



576-03405-15

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to secondary metals recyclers;  
transferring administration of part II of ch. 538,  
F.S., relating to secondary metals recyclers, from the  
Department of Revenue to the Department of Agriculture  
and Consumer Services; providing for applicability  
with respect to pending actions, orders, and rules;  
amending s. 213.05, F.S.; conforming a provision to  
changes made by the act; amending s. 213.053, F.S.;  
authorizing the Department of Revenue to share certain  
confidential information with the Department of  
Agriculture and Consumer Services; amending ss. 319.30  
and 538.18 F.S.; conforming provisions to changes made  
by the act; amending 538.19, F.S.; providing for  
transmission of specific reports to a law enforcement  
official or an authorized third party; conforming  
provisions to changes made by the act; amending s.  
538.20, F.S.; authorizing specified persons to inspect  
regulated metals property and records; amending s.  
538.21, F.S.; prohibiting a secondary metals recycler  
from disposing of certain property for a specified  
period; amending s. 538.23, F.S.; revising violations  
subject to criminal penalties; amending s. 538.25,  
F.S.; revising application requirements for  
registration as a secondary metals recycler; requiring  
applicants to submit fingerprints and pay a fee for  
fingerprint processing and retention; providing for



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28 the submission, retention, and use of collected  
29 fingerprints; requiring secondary metals recyclers to  
30 maintain specified insurance coverage; requiring  
31 secondary metals recyclers to exhibit active  
32 registration certificates from the Department of  
33 Agriculture and Consumer Services before applying for  
34 or renewing a local business tax receipt; requiring  
35 secondary metals recyclers to allow department  
36 personnel to enter certain places of business for a  
37 specified purpose; authorizing the department to seek  
38 a warrant if such access is denied; revising penalties  
39 for noncompliance; requiring the department to suspend  
40 certain registrations or deny applications for  
41 registration under certain circumstances; amending s.  
42 538.26, F.S.; prohibiting secondary metals recyclers  
43 from purchasing regulated metals property, restricted  
44 regulated metals property, or ferrous metals between  
45 certain hours or on Sundays; prohibiting the purchase  
46 of specified restricted regulated metals property  
47 without obtaining certain proof of the seller's  
48 ownership of, or authority to sell, the regulated  
49 metals property; revising the number of lead-acid  
50 batteries purchased in a single purchase by the same  
51 individual in a single day which makes a purchase  
52 subject to certain restrictions; creating s. 538.27,  
53 F.S.; providing penalties for noncompliance; creating  
54 s. 538.29, F.S.; authorizing the department to adopt  
55 rules; providing an appropriation; providing an  
56 effective date.



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

Section 1. (1) All powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Department of Revenue relating to the administration of part II of chapter 538, Florida Statutes, are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.

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

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

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



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

88 213.05 Department of Revenue; control and administration of  
89 revenue laws.—The Department of Revenue shall have only those  
90 responsibilities for ad valorem taxation specified to the  
91 department in chapter 192, taxation, general provisions; chapter  
92 193, assessments; chapter 194, administrative and judicial  
93 review of property taxes; chapter 195, property assessment  
94 administration and finance; chapter 196, exemption; chapter 197,  
95 tax collections, sales, and liens; chapter 199, intangible  
96 personal property taxes; and chapter 200, determination of  
97 millage. The Department of Revenue shall have the responsibility  
98 of regulating, controlling, and administering all revenue laws  
99 and performing all duties as provided in s. 125.0104, the Local  
100 Option Tourist Development Act; s. 125.0108, tourist impact tax;  
101 chapter 198, estate taxes; chapter 201, excise tax on documents;  
102 chapter 202, communications services tax; chapter 203, gross  
103 receipts taxes; chapter 206, motor and other fuel taxes; chapter  
104 211, tax on production of oil and gas and severance of solid  
105 minerals; chapter 212, tax on sales, use, and other  
106 transactions; chapter 220, income tax code; ss. 336.021 and  
107 336.025, taxes on motor fuel and special fuel; s. 376.11,  
108 pollutant spill prevention and control; s. 403.718, waste tire  
109 fees; s. 403.7185, lead-acid battery fees; s. 538.09,  
110 registration of secondhand dealers; ~~s. 538.25, registration of~~  
111 ~~secondary metals recyclers~~; s. 624.4621, group self-insurer's  
112 fund premium tax; s. 624.5091, retaliatory tax; s. 624.475,  
113 commercial self-insurance fund premium tax; ss. 624.509–624.511,  
114 insurance code: administration and general provisions; s.



