

By Senator Grimsley

21-00404-15

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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;  
27      requiring secondary metals recyclers to maintain  
28      specified insurance coverage; authorizing the  
29      department to suspend the registration or eligibility

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30 for registration of a secondary metal recycler that  
31 does not maintain the required coverage; requiring  
32 secondary metals recyclers to exhibit active  
33 registration certificates from the Department of  
34 Agriculture and Consumer Services before applying for  
35 or renewing a local business tax receipt; requiring  
36 secondary metals recyclers to allow department  
37 personnel to enter certain places of business for a  
38 specified purpose; authorizing the department to seek  
39 a warrant if such access is denied; revising penalties  
40 for noncompliance; requiring the department to suspend  
41 certain registrations or applications for registration  
42 under certain circumstances; amending s. 538.26, F.S.;  
43 prohibiting secondary metals recyclers from purchasing  
44 regulated metals property, restricted regulated metals  
45 property, or ferrous metals between certain hours or  
46 on Sundays; prohibiting the purchase of specified  
47 restricted regulated metals property without obtaining  
48 certain proof of the seller's ownership of, or  
49 authority to sell, the regulated metals property;  
50 revising the number of lead-acid batteries purchased  
51 in a single purchase by the same individual in a  
52 single day which makes a purchase subject to certain  
53 restrictions; creating s. 538.27, F.S.; providing  
54 penalties for noncompliance; creating s. 538.29, F.S.;  
55 authorizing the department to adopt rules; providing  
56 an effective date.

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

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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.

Section 2. Paragraph (cc) is added to subsection (8) of section 213.053, Florida Statutes, and subsection (11) of that

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88 section is amended, to read:

89 213.053 Confidentiality and information sharing.—

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

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

95  
96 Disclosure of information under this subsection shall be  
97 pursuant to a written agreement between the executive director  
98 and the agency. Such agencies, governmental or nongovernmental,  
99 shall be bound by the same requirements of confidentiality as  
100 the Department of Revenue. Breach of confidentiality is a  
101 misdemeanor of the first degree, punishable as provided by s.  
102 775.082 or s. 775.083.

103 (11) Notwithstanding any other provision of this section,  
104 with respect to a request for verification of a certificate of  
105 registration issued pursuant to s. 212.18 to a specified dealer  
106 or taxpayer or with respect to a request by a law enforcement  
107 officer for verification of a certificate of registration issued  
108 pursuant to s. 538.09 to a specified secondhand dealer ~~or~~  
109 ~~pursuant to s. 538.25 to a specified secondary metals recycler,~~  
110 the department may disclose whether the specified person holds a  
111 valid certificate, ~~or~~ whether a specified certificate number is  
112 valid, ~~or~~ whether a specified certificate number has been  
113 canceled or is inactive or invalid, and the name of the holder  
114 of the certificate. This subsection may ~~shall~~ not be construed  
115 to create a duty to request verification of any certificate of  
116 registration.

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117 Section 3. Paragraph (b) of subsection (1) of section  
118 319.30, Florida Statutes, is amended to read:

119 319.30 Definitions; dismantling, destruction, change of  
120 identity of motor vehicle or mobile home; salvage.—

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

122 (b) "Certificate of registration number" means the  
123 certificate of registration number issued by the Department of  
124 Agriculture and Consumer Services Revenue of the State of  
125 Florida pursuant to s. 538.25.

126 Section 4. Subsections (2) and (11) of section 538.18,  
127 Florida Statutes, are amended to read:

128 538.18 Definitions.—As used in this part, the term:

129 (2) "Department" means the Department of Agriculture and  
130 Consumer Services Revenue.

131 (11) "Secondary metals recycler" means any person that ~~who~~:

132 (a) Is engaged, from a fixed location, in the business of  
133 purchase transactions or gathering or obtaining ferrous or  
134 nonferrous metals that have served their original economic  
135 purpose or is in the business of performing the manufacturing  
136 process by which ferrous metals or nonferrous metals are  
137 converted into raw material products consisting of prepared  
138 grades and having an existing or potential economic value; or

139 (b) Has facilities for performing the manufacturing process  
140 by which ferrous metals or nonferrous metals are converted into  
141 raw material products consisting of prepared grades and having  
142 an existing or potential economic value, other than by the  
143 exclusive use of hand tools, by methods including, without  
144 limitation, processing, sorting, cutting, classifying, cleaning,  
145 baling, wrapping, shredding, shearing, or changing the physical

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146 form or chemical content thereof.

