Please find enclosed a fully executed copy of Leon County Ordinance No. 2011-26, which

provides for the regulation of secondhand dealers in precious metals and copper. At the direction

of the Board of County Commissioners, our office would also respectfully request that the

Sheriff's Office provide a copy of Ordinance No. 2011 -26 to each secondhand dealer in precious

metals and copper registered in the County. The effective date of the ordinance is November 16,

2011, which is the date the ordinance was filed with the Secretary of State.

As you know, for several years Chapter 11, Article VI, of the Leon County Code of Laws had

regulated dealers in precious metals, Which were defined to be gold, silver and platinum, but not

copper. However, in light of the recent reports of copper thefts in the community, the Board

directed the County Attorney's Office to prepare an ordinance that would' add copper to the list

of regulations. Accordingly, on November 8, 2011, the Board held a duly noticed public hearing

and adopted the enclosed ordinance.

Should you have any questions concerning this matter, please contact the County Attorneys

Office.

HWAT/plp

Encl.

cc: Alan Griner, Esq.

I ORDINANCE NO. 2011 - 26

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3

4 AN ORDINANCE OF THE BOARD OF COUNTY

*5* COMMISSIONERS OF LEON COUNTY, FLORJDA,

6 AMENDING ARTICLE VI OF CHAPTER 11 OF THE

7 CODE OF LAWS OF LEON COUNTY, REGARDING

8 DEALERS IN PRECIOUS METAL; AMENDING

9 ARTICLE VI OF CHAPTER 11 OF THE CODE OF .LAWS

I 0 OF LEON COUNTY TO PROVIDE FOR THE

11 REGULATION OF SECONDHAND DEALERS IN

12 COPPER; AMENDING SECTION 11-136, DEFINITIONS;

13 AMENDING SECTION 11-137, PURPOSE; AMENDING

*14* SECTION 11-:138, REGISTER OF TRANSACTIONS;

15 AMENDING SECTION 11-140, RETENTION PERIOD;

16 AMENDING SECTION 11-141, DEALING WITH MINORS

17 PROHIBITED; AMENDING SECTION 11-142,

I8 ARRANGEMENT OF STOCK TO FACILITATE

19 INSPECTION; PROVIDING FOR CONFLICTS;

20 PROVIDING FOR SEVERABILITY; AND PROVIDING

2 I AN EFFECTIVE DATE.

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23

24 WHEREAS, *Article* VI of Chapter II of the Leon County Code of Laws regulates

25 secondhand dealers in precious metals, but not copper; and

26

27 WHEREAS, the Board desires to amend Article VI of Chapter 11 of *the* Leon County

*28* Code of Laws to regulate secondhand dealers in copper;

29

30 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON

31 COUNTY, FLORIDA, THAT:

Section I. Article *VI* of Chapter I 1 of the Code of Laws of Leon County, Florida, *is*

hereby amended to read as follows:

ARTICLE VI. DEALERS IN PRECIOUS METALS AND COPPER

Sec.1-136. Definitions.

The following words, terms and phrases, when used m th1s article, shall have the .

meanings ascribed to them in this section, except where the context clearly indicates a different meaning

meaning: ~

*Bullion coins* shall mean fungible coins with intrinsic value greater than the numismatic

value.

*Cooper* shall mean the nonferrous metal known as copper, including, without limitation,

copper, copper alloy, copper utility service wire, and copper communications service wire.

*Dealer* shall mean any person engaged in the business of purchasing or selling at retail or

wholesale or otherwise dealing in any old, used or secondhand precious metals or copper of any

kind or description, whether with a fixed place of business or as an itinerant.

*Precious metal* shall mean gold, silver or platinum.

Sec. **11-137 Purpose.**

The purpose of this article is to set forth regulations governing the purchase and

disposition of personal property made of precious metals or copper by dealers within the county.

Sec. **11-138, Register of transactions.** .

