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LEGISLATIVE ACTION

Senate

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House

The Committee on Commerce and Tourism (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 538.03, Florida
Statutes, is reordered and amended, paragraphs (m) through (q)
of subsection (2) of that section are redesignated as paragraphs
(k) through (o), respectively, and present paragraphs (k), (l),
and (n) of that subsection are amended, to read:

538.03 Definitions; applicability.—

(1) As used in this part, the term:

(g) ~~(a)~~ "Secondhand dealer" means any person, corporation,



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or other business organization or entity that ~~which~~ is not a secondary metals recycler subject to part II and that ~~which~~ is engaged in the business of purchasing, consigning, or trading secondhand goods. A secondary metals recycler may not act as a secondhand dealer without also conforming to the requirements for a secondhand dealer pursuant to this part.

(f) ~~(b)~~ "Precious metals dealer" means a secondhand dealer who normally or regularly engages in the business of buying used precious metals for resale. The term does not include those persons involved in the bulk sale of precious metals from one secondhand or precious metals dealer to another.

(i) ~~(e)~~ "Secondhand store" means the place or premises at which a secondhand dealer is registered to conduct business as a secondhand dealer or conducts business.

(c) ~~(d)~~ "Consignment shop" means a shop engaging in the business of accepting for sale, on consignment, secondhand goods that ~~which~~, having once been used or transferred from the manufacturer to the dealer, are then received into the possession of a third party.

(a) ~~(e)~~ "Acquire" means to obtain by purchase, consignment, or trade.

(h) ~~(f)~~ "Secondhand goods" means personal property previously owned or used, which is not regulated metals property regulated under part II and which is purchased, consigned, or traded as used property. Such secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry, cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with



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a serial number. For purposes of this paragraph, "secondhand sports equipment" does not include golf clubs.

(j)~~(g)~~ "Transaction" means any purchase, consignment, or trade of secondhand goods by a secondhand dealer.

(e)~~(h)~~ "Precious metals" means any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

(d)~~(i)~~ "Department" means the Department of Revenue.

(b) "Appropriate law enforcement official" means the sheriff of the county in which a secondhand dealer is located or, if the secondhand dealer is located within a municipality, both the police chief of the municipality and the sheriff; however, the sheriff or police chief may designate as the appropriate law enforcement official for that county or municipality, as applicable, any law enforcement officer working within that respective county or municipality. This paragraph does not limit the authority or duties of the sheriff.

(2) This chapter does not apply to:

~~(k) Any person purchasing, consigning, or trading secondhand goods at a flea market regardless of whether at a temporary or permanent business location at the flea market.~~

~~(l) Any auction business as defined in s. 468.382(1).~~

(1)~~(n)~~ A business that contracts with other persons or entities to offer its secondhand goods for sale, purchase, consignment, or trade via an Internet website, and that maintains a shop, store, or other business premises for this purpose, if all of the following apply:

1. The secondhand goods must be available on the website



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for viewing by the public at no charge;

2. The records of the sale, purchase, consignment, or trade must be maintained for at least 2 years;

3. The records of the sale, purchase, consignment, or trade, and the description of the secondhand goods as listed on the website, must contain the serial number of each item, if any;

4. The secondhand goods listed on the website must be searchable based upon the state or zip code;

5. The business must provide the appropriate law enforcement official ~~agency~~ with the name or names under which it conducts business on the website;

6. The business must allow the appropriate law enforcement official ~~agency~~ to inspect its business premises at any time during normal business hours;

7. Any payment by the business resulting from such a sale, purchase, consignment, or trade must be made to the person or entity with whom the business contracted to offer the goods and must be made by check or via a money services business licensed under part II of chapter 560; and

8.a. At least 48 hours after the estimated time of contracting to offer the secondhand goods, the business must verify that any item having a serial number is not stolen property by entering the serial number of the item into the Department of Law Enforcement's stolen article database located at the Florida Crime Information Center's public access system website. The business shall record the date and time of such verification on the contract covering the goods. If such verification reveals that an item is stolen property, the



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business shall immediately remove the item from any website on which it is being offered and notify the appropriate law enforcement official ~~agency~~; or

b. The business must provide the appropriate law enforcement official ~~agency~~ with an electronic copy of the name, address, phone number, driver ~~driver's~~ license number, and issuing state of the person with whom the business contracted to offer the goods, as well as an accurate description of the goods, including make, model, serial number, and any other unique identifying marks, numbers, names, or letters that may be on an item, in a format agreed upon by the business and the appropriate law enforcement official ~~agency~~. This information must be provided to the appropriate law enforcement official ~~agency~~ within 24 hours after entering into the contract unless other arrangements are made between the business and the law enforcement official ~~agency~~.