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115 624.515, State Fire Marshal regulatory assessment; s. 627.357,  
116 medical malpractice self-insurance premium tax; s. 629.5011,  
117 reciprocal insurers premium tax; and s. 681.117, motor vehicle  
118 warranty enforcement.

119 Section 3. Paragraph (cc) is added to subsection (8) of  
120 section 213.053, Florida Statutes, and subsection (11) of that  
121 section is amended, to read:

122 213.053 Confidentiality and information sharing.—

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

125 (cc) Information relative to chapter 212 and part II of  
126 chapter 538 to the Department of Agriculture and Consumer  
127 Services in the conduct of its official duties.

128  
129 Disclosure of information under this subsection shall be  
130 pursuant to a written agreement between the executive director  
131 and the agency. Such agencies, governmental or nongovernmental,  
132 shall be bound by the same requirements of confidentiality as  
133 the Department of Revenue. Breach of confidentiality is a  
134 misdemeanor of the first degree, punishable as provided by s.  
135 775.082 or s. 775.083.

136 (11) Notwithstanding any other provision of this section,  
137 with respect to a request for verification of a certificate of  
138 registration issued pursuant to s. 212.18 to a specified dealer  
139 or taxpayer or with respect to a request by a law enforcement  
140 officer for verification of a certificate of registration issued  
141 pursuant to s. 538.09 to a specified secondhand dealer ~~or~~  
142 ~~pursuant to s. 538.25 to a specified secondary metals recycler,~~  
143 the department may disclose whether the specified person holds a



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144 valid certificate, ~~or~~ whether a specified certificate number is  
145 valid, ~~or~~ whether a specified certificate number has been  
146 canceled or is inactive or invalid, and the name of the holder  
147 of the certificate. This subsection may ~~shall~~ not be construed  
148 to create a duty to request verification of any certificate of  
149 registration.

150 Section 4. Paragraph (b) of subsection (1) of section  
151 319.30, Florida Statutes, is amended to read:

152 319.30 Definitions; dismantling, destruction, change of  
153 identity of motor vehicle or mobile home; salvage.—

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

155 (b) "Certificate of registration number" means the  
156 certificate of registration number issued by the Department of  
157 Agriculture and Consumer Services Revenue of the State of  
158 Florida pursuant to s. 538.25.

159 Section 5. Subsection (2) of section 538.18, Florida  
160 Statutes, is amended to read:

161 538.18 Definitions.—As used in this part, the term:

162 (2) "Department" means the Department of Agriculture and  
163 Consumer Services Revenue.

164 Section 6. Subsections (1), (2), and (3) of section 538.19,  
165 Florida Statutes, are amended to read:

166 538.19 Records required; limitation of liability.—

167 (1) A secondary metals recycler shall maintain a legible  
168 paper record of all purchase transactions to which such  
169 secondary metals recycler is a party. A secondary metals  
170 recycler shall also maintain a legible electronic record, in the  
171 English language, of all such purchase transactions. The  
172 appropriate law enforcement official may provide data



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173 specifications regarding the electronic record format, but such  
174 format must be approved by the department ~~of Law Enforcement~~. An  
175 electronic record of a purchase transaction shall be  
176 electronically transmitted to the appropriate law enforcement  
177 official or to a qualified third-party vendor pursuant to a  
178 valid contract with a law enforcement agency no later than 10  
179 a.m. of the business day following the date of the purchase  
180 transaction. The record transmitted to the appropriate law  
181 enforcement official or its qualified third-party designee must  
182 not contain the price paid for the items. A secondary metals  
183 recycler who transmits such records electronically is not  
184 required to also deliver the original or paper copies of the  
185 transaction forms to the appropriate law enforcement official.  
186 However, ~~such~~ an appropriate law enforcement official may, for  
187 purposes of a criminal investigation, request the secondary  
188 metals recycler to make available the original transaction form  
189 that was electronically transmitted. This original transaction  
190 form must include the price paid for the items. The secondary  
191 metals recycler shall make the form available to the appropriate  
192 law enforcement official within 24 hours after receipt of the  
193 request.

