

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 s. 319.30, F.S., conforming a
12 provision to changes made by the act; amending s.
13 538.18, F.S.; providing for designation of an agent as
14 an appropriate law enforcement official; amending s.
15 538.19, F.S.; conforming provisions to changes made by
16 the act; amending s. 538.20, F.S.; authorizing
17 specified persons to inspect regulated metals property
18 and records; amending s. 538.21, F.S.; prohibiting a
19 secondary metals recycler from disposing of certain
20 property for a specified period; amending s. 538.23,
21 F.S.; revising violations subject to criminal
22 penalties; amending s. 538.25, F.S.; revising
23 application requirements for registration as a
24 secondary metals recycler; requiring applicants to
25 submit fingerprints and pay a fee for fingerprint
26 processing and retention; providing for the

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

50
51 Be It Enacted by the Legislature of the State of Florida:
52

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

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

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

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

79 Section 2. Paragraph (cc) is added to subsection (8) of
 80 section 213.053, Florida Statutes, and subsection (11) of that
 81 section is amended, to read:

82 213.053 Confidentiality and information sharing.—

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

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

88
 89 Disclosure of information under this subsection shall be
 90 pursuant to a written agreement between the executive director
 91 and the agency. Such agencies, governmental or nongovernmental,
 92 shall be bound by the same requirements of confidentiality as
 93 the Department of Revenue. Breach of confidentiality is a
 94 misdemeanor of the first degree, punishable as provided by s.
 95 775.082 or s. 775.083.

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

105 valid, ~~or~~ whether a specified certificate number has been
 106 canceled or is inactive or invalid, and the name of the holder
 107 of the certificate. This subsection shall not be construed to
 108 create a duty to request verification of any certificate of
 109 registration.

110 Section 3. Paragraph (b) of subsection (1) of section
 111 319.30, Florida Statutes, is amended to read:

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

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

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

119 Section 4. Subsections (1) and (2) of section 538.18,
 120 Florida Statutes, are amended to read:

121 538.18 Definitions.—As used in this part, the term:

122 (1) "Appropriate law enforcement official" means the
 123 sheriff of the county in which a secondary metals recycler is
 124 located or, if the secondary metals recycler is located within a
 125 municipality, the police chief of the municipality in which the
 126 secondary metals recycler is located; however, the sheriff or
 127 police chief may designate as the appropriate law enforcement
 128 official or his or her agent for the county or municipality, as
 129 applicable, any law enforcement officer or his or her agent
 130 working within that respective county or municipality. This

131 subsection does not limit the authority or duties of the
 132 sheriff.

133 (2) "Department" means the Department of Agriculture and
 134 Consumer Services Revenue.

135 Section 5. Subsections (1), (2), and (3) of section
 136 538.19, Florida Statutes, are amended to read:

137 538.19 Records required; limitation of liability.—

138 (1) A secondary metals recycler shall maintain a legible
 139 paper record of all purchase transactions to which such
 140 secondary metals recycler is a party. A secondary metals
 141 recycler shall also maintain a legible electronic record, in the
 142 English language, of all such purchase transactions. The
 143 appropriate law enforcement official may provide data
 144 specifications regarding the electronic record format, but such
 145 format must be approved by the department ~~of Law Enforcement~~. An
 146 electronic record of a purchase transaction shall be
 147 electronically transmitted to the appropriate law enforcement
 148 official no later than 10 a.m. of the business day following the
 149 date of the purchase transaction. The record transmitted to the
 150 appropriate law enforcement official must not contain the price
 151 paid for the items. A secondary metals recycler who transmits
 152 such records electronically is not required to also deliver the
 153 original or paper copies of the transaction forms to the
 154 appropriate law enforcement official. However, such official
 155 may, for purposes of a criminal investigation, request the
 156 secondary metals recycler to make available the original

157 transaction form that was electronically transmitted. This
158 original transaction form must include the price paid for the
159 items. The secondary metals recycler shall make the form
160 available to the appropriate law enforcement official within 24
161 hours after receipt of the request.

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

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

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

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

169 (d) The weight, quantity, or volume, and a description of
170 the type of regulated metals property purchased in a purchase
171 transaction.

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

174 (f) A signed statement from the person delivering the
175 regulated metals property stating that she or he is the rightful
176 owner of, or is entitled to sell, the regulated metals property
177 being sold. If the purchase involves a stainless steel beer keg,
178 the seller must provide written documentation from the
179 manufacturer that the seller is the owner of the stainless steel
180 beer keg or is an employee or agent of the manufacturer.

181 (g) The distinctive number from the personal
182 identification card of the person delivering the regulated

183 metals property to the secondary metals recycler.