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

149 538.19 Records required; limitation of liability.—

150 (1) A secondary metals recycler shall maintain a legible  
151 paper record of all purchase transactions to which such  
152 secondary metals recycler is a party. A secondary metals  
153 recycler shall also maintain a legible electronic record, in the  
154 English language, of all such purchase transactions. The  
155 appropriate law enforcement official may provide data  
156 specifications regarding the electronic record format, but such  
157 format must be approved by the department ~~of Law Enforcement~~. An  
158 electronic record of a purchase transaction shall be  
159 electronically transmitted to the appropriate law enforcement  
160 official no later than 10 a.m. of the business day following the  
161 date of the purchase transaction. The record transmitted to the  
162 appropriate law enforcement official must not contain the price  
163 paid for the items. A secondary metals recycler that ~~who~~  
164 transmits such records electronically is not required to also  
165 deliver the original or paper copies of the transaction forms to  
166 the appropriate law enforcement official. However, such official  
167 may, for purposes of a criminal investigation, request the  
168 secondary metals recycler to make available the original  
169 transaction form that was electronically transmitted. This  
170 original transaction form must include the price paid for the  
171 items. The secondary metals recycler shall make the form  
172 available to the appropriate law enforcement official within 24  
173 hours after receipt of the request.

174 (2) The following information must be maintained on the

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175 form approved by the department ~~of Law Enforcement~~ for each  
176 purchase transaction:

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

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

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

181 (d) The weight, quantity, or volume, and a description of  
182 the type of regulated metals property purchased in a purchase  
183 transaction.

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

186 (f) A signed statement from the person delivering the  
187 regulated metals property stating that she or he is the rightful  
188 owner of, or is entitled to sell, the regulated metals property  
189 being sold. If the purchase involves a stainless steel beer keg,  
190 the seller must provide written documentation from the  
191 manufacturer that the seller is the owner of the stainless steel  
192 beer keg or is an employee or agent of the manufacturer.

193 (g) The distinctive number from the personal identification  
194 card of the person delivering the regulated metals property to  
195 the secondary metals recycler.

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

198 1. Full name, current residential address, workplace, and  
199 home and work phone numbers.

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

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

203 4. Vehicle description to include the make, model, and tag

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204 number of the vehicle and trailer of the person selling the  
205 regulated metals property.

206 5. Any other information required by the form approved by  
207 the department ~~of Law Enforcement~~.

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

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

213 (3) A secondary metals recycler complies with the  
214 requirements of this section if it maintains an electronic  
215 database containing the information required by subsection (2)  
216 as long as the electronic information required by subsection  
217 (2), along with an electronic oath of ownership with an  
218 electronic signature of the seller of the secondary metals being  
219 purchased by the secondary metals recyclers and an electronic  
220 image of the seller's right thumbprint that has no smudges and  
221 smears, can be downloaded onto a paper form in the image of the  
222 form approved by the department ~~of Law Enforcement~~ as provided  
223 in subsection (2).

224 Section 6. Section 538.20, Florida Statutes, is amended to  
225 read:

226 538.20 Inspection of regulated metals property and  
227 records.—During the usual and customary business hours of a  
228 secondary metals recycler, a law enforcement officer or employee  
229 of the department who is a nonsworn trained regulatory  
230 investigator shall, after properly identifying herself or  
231 himself as such ~~a law enforcement officer~~, have the right to  
232 inspect:



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

235 (2) Any and all records required to be maintained under s.  
 236 538.19.

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

239 538.21 Hold notice.—

240 (3) A secondary metals recycler may not dispose of any  
 241 property identified by a hold notice or extended hold notice  
 242 until the applicable hold period expires. At the expiration of  
 243 the hold period or, if extended in accordance with this section,  
 244 at the expiration of the extended hold period, the hold is  
 245 automatically released and the secondary metals recycler may  
 246 dispose of the regulated metals property unless other  
 247 disposition has been ordered by a court of competent  
 248 jurisdiction.

