 319.30, 538.18, and 538.19,
12 F.S.; conforming provisions to changes made by the
13 act; amending s. 538.20, F.S.; authorizing specified
14 persons to inspect regulated metals property and
15 records; amending s. 538.21, F.S.; prohibiting a
16 secondary metals recycler from disposing of certain
17 property for a specified period; amending s. 538.23,
18 F.S.; revising violations subject to criminal
19 penalties; amending s. 538.25, F.S.; revising
20 application requirements for registration as a
21 secondary metals recycler; revising registration fees;
22 requiring such fees to be transferred into the General
23 Inspection Trust Fund; requiring applicants to submit
24 fingerprints and pay a fee for fingerprint processing
25 and retention; providing for the submission,
26 retention, and use of collected fingerprints;

Page 1 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0771-01-c1

27 requiring secondary metals recyclers to maintain
 28 specified insurance coverage; requiring secondary
 29 metals recyclers to exhibit active registration
 30 certificates from the Department of Agriculture and
 31 Consumer Services before applying for or renewing a
 32 local business tax receipt; requiring secondary metals
 33 recyclers to allow department personnel to enter
 34 certain places of business for a specified purpose;
 35 revising penalties for noncompliance; requiring the
 36 department to suspend certain registrations or
 37 applications for registration under certain
 38 circumstances; amending s. 538.26, F.S.; prohibiting
 39 secondary metals recyclers from purchasing regulated
 40 metals property, restricted regulated metals property,
 41 or ferrous metals on Sundays; prohibiting the purchase
 42 of specified restricted regulated metals property
 43 without obtaining certain proof of the seller's
 44 transactions involving regulated metals property;
 45 creating s. 538.27, F.S.; providing penalties for
 46 noncompliance; creating s. 538.29, F.S.; authorizing
 47 the department to adopt rules; providing an effective
 48 date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. (1) All powers, duties, functions, records,

53 personnel, property, pending issues, existing contracts,
54 administrative authority, administrative rules, and unexpended
55 balances of appropriations, allocations, and other funds of the
56 Department of Revenue relating to the administration of part II
57 of chapter 538, Florida Statutes, are transferred by a type two
58 transfer, pursuant to s. 20.06(2), Florida Statutes, to the
59 Department of Agriculture and Consumer Services.

60 (2) This section does not affect the validity of any
61 judicial or administrative action pending as of 11:59 p.m. on
62 the day before the effective date of this act to which the
63 Department of Revenue is at that time a party, and the
64 Department of Agriculture and Consumer Services shall be
65 substituted as a party in interest in any such action.

66 (3) All lawful orders issued by the Department of Revenue
67 relating to the administration of part II of chapter 538,
68 Florida Statutes, issued before the effective date of this act
69 shall remain in effect and be enforceable after the effective
70 date of this section unless thereafter modified in accordance
71 with law.

72 (4) The rules of the Department of Revenue relating to the
73 administration of part II of chapter 538, Florida Statutes, that
74 were in effect at 11:59 p.m. on the day before the effective
75 date of this act shall remain in effect and be enforceable after
76 the effective date of this section unless thereafter modified in
77 accordance with law.

78 Section 2. Paragraph (cc) is added to subsection (8) of

79 | section 213.053, Florida Statutes, and subsection (11) of that
 80 | section is amended, to read:

81 | 213.053 Confidentiality and information sharing.—

82 | (8) Notwithstanding any other provision of this section,
 83 | the department may provide:

84 | (cc) Information relative to chapter 212 and part II of
 85 | chapter 538 to the Department of Agriculture and Consumer
 86 | Services in the conduct of its official duties.

87 |
 88 | Disclosure of information under this subsection shall be
 89 | pursuant to a written agreement between the executive director
 90 | and the agency. Such agencies, governmental or nongovernmental,
 91 | shall be bound by the same requirements of confidentiality as
 92 | the Department of Revenue. Breach of confidentiality is a
 93 | misdemeanor of the first degree, punishable as provided by s.
 94 | 775.082 or s. 775.083.