(a) Any person engaged in business as a dealer shall keep a register in connection

with his business, such register to be approved as to type and form by 1he sheriff, and at the time

of each transaction shall enter or cause to be entered therein an accurate description of the person

from whom any article of personal property made of precious· metal or copper is purchased or

received, and shall include in the description, but not be limited *to,* the name, date of birth, sex,

race, place of residence and driver's license number or, if none, other government identification

numbers of the person, together with-an accurate description of any article of personal property

made of precious metal or copper so purchased or received, which description may contain any

mark, brand, monogram, hallmark, word or letters which may ·be engraved, stamped, etched or

otherwise permanently marked upon the article. The description of bullion coins shall be

adequate if it provides the total dollar amount of each denomination. The register shall at all

times be kept open and available for the inspection and examination of the sheriff or any other

person authorized by the sheriff to inspect the register.

(b) Any and all persons engaged in business as a dealer shall, in keeping the register

required in subsection (a) of this section, take the following precautions to ensure the accuracy of

the personal identification required:

**(1 )** .Require the customer, as a condition to the purchase, to sign his or her

name on the registration form.

(2) Require reasonable proof of identity which would include but not be

limited to display of a driver's license or other governmental identification

cards or certificates.

(c) It shall be unlawful for any customer to give or display false identification to the

dealer or to sign a false name.

Sec. 11-139. **Transcript** of register to sheriff.

All dealers shall, not later than 12:00 noon of each business day, make available to the

sheriff, or his representative, a full and complete copy or transcript of the register in which is

entered the transactions of the preceding business day as required by section 11-13 8.

Sec. 11-140. Retention period.

(a) Except for the exempt transactions hereinafter provided, no articles of personal

property made of precious metals or copper shall be sold, melted, altered or otherwise disposed

of by any dealer until ten days have elapsed from the time the sheriff has had made available to

him a copy or transcript of the register in which such articles of personal property made of

precious metals or copper are entered, and such articles shall not be transferred from within the

county during such ten-day period.

(b) The following transactions shall be exempt from the provisions of subsection (a)

Of this section: ·

(.1)

(2)

(3)

Coins repurchased by a dealer, provided the dealer repurchases from the

same person and maintains a record of the prior sale and the repurchase.

The purchase of bullion coins.

Transactions between dealers, provided the article of personal property

made of precious metals or copper has been registered in accordance with

this article and ~in the possession of any local dealer for the period set

forth in subsection (a) of this section.

27 Sec. 11-141. Dealing with minors prohibited.

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29 It shall be unlawful for any dealer1o buy, take or receive by way of purchase or exchange

30 any articles made of precious metals or copper from any person under the age of 18 years.

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32 Sec. 11-142. Arrangement of stock to facilitate inspection.

33

34 All articles of personal property made of precious metals or copper purchased or received

35 by dealers shall remain attached to a copy of the bill of sale and be so arranged in stock as to

36 enable the stock to be inspected by the sheriff's office department or any other person with such

3 7 authority during the period set forth in section I 1-140(a).

38

39 Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the

40 provisions of this ordinance are hereby repealed to the extent of such conflict, except to· the

41extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended,

42 which provisions shall prevail over any part of this ordinance which is inconsistent, either in

43 whole or in part, with the said Comprehensive Plan.

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45 Section 3. Severability. If any word, phrase, clause, section or portion of this

46 ordinance shall be held invalid or unconstitutional *by* a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section** *4.* Effective date. This ordinance shall have effect upon becoming law.

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DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon

County, Florida, this 8th day of November, 2011.

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17 ATTESTED BY:

18 . BOB INZER, CLERK OF THE COURT ·

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24 APPROVED AS TO FORM:

25 COUNTY ATTORNEY'S OFFICE

26 LEON COUN TY, FLORIDA

27

28

29

30 ROBERT W.A. THIELE

31 COUNTY ATTORNEY