249 Section 8. Subsection (1), (3), (4), and (5) of section  
 250 538.23, Florida Statutes, are amended to read:

251 538.23 Violations and penalties.—

252 (1)(a) Except as provided in paragraph (b), a secondary  
 253 metals recycler that ~~who~~ knowingly and intentionally:

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

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

257 3. Violates s. 538.26(2); or

258 4. Violates s. 538.235,

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260 commits a felony of the third degree, punishable as provided in  
 261 s. 775.082, s. 775.083, or s. 775.084.

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262 (b) A secondary metals recycler that ~~who~~ commits a third or  
263 subsequent violation of paragraph (a) commits a felony of the  
264 second degree, punishable as provided in s. 775.082, s. 775.083,  
265 or s. 775.084.

266 (3) Any person who knowingly provides false information,  
267 gives false verification of ownership, or ~~who~~ gives a false or  
268 altered identification and who receives money or other  
269 consideration from a secondary metals recycler in return for  
270 regulated metals property commits:

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

274 (b) A felony of the second degree, punishable as provided  
275 in s. 775.082, s. 775.083, or s. 775.084, if the value of the  
276 money or other consideration received is \$300 or more or if the  
277 money or other consideration received is for restricted  
278 regulated metals.

279 (4) If a lawful owner recovers stolen regulated metals  
280 property from a secondary metals recycler that ~~who~~ has complied  
281 with this part, and the person who sold the regulated metals  
282 property to the secondary metals recycler is convicted of theft,  
283 a violation of this section, or dealing in stolen property, the  
284 court shall order the defendant to make full restitution,  
285 including, without limitation, attorneys' fees, court costs, and  
286 other expenses to the secondary metals recycler pursuant to s.  
287 775.089.

288 (5) A person acting as a secondary metals recycler that ~~who~~  
289 is not registered with the department under s. 538.25 commits a  
290 felony of the third degree, punishable as provided in s.

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291 775.082, s. 775.083, or s. 775.084.

292 Section 9. Section 538.25, Florida Statutes, is amended to  
293 read:

294 538.25 Registration; renewal.—

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

310 (a) Fingerprint fees shall be assessed and paid as  
311 specified in subparagraph (b)2. and ~~A fee equal to the federal~~  
312 ~~and state costs for processing required fingerprints must be~~  
313 submitted to the department with each application for  
314 registration. One application is required for each secondary  
315 metals recycler. If a secondary metals recycler is the owner of  
316 more than one secondary metals recycling location, the  
317 application must list each location, and the department shall  
318 issue a duplicate registration for each location. For purposes  
319 of subsections (3) and, (4), ~~and (5), these duplicate~~

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320 registrations shall be deemed individual registrations. A  
321 secondary metals recycler shall remit an annual registration fee  
322 of \$350 to the department at the time of registration for each  
323 of its business locations ~~pay a fee of \$6 per location at the~~  
324 ~~time of registration and an annual renewal fee of \$6 per~~  
325 ~~location on October 1 of each year.~~ All fees collected, ~~less~~  
326 ~~costs of administration,~~ shall be transferred into the General  
327 Inspection Operating Trust Fund.

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

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

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

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349 history check. Any arrest record identified shall be reported to  
350 the department.

351 4. For a renewal of an applicant's registration, the  
352 department shall request the Department of Law Enforcement to  
353 forward his or her retained fingerprints to the Federal Bureau  
354 of Investigation unless they are enrolled in the national  
355 retained print arrest notification program as described in  
356 subparagraph 3. The fee for the national criminal history check  
357 shall be recovered from the applicant as part of the  
358 department's registration renewal fee and shall be forwarded by  
359 the department to the Department of Law Enforcement upon  
360 receipt. If an applicant's fingerprints are retained in the  
361 national notification program, the applicant must pay the state  
362 and national retention fees to the department, which shall  
363 forward them to the Department of Law Enforcement.

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

367 6. The department shall consider the background screening  
368 results in determining whether an applicant meets registration  
369 or registration renewal requirements.