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

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

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

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

201 (d) The weight, quantity, or volume, and a description of



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202 the type of regulated metals property purchased in a purchase  
203 transaction.

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

206 (f) A signed statement from the person delivering the  
207 regulated metals property stating that she or he is the rightful  
208 owner of, or is entitled to sell, the regulated metals property  
209 being sold. If the purchase involves a stainless steel beer keg,  
210 the seller must provide written documentation from the  
211 manufacturer that the seller is the owner of the stainless steel  
212 beer keg or is an employee or agent of the manufacturer.

213 (g) The distinctive number from the personal identification  
214 card of the person delivering the regulated metals property to  
215 the secondary metals recycler.

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

218 1. Full name, current residential address, workplace, and  
219 home and work phone numbers.

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

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

223 4. Vehicle description to include the make, model, and tag  
224 number of the vehicle and trailer of the person selling the  
225 regulated metals property.

226 5. Any other information required by the form approved by  
227 the department ~~of Law Enforcement~~.

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

230 (j) A photograph, videotape, or similar likeness of the





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231 person receiving consideration in which such person's facial  
232 features are clearly visible.

233 (3) A secondary metals recycler complies with the  
234 requirements of this section if it maintains an electronic  
235 database containing the information required by subsection (2)  
236 as long as the electronic information required by subsection  
237 (2), along with an electronic oath of ownership with an  
238 electronic signature of the seller of the secondary metals being  
239 purchased by the secondary metals recyclers and an electronic  
240 image of the seller's right thumbprint that has no smudges and  
241 smears, can be downloaded onto a paper form in the image of the  
242 form approved by the department ~~of Law Enforcement~~ as provided  
243 in subsection (2).

244 Section 7. Section 538.20, Florida Statutes, is amended to  
245 read:

246 538.20 Inspection of regulated metals property and  
247 records.—During the usual and customary business hours of a  
248 secondary metals recycler, a law enforcement officer or employee  
249 of the department who is a nonsworn trained regulatory  
250 investigator shall, after properly identifying herself or  
251 himself as such ~~a law enforcement officer~~, have the right to  
252 inspect:

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

255 (2) Any and all records required to be maintained under s.  
256 538.19.

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

259 538.21 Hold notice.—



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260           (3) A secondary metals recycler may not dispose of any  
261 property identified by a hold notice or extended hold notice  
262 until the applicable hold period expires. At the expiration of  
263 the hold period or, if extended in accordance with this section,  
264 at the expiration of the extended hold period, the hold is  
265 automatically released and the secondary metals recycler may  
266 dispose of the regulated metals property unless other  
267 disposition has been ordered by a court of competent  
268 jurisdiction.

269           Section 9. Paragraph (a) of subsection (1) and subsection  
270 (3) of section 538.23, Florida Statutes, are amended to read:

271           538.23 Violations and penalties.—

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

- 274           1. Violates s. 538.20, ~~or~~ s. 538.21, or s. 538.26;  
275           2. Engages in a pattern of failing to keep records required  
276 by s. 538.19;  
277           3. Violates s. 538.26(2); or  
278           4. Violates s. 538.235,

279  
280 commits a felony of the third degree, punishable as provided in  
281 s. 775.082, s. 775.083, or s. 775.084.

282           (3) Any person who knowingly provides false information,  
283 gives false verification of ownership, or ~~who~~ gives a false or  
284 altered identification and who receives money or other  
285 consideration from a secondary metals recycler in return for  
286 regulated metals property commits:

287           (a) A felony of the third degree, punishable as provided in  
288 s. 775.082, s. 775.083, or s. 775.084, if the value of the money



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289 or other consideration received is less than \$300.

290 (b) A felony of the second degree, punishable as provided  
291 in s. 775.082, s. 775.083, or s. 775.084, if the value of the  
292 money or other consideration received is \$300 or more or if the  
293 money or other consideration received is for restricted  
294 regulated metals.