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

186 1. Full name, current residential address, workplace, and
187 home and work phone numbers.

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

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

191 4. Vehicle description to include the make, model, and tag
192 number of the vehicle and trailer of the person selling the
193 regulated metals property.

194 5. Any other information required by the form approved by
195 the department ~~of Law Enforcement~~.

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

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

201 (3) A secondary metals recycler complies with the
202 requirements of this section if it maintains an electronic
203 database containing the information required by subsection (2)
204 as long as the electronic information required by subsection
205 (2), along with an electronic oath of ownership with an
206 electronic signature of the seller of the secondary metals being
207 purchased by the secondary metals recyclers and an electronic
208 image of the seller's right thumbprint that has no smudges and

209 smears, can be downloaded onto a paper form in the image of the
 210 form approved by the department ~~of Law Enforcement~~ as provided
 211 in subsection (2).

212 Section 6. Section 538.20, Florida Statutes, is amended to
 213 read:

214 538.20 Inspection of regulated metals property and
 215 records.—During the usual and customary business hours of a
 216 secondary metals recycler, a law enforcement officer or employee
 217 of the department who is a nonsworn trained regulatory
 218 investigator shall, after properly identifying herself or
 219 himself as such ~~a law enforcement officer~~, have the right to
 220 inspect:

221 (1) Any and all purchased regulated metals property in the
 222 possession of the secondary metals recycler. ~~and~~

223 (2) Any and all records required to be maintained under s.
 224 538.19.

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

227 538.21 Hold notice.—

228 (3) A secondary metals recycler may not dispose of any
 229 property identified by a hold notice or extended hold notice
 230 until the applicable hold period expires. At the expiration of
 231 the hold period or, if extended in accordance with this section,
 232 at the expiration of the extended hold period, the hold is
 233 automatically released and the secondary metals recycler may
 234 dispose of the regulated metals property unless other

235 disposition has been ordered by a court of competent
 236 jurisdiction.

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

239 538.23 Violations and penalties.—

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

242 1. Violates s. 538.20, ~~or~~ s. 538.21, or s. 538.26;

243 2. Engages in a pattern of failing to keep records
 244 required by s. 538.19;

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

246 3.4. Violates s. 538.235,

247
 248 commits a felony of the third degree, punishable as provided in
 249 s. 775.082, s. 775.083, or s. 775.084.

250 (3) Any person who knowingly provides false information,
 251 gives false verification of ownership, ~~who~~ gives a false or
 252 altered identification and who receives money or other
 253 consideration from a secondary metals recycler in return for
 254 regulated metals property commits:

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

258 (b) A felony of the second degree, punishable as provided
 259 in s. 775.082, s. 775.083, or s. 775.084, if the value of the
 260 money or other consideration received is \$300 or more or if the

261 money or other consideration received is for restricted
262 regulated metals.

263 Section 9. Section 538.25, Florida Statutes, is amended to
264 read:

265 538.25 Registration.—

266 (1) A person may not engage in business as a secondary
267 metals recycler at any location without registering with the
268 department on an application form prescribed by the department.
269 An application for registration must state the full name of the
270 applicant, the place where the business is to be conducted, and
271 any other relevant information required by the department. If
272 the applicant is not an individual, the applicant must state the
273 full name and address of each direct or beneficial owner of at
274 least 10-percent equity interest in the business. If the
275 applicant is a corporation, the application must state the full
276 name and address of each officer and director. The department
277 shall accept applications only from a fixed business address.
278 The department may not accept an application that provides an
279 address of a hotel room or motel room, a vehicle, or a post
280 office box.

281 (a) Fingerprint fees, as provided for in subparagraph
282 (b)2., ~~A fee equal to the federal and state costs for processing~~
283 ~~required fingerprints~~ must be submitted to the department with
284 each application for registration. One application is required
285 for each secondary metals recycler. If a secondary metals
286 recycler is the owner of more than one secondary metals

287 recycling location, the application must list each location, and
288 the department shall issue a duplicate registration for each
289 location. For purposes of subsections (3) and, (4) ~~and~~ (5),
290 these duplicate registrations shall be deemed individual
291 registrations. A secondary metals recycler shall pay a fee of \$6
292 per location at the time of registration and an annual renewal
293 fee of \$6 per location on October 1 of each year. All fees
294 collected, less costs of administration, shall be transferred
295 into the Operating Trust Fund.

296 (b)1. An applicant shall submit a full set of fingerprints
297 to the department or an entity or vendor authorized by s.
298 943.053(13). The fingerprints shall be forwarded to the
299 Department of Law Enforcement for state processing, and the
300 Department of Law Enforcement shall forward the fingerprints to
301 the Federal Bureau of Investigation for national processing.