370 ~~The department shall forward the full set of fingerprints to the~~  
371 ~~Department of Law Enforcement for state and federal processing,~~  
372 ~~provided the federal service is available, to be processed for~~  
373 ~~any criminal justice information as defined in s. 943.045. The~~  
374 ~~cost of processing such fingerprints shall be payable to the~~  
375 ~~Department of Law Enforcement by the department. The department~~  
376 ~~may issue a temporary registration to each location pending~~  
377 ~~completion of the background check by state and federal law~~

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

384 (c) An applicant for a secondary metals recycler  
385 registration must be a natural person who has reached the age of  
386 18 years or a corporation organized or qualified to do business  
387 in the state.

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

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

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

403 (d) Each secondary metals recycler shall maintain workers'  
404 compensation insurance and general liability insurance coverage  
405 throughout the registration period as required by the department  
406 by rule and shall provide the department with written evidence

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407 of such coverage as a condition of registration with the  
408 department under this section. Failure to maintain such coverage  
409 constitutes an immediate threat to the public health, safety,  
410 and welfare, and the department may immediately suspend the  
411 registration or eligibility for registration of a noncompliant  
412 secondary metals recycler, which must immediately cease  
413 operating in this state.

414 (e) A person applying for or renewing a local business tax  
415 receipt to engage in business as a secondary metals recycler  
416 must exhibit an active registration certificate from the  
417 department before the local business tax receipt may be issued  
418 or renewed pursuant to s. 205.194.

419 (2) A secondary metals recycler's registration shall be  
420 conspicuously displayed at the place of business identified ~~set~~  
421 ~~forth~~ on the registration. A secondary metals recycler shall  
422 allow department personnel to enter its place of business in  
423 order to verify that it has displayed a valid registration. If a  
424 secondary metals recycler refuses to grant department personnel  
425 entry for this purpose, the department may seek a warrant from a  
426 court of competent jurisdiction authorizing such inspection  
427 ~~shall not dispose of property at any location until any holding~~  
428 ~~period has expired.~~

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

435 (3)-(4) In addition to the penalties ~~fine~~ provided in s.

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436 538.27 ~~subsection (3)~~, registration or registration renewal  
437 under this section may be denied or any registration granted may  
438 be revoked, restricted, or suspended by the department if, after  
439 October 2, 1989, and within a 10-year ~~24-month~~ period  
440 immediately preceding such denial, revocation, restriction, or  
441 suspension:

442 (a) The applicant or registrant, or an owner, officer,  
443 director, or trustee of the applicant or registrant, was has  
444 ~~been~~ convicted of knowingly and intentionally:

- 445 1. Violating s. 538.20, ~~or~~ s. 538.21, or s. 538.26;
- 446 2. Engaging in a pattern of failing to keep records as  
447 required by s. 538.19;
- 448 3. Making a material false statement in the application for  
449 registration; or
- 450 4. Engaging in a fraudulent act in connection with any  
451 purchase or sale of regulated metals property;

452 (b) The applicant or registrant, or an owner, officer,  
453 director, or trustee of the applicant or registrant, was has  
454 ~~been~~ convicted of, or entered a plea of guilty or nolo  
455 contendere to, a felony ~~committed by the secondary metals~~  
456 ~~recycler~~ against the laws of the state or of the United States  
457 involving theft, larceny, dealing in stolen property, receiving  
458 stolen property, burglary, embezzlement, obtaining property by  
459 false pretenses, possession of altered property, or any felony  
460 drug offense or of knowingly and intentionally violating the  
461 laws of the state relating to registration as a secondary metals  
462 recycler; or

463 (c) The applicant ~~has~~, after receipt of written notice from  
464 the Department of Revenue of failure to pay sales tax, failed or



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465 refused to pay, within 30 days after the secondary metals  
466 recycler's receipt of such written notice, any sales tax owed to  
467 the Department of Revenue.

468 (4)~~(5)~~ A denial of an application, or a revocation,  
469 restriction, or suspension of a registration, by the department  
470 shall be probationary for a period of 12 months in the event  
471 that the secondary metals recycler subject to such action has  
472 not had any other application for registration denied, or any  
473 registration revoked, restricted, or suspended, by the  
474 department within the previous 24-month period.

475 (a) If, during the 12-month probationary period, the  
476 department does not again deny an application or revoke,  
477 restrict, or suspend the registration of the secondary metals  
478 recycler, the action of the department shall be dismissed and  
479 the record of the secondary metals recycler cleared thereof.