295 Section 10. Section 538.25, Florida Statutes, is amended to  
296 read:

297 538.25 Registration.—

298 (1) A person may not engage in business as a secondary  
299 metals recycler at any location without registering with the  
300 department on an application form prescribed by the department.  
301 An application for registration must state the full name of the  
302 applicant, the place where the business is to be conducted, and  
303 any other relevant information required by the department. If  
304 the applicant is not an individual, the applicant must state the  
305 full name and address of each direct or beneficial owner of at  
306 least 10-percent equity interest in the business. If the  
307 applicant is a corporation, the application must state the full  
308 name and address of each officer and director. The department  
309 shall accept applications only from a fixed business address.  
310 The department may not accept an application that provides an  
311 address of a hotel room or motel room, a vehicle, or a post  
312 office box.

313 (a) Fingerprint fees, as provided for in subparagraph  
314 (b)2., A fee equal to the federal and state costs for processing  
315 required fingerprints must be submitted to the department with  
316 each application for registration. One application is required  
317 for each secondary metals recycler. If a secondary metals



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318 recycler is the owner of more than one secondary metals  
319 recycling location, the application must list each location, and  
320 the department shall issue a duplicate registration for each  
321 location. For purposes of subsections (3) and, (4), ~~and (5)~~,  
322 these duplicate registrations shall be deemed individual  
323 registrations. A secondary metals recycler shall pay a fee of \$6  
324 per location at the time of registration and an annual renewal  
325 fee of \$6 per location on October 1 of each year. All fees  
326 collected, less costs of administration, shall be transferred  
327 into the Operating Trust Fund.

328 (b)1. An applicant shall submit a full set of fingerprints  
329 to the department or an entity or a vendor authorized by s.  
330 943.053(13). The fingerprints shall be forwarded to the  
331 Department of Law Enforcement for state processing, and the  
332 Department of Law Enforcement shall forward the fingerprints to  
333 the Federal Bureau of Investigation for national processing.

334 2. Fees for state and federal fingerprint processing and  
335 fingerprint retention fees shall be borne by the applicant. The  
336 state cost for fingerprint processing is that authorized in s.  
337 943.053(3)(b) for records provided to persons or entities other  
338 than those specified as exceptions therein.

339 3. Fingerprints submitted to the Department of Law  
340 Enforcement pursuant to this paragraph shall be retained by the  
341 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
342 (h) and enrolled in the Federal Bureau of Investigation's  
343 national retained print arrest notification program, when the  
344 Department of Law Enforcement begins participation in the  
345 program. Fingerprints shall be submitted to the Department of  
346 Law Enforcement for a state criminal history record check, and



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347 to the Federal Bureau of Investigation for a national criminal  
348 history record check. Any arrest record identified shall be  
349 reported to the department by the Department of Law Enforcement.

350 4. For a renewal of an applicant's registration, the  
351 department shall request the Department of Law Enforcement to  
352 forward the retained fingerprints of the applicant to the  
353 Federal Bureau of Investigation unless the applicant is enrolled  
354 in the national retained print arrest notification program  
355 described in subparagraph 3. The fee for the national criminal  
356 history record check shall be paid as part of the renewal fee to  
357 the department and shall be forwarded to the Department of Law  
358 Enforcement. If an applicant's fingerprints are retained in the  
359 national retained print arrest notification program, the  
360 applicant shall pay the state and national retention fee to the  
361 department, and the department shall forward the fee to the  
362 Department of Law Enforcement.

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

366 6. The department shall screen background results to  
367 determine whether an applicant meets registration requirements.  
368 ~~The department shall forward the full set of fingerprints to the~~  
369 ~~Department of Law Enforcement for state and federal processing,~~  
370 ~~provided the federal service is available, to be processed for~~  
371 ~~any criminal justice information as defined in s. 943.045. The~~  
372 ~~cost of processing such fingerprints shall be payable to the~~  
373 ~~Department of Law Enforcement by the department. The department~~  
374 ~~may issue a temporary registration to each location pending~~  
375 ~~completion of the background check by state and federal law~~



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376 ~~enforcement agencies but shall revoke such temporary~~  
377 ~~registration if the completed background check reveals a~~  
378 ~~prohibited criminal background. The Department of Law~~  
379 ~~Enforcement shall report its findings to the Department of~~  
380 ~~Revenue within 30 days after the date the fingerprints are~~  
381 ~~submitted for criminal justice information.~~

382 (c) An applicant for a secondary metals recycler  
383 registration must be a natural person who has reached the age of  
384 18 years or a corporation organized or qualified to do business  
385 in the state.