95 | (11) Notwithstanding any other provision of this section,
 96 | with respect to a request for verification of a certificate of
 97 | registration issued pursuant to s. 212.18 to a specified dealer
 98 | or taxpayer or with respect to a request by a law enforcement
 99 | officer for verification of a certificate of registration issued
 100 | pursuant to s. 538.09 to a specified secondhand dealer ~~or~~
 101 | ~~pursuant to s. 538.25 to a specified secondary metals recycler,~~
 102 | the department may disclose whether the specified person holds a
 103 | valid certificate, ~~or~~ whether a specified certificate number is
 104 | valid, ~~or~~ whether a specified certificate number has been

105 canceled or is inactive or invalid, and the name of the holder
 106 of the certificate. This subsection shall not be construed to
 107 create a duty to request verification of any certificate of
 108 registration.

109 Section 3. Paragraph (b) of subsection (1) of section
 110 319.30, Florida Statutes, is amended to read:

111 319.30 Definitions; dismantling, destruction, change of
 112 identity of motor vehicle or mobile home; salvage.—

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

114 (b) "Certificate of registration number" means the
 115 certificate of registration number issued by the Department of
 116 Agriculture and Consumer Services Revenue ~~of the State of~~
 117 ~~Florida~~ pursuant to s. 538.25.

118 Section 4. Subsection (2) of section 538.18, Florida
 119 Statutes, is amended to read:

120 538.18 Definitions.—As used in this part, the term:

121 (2) "Department" means the Department of Agriculture and
 122 Consumer Services Revenue.

123 Section 5. Subsections (1), (2), and (3) of section
 124 538.19, Florida Statutes, are amended to read:

125 538.19 Records required; limitation of liability.—

126 (1) A secondary metals recycler shall maintain a legible
 127 paper record of all purchase transactions to which such
 128 secondary metals recycler is a party. A secondary metals
 129 recycler shall also maintain a legible electronic record, in the
 130 English language, of all such purchase transactions. The

131 appropriate law enforcement official may provide data
132 specifications regarding the electronic record format, but such
133 format must be approved by the department ~~of Law Enforcement~~. An
134 electronic record of a purchase transaction shall be
135 electronically transmitted to the appropriate law enforcement
136 official no later than 10 a.m. of the business day following the
137 date of the purchase transaction. The record transmitted to the
138 appropriate law enforcement official must not contain the price
139 paid for the items. A secondary metals recycler who transmits
140 such records electronically is not required to also deliver the
141 original or paper copies of the transaction forms to the
142 appropriate law enforcement official. However, such official
143 may, for purposes of a criminal investigation, request the
144 secondary metals recycler to make available the original
145 transaction form that was electronically transmitted. This
146 original transaction form must include the price paid for the
147 items. The secondary metals recycler shall make the form
148 available to the appropriate law enforcement official within 24
149 hours after receipt of the request.

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

- 153 (a) The name and address of the secondary metals recycler.
154 (b) The name, initials, or other identification of the
155 individual entering the information on the ticket.
156 (c) The date and time of the transaction.

157 (d) The weight, quantity, or volume, and a description of
158 the type of regulated metals property purchased in a purchase
159 transaction.

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

162 (f) A signed statement from the person delivering the
163 regulated metals property stating that she or he is the rightful
164 owner of, or is entitled to sell, the regulated metals property
165 being sold. If the purchase involves a stainless steel beer keg,
166 the seller must provide written documentation from the
167 manufacturer that the seller is the owner of the stainless steel
168 beer keg or is an employee or agent of the manufacturer.

169 (g) The distinctive number from the personal
170 identification card of the person delivering the regulated
171 metals property to the secondary metals recycler.

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

174 1. Full name, current residential address, workplace, and
175 home and work phone numbers.

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

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

179 4. Vehicle description to include the make, model, and tag
180 number of the vehicle and trailer of the person selling the
181 regulated metals property.

182 5. Any other information required by the form approved by

183 the department ~~of Law Enforcement~~.