302 2. Fees for state and federal fingerprint processing and
303 fingerprint retention fees shall be borne by the applicant. The
304 state cost for fingerprint processing is that authorized in s.
305 943.053(3) (b) for records provided to persons or entities other
306 than those specified as exceptions therein.

307 3. Fingerprints submitted to the Department of Law
308 Enforcement pursuant to this paragraph shall be retained by the
309 Department of Law Enforcement as provided in s. 943.05(2) (g) and
310 (h) and enrolled in the Federal Bureau of Investigation's
311 national retained print arrest notification program.
312 Fingerprints shall be enrolled in the national retained print

313 arrest notification program when the Department of Law
314 Enforcement begins participation with the Federal Bureau of
315 Investigation. Arrest fingerprints shall be searched against the
316 retained prints by the Department of Law Enforcement and the
317 Federal Bureau of Investigation, and any arrest record
318 identified shall be reported to the department by the Department
319 of Law Enforcement.

320 4. For a renewal of an applicant's registration, the
321 department shall request the Department of Law Enforcement to
322 forward the retained fingerprints of the applicant to the
323 Federal Bureau of Investigation unless the applicant is enrolled
324 in the national retained print arrest notification program
325 described in subparagraph 3. The fee for the national criminal
326 history check shall be paid as part of the renewal fee to the
327 department and shall be forwarded to the Department of Law
328 Enforcement. If an applicant's fingerprints are retained in the
329 national retained print arrest notification program, the
330 applicant shall pay the state and national retention fee to the
331 department, and the department shall forward the fee to the
332 Department of Law Enforcement.

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

336 6. The department shall screen background results to
337 determine whether an applicant meets registration requirements.
338 ~~The department shall forward the full set of fingerprints to the~~

339 ~~Department of Law Enforcement for state and federal processing,~~
340 ~~provided the federal service is available, to be processed for~~
341 ~~any criminal justice information as defined in s. 943.045. The~~
342 ~~cost of processing such fingerprints shall be payable to the~~
343 ~~Department of Law Enforcement by the department. The department~~
344 ~~may issue a temporary registration to each location pending~~
345 ~~completion of the background check by state and federal law~~
346 ~~enforcement agencies but shall revoke such temporary~~
347 ~~registration if the completed background check reveals a~~
348 ~~prohibited criminal background. The Department of Law~~
349 ~~Enforcement shall report its findings to the Department of~~
350 ~~Revenue within 30 days after the date the fingerprints are~~
351 ~~submitted for criminal justice information.~~

352 (c) An applicant for a secondary metals recycler
353 registration must be a natural person who has reached the age of
354 18 years or a corporation organized or qualified to do business
355 in the state.

356 1. If the applicant is a natural person, the registration
357 must include a complete set of her or his fingerprints,
358 certified by an authorized law enforcement officer, and a valid
359 ~~recent~~ fullface photographic identification card of herself or
360 himself.

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

363 3. If the applicant is a corporation, the registration
364 must include the name and address of such corporation's

365 registered agent for service of process in the state and a
366 certified copy of statement from the Secretary of State that the
367 corporation is duly organized in the state or, if the
368 corporation is organized in a state other than Florida, a
369 certified copy of the statement that the corporation is duly
370 qualified to do business in this state.

371 (d) In addition to maintaining workers' compensation
372 insurance, each secondary metals recycler must maintain a
373 minimum of \$100,000 in general liability insurance coverage
374 throughout the registration period.

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

380 (2) A secondary metals recycler's registration shall be
381 conspicuously displayed at the place of business set forth on
382 the registration. A secondary metals recycler must allow
383 department personnel to enter the secondary metals recycler's
384 place of business in order to verify that a registration is
385 valid. If department personnel are refused entry for this
386 purpose, the department may seek an inspection warrant as
387 provided for in chapter 933 to obtain compliance with this
388 requirement shall not dispose of property at any location until
389 any holding period has expired.

390 ~~(3) The Department of Revenue may impose a civil fine of~~

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

396 (3)~~(4)~~ In addition to the penalties ~~fine~~ provided in s.
 397 538.27 ~~subsection (3)~~, a registration under this section may be
 398 denied or any registration granted may be revoked, restricted,
 399 or suspended by the department if, after October 2, 1989, and
 400 within a 10-year ~~24-month~~ period immediately preceding such
 401 denial, revocation, restriction, or suspension:

402 (a) The applicant or registrant, or an owner, officer,
 403 director, or trustee of the applicant or registrant, has been
 404 convicted of knowingly and intentionally:

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

412 (b) The applicant or registrant, or an owner, officer,
 413 director, or trustee of the applicant or registrant, has been
 414 convicted of, or entered a plea of guilty or nolo contendere to,
 415 a felony ~~committed by the secondary metals recycler~~ against the
 416 laws of the state or of the United States involving theft,

417 larceny, dealing in stolen property, receiving stolen property,
 418 burglary, embezzlement, obtaining property by false pretenses,
 419 possession of altered property, or any felony drug offense or of
 420 knowingly and intentionally violating the laws of the state
 421 relating to registration as a secondary metals recycler; or

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

427 ~~(4)-(5)~~ A denial of an application, or a revocation,
 428 restriction, or suspension of a registration, by the department
 429 shall be probationary for a period of 12 months in the event
 430 that the secondary metals recycler subject to such action has
 431 not had any other application for registration denied, or any
 432 registration revoked, restricted, or suspended, by the
 433 department within the previous 24-month period.

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

439 (b) If, during the 12-month probationary period, the
 440 department, for reasons other than those existing before ~~prior~~
 441 ~~to~~ the original denial or revocation, restriction, or
 442 suspension, again denies an application or revokes, restricts,

443 or suspends the registration of the secondary metals recycler,
444 the probationary nature of such original action shall terminate
445 and both the original action of the department and the action of
446 the department causing the termination of the probationary
447 nature thereof shall immediately be reinstated against the
448 secondary metals recycler.

449 (5) The department shall suspend the registration or the
450 application for registration of a registrant or applicant if the
451 registrant or applicant or any of its owners, officers,
452 directors, or trustees has been convicted of a felony under s.
453 817.67, s. 817.705, or s. 817.806 immediately upon receiving
454 written verification of the conviction from a law enforcement
455 agency, court, or state attorney's office or the Department of
456 Law Enforcement.

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

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

463 538.26 Certain acts and practices prohibited.—It is
464 unlawful for a secondary metals recycler to do or allow any of
465 the following acts:

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

- 469 (5)
- 470 (b) The purchase of any of the following regulated metals
- 471 property is subject to the restrictions provided in paragraph
- 472 (a):
- 473 1. A manhole cover.
 - 474 2. A metal ~~An~~ electric light pole ~~or other utility~~
 - 475 ~~structure~~ and its fixtures, ~~wires,~~ and hardware that is ~~are~~
 - 476 readily identifiable as connected to a metal electric light ~~the~~
 - 477 ~~utility~~ structure.
 - 478 3. A guard rail.
 - 479 4. A street sign, traffic sign, or traffic signal and its
 - 480 fixtures and hardware.
 - 481 5. Communication, transmission, distribution, and service
 - 482 wire from a utility, including copper or aluminum bus bars,
 - 483 connectors, grounding plates, or grounding wire.
 - 484 6. A funeral marker or funeral vase.
 - 485 7. A historical marker.
 - 486 8. Railroad equipment, including, but not limited to, a
 - 487 tie plate, signal house, control box, switch plate, E clip, or
 - 488 rail tie junction.
 - 489 9. Any metal item that is observably marked upon
 - 490 reasonable inspection with any form of the name, initials, or
 - 491 logo of a governmental entity, utility company, cemetery, or
 - 492 railroad.
 - 493 10. A copper, aluminum, or aluminum-copper condensing or
 - 494 evaporator coil, including its tubing or rods, from an air-

495 conditioning or heating unit, excluding coils from window air-
 496 conditioning or heating units and motor vehicle air-conditioning
 497 or heating units.

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

500 12. A stainless steel beer keg.

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

503 14. Metallic wire that has been burned in whole or in part
 504 to remove insulation.

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

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

513 17. A shopping cart.

514 18. A brass water meter.

515 19. A storm grate.

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

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

520 Section 11. Section 538.27, Florida Statutes, is created

521 to read:

522 538.27 Administrative penalties.—

523 (1) Upon a determination that a violation of s. 538.19, s.
524 538.235, s. 538.25, or s. 538.26 has occurred, the department
525 may take one or more of the following actions:

526 (a) Issue a notice of noncompliance pursuant to s.
527 120.695.

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

534 (c) Direct that the secondary metals recycler cease and
535 desist specified activities.

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

539 Section 12. Section 538.29, Florida Statutes, is created
540 to read:

541 538.29 Rulemaking authority.—The department may adopt
542 rules to implement this part. Such rules shall include tiered
543 penalties for violations of this part.

544 Section 13. For the 2015-2016 fiscal year, the sums of
545 \$320,000 in recurring funds and \$190,000 in nonrecurring funds
546 are appropriated from the General Revenue Fund to the Department

CS/HB 813

2015

547 | of Agriculture and Consumer Services for the purpose of
548 | implementing this act.

549 | Section 14. This act shall take effect July 1, 2015.