

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 885 — Transactions by Secondhand Dealers and Secondary Metals Recyclers

by Economic Affairs Committee; Business and Consumer Affairs Subcommittee; and Reps. Ford and others (CS/CS/CS/SB 540 by Criminal Justice Committee; Community Affairs Committee; Commerce and Tourism Committee; and Senators Smith, Montford, Evers, Lynn, and Oelrich)

This bill amends provisions found in ch. 538, parts I and II, F.S., which deals with secondhand dealers and secondary metals recyclers.

As it relates to secondhand dealer, this bill does the following:

- Defines the term "appropriate law enforcement official"; and
- Requires that individuals purchasing, consigning, or trading secondhand goods at a flea market be regulated by secondhand dealer laws.

As it relates to secondary metal recyclers, this bill does the following:

- Defines the terms "appropriate law enforcement official," "personal identification card," "restricted regulated metals," and "utility";
- Requires that secondary metals recyclers maintain and transmit daily an electronic record of all the previous day's purchase transactions to the appropriate law enforcement official;
- Revises the timeframe that secondary metals recyclers are required to maintain purchase transaction records;
- Limits the liability of secondary metals recyclers for the conversion of motor vehicles to scrap metal, as well as in premise liability cases;
- Modifies the acceptable forms of payment; and
- Prohibits the purchase of regulated metals before 7:00a.m. or after 7:00p.m.

As applied to secondary metal recyclers, this bill does the following with respect to preemption:

- Provides that the regulation of purchase transactions involving regulated metals property is preempted to the state with the exception that any ordinance enacted by a county or municipality before March 1, 2012 is precluded from such preemption. Such ordinances or regulations may subsequently be amended to incorporate provisions found under the secondary metal recycler law section; and
- Creates a specific exception to preemption for Miami-Dade County until July 1, 2013.

With respect to metal theft, this bill does the following:

- Increases the penalty for violation of secondary metals recycler laws to a third degree felony;
- Increases the penalty for three or more violations of such provisions to a second degree felony;
- Defines the term "electrical substation" in the theft of copper statute; and

- Provides that a person who knowingly and intentionally engages in the unlawful removal of copper from an electrical substation commits a felony of the first degree.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 114-0