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

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

189 (3) A secondary metals recycler complies with the
190 requirements of this section if it maintains an electronic
191 database containing the information required by subsection (2)
192 as long as the electronic information required by subsection
193 (2), along with an electronic oath of ownership with an
194 electronic signature of the seller of the secondary metals being
195 purchased by the secondary metals recyclers and an electronic
196 image of the seller's right thumbprint that has no smudges and
197 smears, can be downloaded onto a paper form in the image of the
198 form approved by the department ~~of Law Enforcement~~ as provided
199 in subsection (2).

200 Section 6. Section 538.20, Florida Statutes, is amended to
201 read:

202 538.20 Inspection of regulated metals property and
203 records.—During the usual and customary business hours of a
204 secondary metals recycler, a law enforcement officer or employee
205 of the department who is a nonsworn trained regulatory
206 investigator shall, after properly identifying herself or
207 himself as such ~~a law enforcement officer~~, have the right to
208 inspect:

209 (1) Any and all purchased regulated metals property in the
 210 possession of the secondary metals recycler, ~~and~~

211 (2) Any and all records required to be maintained under s.
 212 538.19.

213 Section 7. Subsection (3) of section 538.21, Florida
 214 Statutes, is amended to read:

215 538.21 Hold notice.—

216 (3) A secondary metals recycler may not dispose of any
 217 property identified by a hold notice or extended hold notice
 218 until the applicable hold period expires. At the expiration of
 219 the hold period or, if extended in accordance with this section,
 220 at the expiration of the extended hold period, the hold is
 221 automatically released and the secondary metals recycler may
 222 dispose of the regulated metals property unless other
 223 disposition has been ordered by a court of competent
 224 jurisdiction.

225 Section 8. Paragraph (a) of subsection (1) and subsection
 226 (3) of section 538.23, Florida Statutes, are amended to read:

227 538.23 Violations and penalties.—

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

- 230 1. Violates s. 538.20, ~~or~~ s. 538.21, or s. 538.26;
- 231 2. Engages in a pattern of failing to keep records
 232 required by s. 538.19;
- 233 3. Violates s. 538.26(2); or
- 234 4. Violates s. 538.235,

235
 236 commits a felony of the third degree, punishable as provided in
 237 s. 775.082, s. 775.083, or s. 775.084.

238 (3) Any person who knowingly provides false information,
 239 gives false verification of ownership, ~~or who~~ gives a false or
 240 altered identification and who receives money or other
 241 consideration from a secondary metals recycler in return for
 242 regulated metals property commits:

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

246 (b) A felony of the second degree, punishable as provided
 247 in s. 775.082, s. 775.083, or s. 775.084, if the value of the
 248 money or other consideration received is \$300 or more or if the
 249 money or other consideration received is for restricted
 250 regulated metals.

251 Section 9. Subsections (1), (3), (4), and (6) of section
 252 538.25, Florida Statutes, are amended to read:

253 538.25 Registration.—

254 (1) A person may not engage in business as a secondary
 255 metals recycler at any location without registering with the
 256 department on an application form prescribed by the department.
 257 An application for registration must state the full name of the
 258 applicant, the place where the business is to be conducted, and
 259 any other relevant information required by the department. If
 260 the applicant is not an individual, the applicant must state the

261 full name and address of each direct or beneficial owner of at
262 least 10-percent equity interest in the business. If the
263 applicant is a corporation, the application must state the full
264 name and address of each officer and director. The department
265 shall accept applications only from a fixed business address.
266 The department may not accept an application that provides an
267 address of a hotel room or motel room, a vehicle, or a post
268 office box.

269 (a) Fingerprint fees, as provided for in subparagraph
270 (b) (2), ~~A fee equal to the federal and state costs for~~
271 ~~processing required fingerprints~~ must be submitted to the
272 department with each application for registration. One
273 application is required for each secondary metals recycler. If a
274 secondary metals recycler is the owner of more than one
275 secondary metals recycling location, the application must list
276 each location, and the department shall issue a duplicate
277 registration for each location. For purposes of subsections (3)
278 ~~and~~, (4), ~~and~~ (5), these duplicate registrations shall be deemed
279 individual registrations. A secondary metals recycler shall
280 remit an annual registration fee of \$350 to the department at
281 the time of registration for each of the secondary metals
282 recycler's business locations ~~pay a fee of \$6 per location at~~
283 ~~the time of registration and an annual renewal fee of \$6 per~~
284 ~~location on October 1 of each year.~~ All fees collected, ~~less~~
285 ~~costs of administration,~~ shall be transferred into the General
286 Inspection Operating Trust Fund.