Section 2. Subsections (1), (6), and (7) of section 538.04, Florida Statutes, are amended to read:

538.04 Recordkeeping requirements; penalties.—

(1) A secondhand dealer ~~dealers~~ shall complete a secondhand dealers transaction form at the time of the actual transaction. A secondhand dealer shall maintain a copy of a completed transaction form on the registered premises for at least 1 year after the date of the transaction. However, the secondhand dealer shall maintain a copy of the transaction form for not less than 3 years. Unless other arrangements are ~~have been~~ agreed upon by the secondhand dealer and the appropriate law enforcement official ~~agency~~, the secondhand dealer shall, within 24 hours after acquiring ~~the acquisition of~~ any secondhand



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goods, deliver to such official ~~the police department of the~~
~~municipality where the goods were acquired or, if the goods were~~
~~acquired outside of a municipality, to the sheriff's department~~
~~of the county where the goods were acquired,~~ a record of the
transaction on a form approved by the Department of Law
Enforcement. Such record shall contain:

(a) The time, date, and place of the transaction.

(b) A complete and accurate description of the goods
acquired, including the following information, if applicable:

1. Brand name.

2. Model number.

3. Manufacturer's serial number.

4. Size.

5. Color, as apparent to the untrained eye.

6. Precious metal type, weight, and content if known.

7. Gemstone description, including the number of stones, if
applicable.

8. In the case of firearms, the type of action, caliber or
gauge, number of barrels, barrel length, and finish.

9. Any other unique identifying marks, numbers, or letters.

(c) A description of the person from whom the goods were
acquired, including:

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

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

3. The right thumbprint, free of smudges and smears, of the
person from whom the goods were acquired.

(d) Any other information required by the form approved by



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the Department of Law Enforcement.

(6) If the appropriate law enforcement official ~~agency~~ supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer ~~must~~ ~~transactions shall be~~ electronically transmit ~~secondhand dealer transactions required by this section to such official~~ ~~transferred~~. If a secondhand dealer does not have computer capability, the appropriate law enforcement official ~~agency~~ may provide the secondhand dealer with a computer and all equipment necessary to ~~equipment for the purpose of~~ electronically transmit ~~transferring~~ secondhand dealer transactions. The appropriate law enforcement official ~~agency~~ shall retain ownership of the computer, unless otherwise agreed upon, and ~~the~~ the secondhand dealer shall maintain the computer in good working order, except for ordinary wear and ~~tear excepted~~. ~~A~~ ~~If~~ the secondhand dealer who transmits ~~transfers~~ secondhand dealer transactions electronically, ~~the secondhand dealer~~ is not required to also deliver ~~to the appropriate law enforcement agency~~ the original or paper copies of the secondhand transaction forms to the appropriate law enforcement official. However, such official may, for purposes ~~the purpose~~ of a criminal investigation, ~~the appropriate law enforcement agency~~ ~~may~~ request ~~that~~ the secondhand dealer to deliver the ~~produce an~~ original ~~of a~~ transaction form that was ~~has been~~ electronically transmitted ~~transferred~~. The secondhand dealer shall deliver the ~~this~~ form to the appropriate law enforcement official ~~agency~~ within 24 hours after receipt of the request.

(7) If the original transaction form is lost or destroyed by the appropriate law enforcement official ~~agency~~, a copy may



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be used by the secondhand dealer as evidence in court. When an electronic image of a customer's identification is accepted for a transaction, the secondhand dealer must maintain the electronic image in order to meet the recordkeeping requirements applicable to the original transaction form. If a criminal investigation occurs, the secondhand dealer shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official agency.

Section 3. Section 538.18, Florida Statutes, is reordered and amended to read:

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

(1) "Appropriate law enforcement official" means the sheriff of the county in which a secondary metals recycler is located or, if the secondary metals recycler is located within a municipality, the police chief of the municipality in which the secondary metals recycler is located; however, the sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working within that respective county or municipality. This subsection does not limit the authority or duties of the sheriff.

(3)~~(1)~~ "Ferrous metals" means any metals containing significant quantities of iron or steel.

(4)~~(2)~~ "Fixed location" means any site occupied by a secondary metals recycler as owner of the site or as lessee of the site under a lease or other rental agreement providing for occupation of the site by the secondary metals recycler for a total duration of not less than 364 days.

(5)~~(3)~~ "Money" means a medium of exchange authorized or



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adopted by a domestic or foreign government as part of its
currency.