386 1. If the applicant is a natural person, the registration  
387 must include a complete set of her or his fingerprints,  
388 certified by an authorized law enforcement officer, and a valid  
389 ~~recent~~ fullface photographic identification card of herself or  
390 himself.

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

393 3. If the applicant is a corporation, the registration must  
394 include the name and address of such corporation's registered  
395 agent for service of process in the state and a certified copy  
396 of statement from the Secretary of State that the corporation is  
397 duly organized in the state or, if the corporation is organized  
398 in a state other than Florida, a certified copy of the statement  
399 that the corporation is duly qualified to do business in this  
400 state.

401 (d) In addition to maintaining workers' compensation  
402 insurance, each secondary metals recycler must maintain a  
403 minimum of \$100,000 general liability insurance coverage  
404 throughout the registration period.



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405       (e) A person applying for or renewing a local business tax  
406 receipt to engage in business as a secondary metals recycler  
407 must exhibit an active registration certificate from the  
408 department before the local business tax receipt may be issued  
409 or renewed.

410       (2) A secondary metals recycler's registration shall be  
411 conspicuously displayed at the place of business set forth on  
412 the registration. A secondary metals recycler must allow  
413 department personnel to enter the secondary metals recycler's  
414 place of business in order to verify that a registration is  
415 valid. If department personnel are refused entry for this  
416 purpose, the department may seek an inspection warrant as  
417 provided for in chapter 933 to obtain compliance with this  
418 requirement shall not dispose of property at any location until  
419 any holding period has expired.

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

426       (3)(4) In addition to the penalties fine provided in s.  
427 538.27 subsection (3), a registration under this section may be  
428 denied or any registration granted may be revoked, restricted,  
429 or suspended by the department if, after October 2, 1989, and  
430 within a 10-year 24-month period immediately preceding such  
431 denial, revocation, restriction, or suspension:

432       (a) The applicant or registrant, or an owner, officer,  
433 director, or trustee of the applicant or registrant, has been



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434 convicted of knowingly and intentionally:  
435 1. Violating s. 538.20, ~~or~~ s. 538.21, or s. 538.26;  
436 2. Engaging in a pattern of failing to keep records as  
437 required by s. 538.19;  
438 3. Making a material false statement in the application for  
439 registration; or  
440 4. Engaging in a fraudulent act in connection with any  
441 purchase or sale of regulated metals property;  
442 (b) The applicant or registrant, or an owner, officer,  
443 director, or trustee of the applicant or registrant, has been  
444 convicted of, or entered a plea of guilty or nolo contendere to,  
445 a felony ~~committed by the secondary metals recycler~~ against the  
446 laws of the state or of the United States involving theft,  
447 larceny, dealing in stolen property, receiving stolen property,  
448 burglary, embezzlement, obtaining property by false pretenses,  
449 possession of altered property, or any felony drug offense or of  
450 knowingly and intentionally violating the laws of the state  
451 relating to registration as a secondary metals recycler; or  
452 (c) The applicant has, after receipt of written notice from  
453 the Department of Revenue of failure to pay sales tax, failed or  
454 refused to pay, within 30 days after the secondary metals  
455 recycler's receipt of such written notice, any sales tax owed to  
456 the Department of Revenue.  
457 ~~(4)-(5)~~ A denial of an application, or a revocation,  
458 restriction, or suspension of a registration, by the department  
459 shall be probationary for a period of 12 months in the event  
460 that the secondary metals recycler subject to such action has  
461 not had any other application for registration denied, or any  
462 registration revoked, restricted, or suspended, by the





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463 department within the previous 24-month period.

464 (a) If, during the 12-month probationary period, the  
465 department does not again deny an application or revoke,  
466 restrict, or suspend the registration of the secondary metals  
467 recycler, the action of the department shall be dismissed and  
468 the record of the secondary metals recycler cleared thereof.