287 (b)1. An applicant shall submit a full set of fingerprints
288 to the department or an entity or vendor authorized by s.
289 943.053(13). The fingerprints shall be forwarded to the
290 Department of Law Enforcement for state processing, and the
291 Department of Law Enforcement shall forward the fingerprints to
292 the Federal Bureau of Investigation for national processing.

293 2. Fees for state and federal fingerprint processing and
294 fingerprint retention fees shall be borne by the applicant. The
295 state cost for fingerprint processing is that authorized in s.
296 943.053(3)(b) for records provided to persons or entities other
297 than those specified as exceptions therein.

298 3. Fingerprints submitted to the Department of Law
299 Enforcement pursuant to this paragraph shall be retained by the
300 Department of Law Enforcement as provided in s. 943.05(2)(g) and
301 (h) and enrolled in the Federal Bureau of Investigation's
302 national retained print arrest notification program.

303 Fingerprints shall be enrolled in the national retained print
304 arrest notification program when the Department of Law
305 Enforcement begins participation with the Federal Bureau of
306 Investigation. Arrest fingerprints shall be searched against the
307 retained prints by the Department of Law Enforcement and the
308 Federal Bureau of Investigation, and any arrest record
309 identified shall be reported to the department by the Department
310 of Law Enforcement.

311 4. For a renewal of an applicant's registration, the
312 department shall request the Department of Law Enforcement to

313 forward the retained fingerprints of the applicant to the
314 Federal Bureau of Investigation unless the applicant is enrolled
315 in the national retained print arrest notification program
316 described in subparagraph 3. The fee for the national criminal
317 history check shall be paid as part of the renewal fee to the
318 department and shall be forwarded to the Department of Law
319 Enforcement. If an applicant's fingerprints are retained in the
320 national retained print arrest notification program, the
321 applicant shall pay the state and national retention fee to the
322 department, and the department shall forward the fee to the
323 Department of Law Enforcement.

324 5. The department shall notify the Department of Law
325 Enforcement regarding a person whose fingerprints have been
326 retained but who is no longer registered under this chapter.

327 6. The department shall screen background results to
328 determine whether an applicant meets registration requirements.
329 ~~The department shall forward the full set of fingerprints to the~~
330 ~~Department of Law Enforcement for state and federal processing,~~
331 ~~provided the federal service is available, to be processed for~~
332 ~~any criminal justice information as defined in s. 943.045. The~~
333 ~~cost of processing such fingerprints shall be payable to the~~
334 ~~Department of Law Enforcement by the department. The department~~
335 ~~may issue a temporary registration to each location pending~~
336 ~~completion of the background check by state and federal law~~
337 ~~enforcement agencies but shall revoke such temporary~~
338 ~~registration if the completed background check reveals a~~

339 ~~prohibited criminal background. The Department of Law~~
340 ~~Enforcement shall report its findings to the Department of~~
341 ~~Revenue within 30 days after the date the fingerprints are~~
342 ~~submitted for criminal justice information.~~

343 (c) An applicant for a secondary metals recycler
344 registration must be a natural person who has reached the age of
345 18 years or a corporation organized or qualified to do business
346 in the state.

347 1. If the applicant is a natural person, the registration
348 must include a complete set of her or his fingerprints,
349 certified by an authorized law enforcement officer, and a valid
350 ~~recent~~ fullface photographic identification card of herself or
351 himself.

352 2. If the applicant is a partnership, all the partners
353 must make application for registration.

354 3. If the applicant is a corporation, the registration
355 must include the name and address of such corporation's
356 registered agent for service of process in the state and a
357 certified copy of statement from the Secretary of State that the
358 corporation is duly organized in the state or, if the
359 corporation is organized in a state other than Florida, a
360 certified copy of the statement that the corporation is duly
361 qualified to do business in this state.