480 (b) If, during the 12-month probationary period, the  
481 department, for reasons other than those existing before ~~prior~~  
482 ~~to~~ the original denial or revocation, restriction, or  
483 suspension, again denies an application or revokes, restricts,  
484 or suspends the registration of the secondary metals recycler,  
485 the probationary nature of such original action shall terminate  
486 and both the original action of the department and the action of  
487 the department causing the termination of the probationary  
488 nature thereof shall immediately be reinstated against the  
489 secondary metals recycler.

490 (5) The department shall suspend a registration or deny an  
491 application for registration if the registrant or applicant, or  
492 any of the owners, officers, directors, or trustees of the  
493 registrant or applicant, has been convicted of a felony under

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494 chapter 812 or chapter 817. The department shall suspend such  
495 registration or application immediately upon receiving written  
496 verification of the conviction from a law enforcement agency, a  
497 court, a state attorney's office, or the Department of Law  
498 Enforcement.

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

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

505 538.26 Certain acts and practices prohibited.—It is  
506 unlawful for a secondary metals recycler to do or allow any of  
507 the following acts:

508 (1) Purchase regulated metals property, restricted  
509 regulated metals property, or ferrous metals between the hours  
510 of 7 p.m. and before 7 a.m. or at any time on Sunday after 7  
511 p.m.

512 (5)

513 (b) The purchase of any of the following regulated metals  
514 property is subject to the restrictions provided in paragraph  
515 (a):

516 1. A manhole cover.

517 2. A metal ~~An~~ electric light pole ~~or other utility~~  
518 ~~structure~~ and its fixtures, ~~wires,~~ and hardware that is ~~are~~  
519 readily identifiable as connected to a metal electric light ~~the~~  
520 ~~utility~~ structure.

521 3. A guard rail.

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

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523 fixtures and hardware.

524 5. Communication, transmission, distribution, and service  
525 wire from a utility, including copper or aluminum bus bars,  
526 connectors, grounding plates, or grounding wire.

527 6. A funeral marker or funeral vase.

528 7. A historical marker.

529 8. Railroad equipment, including, but not limited to, a tie  
530 plate, signal house, control box, switch plate, E clip, or rail  
531 tie junction.

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

535 10. A copper, aluminum, or aluminum-copper condensing or  
536 evaporator coil, including its tubing or rods, from an air-  
537 conditioning or heating unit, excluding coils from window air-  
538 conditioning or heating units and motor vehicle air-conditioning  
539 or heating units.

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

542 12. A stainless steel beer keg.

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

545 14. Metallic wire that has been burned in whole or in part  
546 to remove insulation.

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

551 16. A brass or bronze commercial potable water backflow

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552 preventer valve that is commonly used to prevent backflow of  
553 potable water from commercial structures into municipal domestic  
554 water service systems.

555 17. A shopping cart.

556 18. A brass water meter.

557 19. A storm grate.

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

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

562 Section 11. Section 538.27, Florida Statutes, is created to  
563 read:

564 538.27 Administrative penalties.—The department may take  
565 one or more of the following actions against a secondary metals  
566 recycler found to be in violation of s. 538.19, s. 538.235, s.  
567 538.25, or s. 538.26:

568 (1) Issuance of a notice of noncompliance pursuant to s.  
569 120.695.

570 (2) Imposition of an administrative fine of up to \$200 per  
571 violation, not to exceed \$5,000 per inspection. Collected fines  
572 shall be deposited in the General Inspection Trust Fund. If a  
573 fine is not paid within 60 days after imposition, the department  
574 may bring a civil action under s. 120.69 to recover the fine.

575 (3) Issuing a directive to the secondary metals recycler to  
576 cease and desist specified activities.

577  
578 Administrative proceedings initiated under this section shall be  
579 conducted in accordance with chapter 120.

580 Section 12. Section 538.29, Florida Statutes, is created to

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581 read:

582 538.29 Rulemaking authority.—The department may adopt rules  
583 to implement this part. Such rules shall include tiered  
584 penalties for violations of this part.

585 Section 13. This act shall take effect July 1, 2015.