469 (b) If, during the 12-month probationary period, the  
470 department, for reasons other than those existing before ~~prior~~  
471 ~~to~~ the original denial or revocation, restriction, or  
472 suspension, again denies an application or revokes, restricts,  
473 or suspends the registration of the secondary metals recycler,  
474 the probationary nature of such original action shall terminate  
475 and both the original action of the department and the action of  
476 the department causing the termination of the probationary  
477 nature thereof shall immediately be reinstated against the  
478 secondary metals recycler.

479 (5) The department shall suspend the registration or deny  
480 the application for registration of a registrant or applicant if  
481 the registrant or applicant or any of its owners, officers,  
482 directors, or trustees have been convicted of a felony under s.  
483 817.67, s. 817.705, or s. 817.806 immediately upon receiving  
484 written verification of the conviction from a law enforcement  
485 agency, court, or state attorney's office or the Department of  
486 Law Enforcement.

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

491 Section 11. Subsection (1) and paragraph (b) of subsection



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492 (5) of section 538.26, Florida Statutes, are amended to read:

493 538.26 Certain acts and practices prohibited.—It is  
494 unlawful for a secondary metals recycler to do or allow any of  
495 the following acts:

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

499 (5)

500 (b) The purchase of any of the following regulated metals  
501 property is subject to the restrictions provided in paragraph  
502 (a):

503 1. A manhole cover.

504 2. A metal ~~An~~ electric light pole ~~or other utility~~  
505 ~~structure~~ and its fixtures, ~~wires,~~ and hardware that is are  
506 readily identifiable as connected to a metal electric light ~~the~~  
507 ~~utility~~ structure.

508 3. A guard rail.

509 4. A street sign, traffic sign, or traffic signal and its  
510 fixtures and hardware.

511 5. Communication, transmission, distribution, and service  
512 wire from a utility, including copper or aluminum bus bars,  
513 connectors, grounding plates, or grounding wire.

514 6. A funeral marker or funeral vase.

515 7. A historical marker.

516 8. Railroad equipment, including, but not limited to, a tie  
517 plate, signal house, control box, switch plate, E clip, or rail  
518 tie junction.

519 9. Any metal item that is observably marked upon reasonable  
520 inspection with any form of the name, initials, or logo of a



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521 governmental entity, utility company, cemetery, or railroad.

522 10. A copper, aluminum, or aluminum-copper condensing or  
523 evaporator coil, including its tubing or rods, from an air-  
524 conditioning or heating unit, excluding coils from window air-  
525 conditioning or heating units and motor vehicle air-conditioning  
526 or heating units.

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

529 12. A stainless steel beer keg.

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

532 14. Metallic wire that has been burned in whole or in part  
533 to remove insulation.

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

538 16. A brass or bronze commercial potable water backflow  
539 preventer valve that is commonly used to prevent backflow of  
540 potable water from commercial structures into municipal domestic  
541 water service systems.

542 17. A shopping cart.

543 18. A brass water meter.

544 19. A storm grate.

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

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

549 Section 12. Section 538.27, Florida Statutes, is created to



576-03405-15

550 read:

551 538.27 Administrative penalties.—

552 (1) Upon a determination that a violation of s. 538.19, s.  
553 538.235, s. 538.25, or s. 538.26 has occurred, the department  
554 may take one or more of the following actions:

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

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

561 (c) Direct that the secondary metals recycler cease and  
562 desist specified activities.

563 (2) The administrative proceedings under this section that  
564 could result in the entry of an order imposing any of the  
565 penalties specified in this section shall be conducted in  
566 accordance with chapter 120.

567 Section 13. Section 538.29, Florida Statutes, is created to  
568 read:

569 538.29 Rulemaking authority.—The department may adopt rules  
570 to implement this part. Such rules shall include tiered  
571 penalties for violations of this part.

572 Section 14. For the 2015-2016 fiscal year, there is  
573 appropriated to the Department of Agriculture and Consumer  
574 Services, the sum of \$263,223 in recurring and \$187,532 in  
575 nonrecurring funds from the General Revenue Fund, and four full-  
576 time equivalent positions with associated salary rate of 138,181  
577 are authorized for the purpose of implementing this act.

578 Section 15. This act shall take effect July 1, 2015.