362 (d) Each secondary metals recycler must maintain current
363 and valid workers' compensation insurance and general liability
364 insurance coverage in a minimum amount established by the

365 department throughout the registration period. A secondary
366 metals recycler must provide the department with written
367 evidence of workers' compensation insurance coverage and general
368 liability insurance coverage before registering with the
369 department under this section. Failure to maintain workers'
370 compensation insurance or general liability insurance in
371 accordance with this paragraph constitutes an immediate threat
372 to the public health, safety, and welfare of the residents of
373 this state. If a secondary metals recycler fails to maintain
374 insurance coverage as required by this paragraph, the department
375 may immediately suspend the secondary metals recycler's
376 registration or eligibility for registration and the secondary
377 metals recycler must immediately cease operating in this state.

378 (e) A person applying for or renewing a local business tax
379 receipt to engage in business as a secondary metals recycler
380 must exhibit an active registration certificate from the
381 department before the local business tax receipt may be issued
382 or renewed.

383 (2) A secondary metals recycler's registration shall be
384 conspicuously displayed at the place of business set forth on
385 the registration. A secondary metals recycler must allow
386 department personnel to enter the secondary metals recycler's
387 place of business in order to verify that a registration is
388 valid. If department personnel are refused entry for this
389 purpose, the department may seek an inspection warrant as
390 provided for in chapter 933 to obtain compliance with this

391 ~~requirement shall not dispose of property at any location until~~
 392 ~~any holding period has expired.~~

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

399 ~~(3)(4)~~ In addition to the penalties ~~fine~~ provided in s.
 400 538.27 ~~subsection (3)~~, registration under this section may be
 401 denied or any registration granted may be revoked, restricted,
 402 or suspended by the department if, after October 2, 1989, and
 403 within a 10-year ~~24-month~~ period immediately preceding such
 404 denial, revocation, restriction, or suspension:

405 (a) The applicant or registrant, or an owner, officer,
 406 director, or trustee of the applicant or registrant, has been
 407 convicted of knowingly and intentionally:

- 408 1. Violating s. 538.20, or s. 538.21, or s. 538.26;
- 409 2. Engaging in a pattern of failing to keep records as
 410 required by s. 538.19;
- 411 3. Making a material false statement in the application
 412 for registration; or
- 413 4. Engaging in a fraudulent act in connection with any
 414 purchase or sale of regulated metals property;

415 (b) The applicant or registrant, or an owner, officer,
 416 director, or trustee of the applicant or registrant, has been

417 convicted of, or entered a plea of guilty or nolo contendere to,
 418 a felony ~~committed by the secondary metals recycler~~ against the
 419 laws of the state or of the United States involving theft,
 420 larceny, dealing in stolen property, receiving stolen property,
 421 burglary, embezzlement, obtaining property by false pretenses,
 422 possession of altered property, or any felony drug offense or of
 423 knowingly and intentionally violating the laws of the state
 424 relating to registration as a secondary metals recycler; or

425 (c) The applicant has, after receipt of written notice
 426 from the Department of Revenue of failure to pay sales tax,
 427 failed or refused to pay, within 30 days after the secondary
 428 metals recycler's receipt of such written notice, any sales tax
 429 owed to the Department of Revenue.

430 (4)~~(5)~~ A denial of an application, or a revocation,
 431 restriction, or suspension of a registration, by the department
 432 shall be probationary for a period of 12 months in the event
 433 that the secondary metals recycler subject to such action has
 434 not had any other application for registration denied, or any
 435 registration revoked, restricted, or suspended, by the
 436 department within the previous 24-month period.

437 (a) If, during the 12-month probationary period, the
 438 department does not again deny an application or revoke,
 439 restrict, or suspend the registration of the secondary metals
 440 recycler, the action of the department shall be dismissed and
 441 the record of the secondary metals recycler cleared thereof.

442 (b) If, during the 12-month probationary period, the

443 department, for reasons other than those existing before ~~prior~~
 444 ~~to~~ the original denial or revocation, restriction, or
 445 suspension, again denies an application or revokes, restricts,
 446 or suspends the registration of the secondary metals recycler,
 447 the probationary nature of such original action shall terminate
 448 and both the original action of the department and the action of
 449 the department causing the termination of the probationary
 450 nature thereof shall immediately be reinstated against the
 451 secondary metals recycler.

452 (5) The department shall suspend the registration or the
 453 application for registration of a registrant or applicant if the
 454 registrant or applicant or any of its owners, officers,
 455 directors, or trustees have been convicted of a felony under
 456 chapter 812 or chapter 817 immediately upon receiving written
 457 verification of the conviction from a law enforcement agency,
 458 court, or state attorney's office or the Department of Law
 459 Enforcement.

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

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

466 538.26 Certain acts and practices prohibited.—It is
 467 unlawful for a secondary metals recycler to do or allow any of
 468 the following acts:

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

472 (5)

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

475 (a):

476 1. A manhole cover.

477 2. A metal ~~An~~ electric light pole ~~or other utility~~
 478 ~~structure~~ and its fixtures, ~~wires,~~ and hardware that is ~~are~~
 479 readily identifiable as connected to a metal electric light ~~the~~
 480 ~~utility~~ structure.

481 3. A guard rail.

482 4. A street sign, traffic sign, or traffic signal and its
 483 fixtures and hardware.

484 5. Communication, transmission, distribution, and service
 485 wire from a utility, including copper or aluminum bus bars,
 486 connectors, grounding plates, or grounding wire.

487 6. A funeral marker or funeral vase.

488 7. A historical marker.

489 8. Railroad equipment, including, but not limited to, a
 490 tie plate, signal house, control box, switch plate, E clip, or
 491 rail tie junction.

492 9. Any metal item that is observably marked upon
 493 reasonable inspection with any form of the name, initials, or
 494 logo of a governmental entity, utility company, cemetery, or

495 railroad.

496 10. A copper, aluminum, or aluminum-copper condensing or
 497 evaporator coil, including its tubing or rods, from an air-
 498 conditioning or heating unit, excluding coils from window air-
 499 conditioning or heating units and motor vehicle air-conditioning
 500 or heating units.

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

503 12. A stainless steel beer keg.

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

506 14. Metallic wire that has been burned in whole or in part
 507 to remove insulation.

508 15. A brass or bronze commercial valve or fitting,
 509 referred to as a "fire department connection and control valve"
 510 or an "FDC valve," that is commonly used on structures for
 511 access to water for the purpose of extinguishing fires.

512 16. A brass or bronze commercial potable water backflow
 513 preventer valve that is commonly used to prevent backflow of
 514 potable water from commercial structures into municipal domestic
 515 water service systems.

516 17. A shopping cart.

517 18. A brass water meter.

518 19. A storm grate.

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

520 21. Three or more ~~than two~~ lead-acid batteries, or any

521 part or component thereof, in a single purchase or from the same
 522 individual in a single day.

523 Section 11. Section 538.27, Florida Statutes, is created
 524 to read:

525 538.27 Administrative penalties.—

526 (1) Upon a determination that a violation of s. 538.19, s.
 527 538.235, s. 538.25, or s. 538.26 has occurred, the department
 528 may take one or more of the following actions:

529 (a) Issue a notice of noncompliance pursuant to s.
 530 120.695.

531 (b) Impose an administrative fine up to \$200 per
 532 violation, but not to exceed \$5,000 per inspection. Any fine
 533 collected shall be deposited in the General Inspection Trust
 534 Fund. If a fine is not paid within 60 days after imposition, the
 535 department may bring a civil action under s. 120.69 to recover
 536 the fine.

537 (c) Direct that the secondary metals recycler cease and
 538 desist specified activities.

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

542 Section 12. Section 538.29, Florida Statutes, is created
 543 to read:

544 538.29 Rulemaking authority.—The department may adopt
 545 rules to implement this part. Such rules shall include tiered
 546 penalties for violations of this part.

CS/HB 771

2014

547 | Section 13. This act shall take effect July 1, 2014. |