(6)~~(4)~~ "Nonferrous metals" means metals not containing
significant quantities of iron or steel, including, without
limitation, copper, brass, aluminum, bronze, lead, zinc, nickel,
and alloys thereof, excluding precious metals subject to
regulation under part I.

(7)~~(5)~~ "Personal identification card" means a valid Florida
driver license, a Florida identification card issued by the
Department of Highway Safety and Motor Vehicles, an equivalent
form of identification issued by another state, a passport, or
an employment authorization issued by the United States Bureau
of Citizenship and Immigration Services that contains an
individual's photograph and current address ~~any government-
issued photographic identification card.~~

(8)~~(6)~~ "Purchase transaction" means a transaction in which
a secondary metals recycler gives consideration for regulated
metals property.

(9)~~(7)~~ "Regulated metals property" means any item composed
primarily of any nonferrous metals. The term does, but shall not
include aluminum beverage containers, used beverage containers,
or similar beverage containers; however, the term includes
shall include stainless steel beer kegs and items made of
ferrous metal obtained from any restricted regulated metals
property.

(11)~~(8)~~ "Secondary metals recycler" means any person who:
(a) Is engaged, from a fixed location or otherwise, in the
business of purchase transactions, gathering or obtaining
ferrous or nonferrous metals that have served their original



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economic purpose, ~~or is in the business of~~ performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or

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

A secondary metals recycler may not act as a secondhand dealer without also conforming to the requirements of a secondhand dealer pursuant to this part.

(2) ~~(9)~~ "Department" means the Department of Revenue.

(10) "Restricted regulated metals property" means any regulated metals property listed in s. 538.26(4)(b) the sale of which is restricted as provided in s. 538.26(4)(a).

(12) "Utility" means a public utility or electric utility as defined in s. 366.02 or a person, firm, cooperative, association, or political subdivision, whether private, municipal, county, or cooperative, which is engaged in the sale, generation, provision, or delivery of heat, water, oil, sewer service, or telephone, telegraph, radio, telecommunications, or communications service.

Section 4. Paragraph (u) of subsection (1) of section



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319.30, Florida Statutes, is amended to read:

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

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

(u) "Secondary metals recycler" means secondary metals recycler as defined in s. 538.18 ~~538.18(8)~~.

Section 5. Section 538.19, Florida Statutes, is amended to read:

538.19 Records required; limitation of liability.—

(1) A secondary metals recycler shall maintain a legible paper record of all purchase transactions to which such secondary metals recycler is a party. A secondary metals recycler shall also maintain a legible electronic record, in the English language, of all such purchase transactions. The appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the Department of Law Enforcement. An electronic record of a purchase transaction shall be electronically transmitted to the appropriate law enforcement official no later than 10 a.m. of the business day following the date of the purchase transaction. A secondary metals recycler who transmits such records electronically is not required to also deliver the original or paper copies of the transaction forms to the appropriate law enforcement official. However, such official may, for purposes of a criminal investigation, request the secondary metals recycler to deliver the original transaction form that was electronically transmitted. The secondary metals recycler shall deliver the form to the appropriate law enforcement official within 24 hours after



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receipt of the request.

(2) The following information must be maintained on the a form approved by the Department of Law Enforcement for each purchase transaction:

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

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

(c) The date and time of the transaction.

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

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

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

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

(h) A description of the person from whom the regulated metals property was ~~goods were~~ acquired, including:

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

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



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

333 4. Vehicle description to include the make, model, and tag
334 number of the vehicle and trailer of the person selling the
335 regulated metals property.

336 5. Any other information required by the form approved by
337 the Department of Law Enforcement.

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

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

343 ~~(3) Any secondary metals recycler that maintains an~~
344 ~~electronic database containing the information required in~~
345 ~~paragraph (2)(h), along with an oath of ownership with a~~
346 ~~signature of the seller of the secondary metals being purchased~~
347 ~~by the secondary metals recycler and a right thumbprint that has~~
348 ~~no smudges and smears on the oath of ownership for each purchase~~
349 ~~transaction, shall be exempt from the records requirement of~~
350 ~~paragraph (2)(h).~~ A secondary metals recycler complies with the
351 requirements of this section if it maintains an electronic
352 database containing the information required by subsection (2)
353 ~~paragraph (2)(h)~~ as long as the electronic information required
354 by subsection (2) ~~paragraph (2)(h)~~, along with an electronic
355 oath of ownership with an electronic signature of the seller of
356 the secondary metals being purchased by the secondary metals
357 recyclers and an electronic image of the seller's right
358 thumbprint that has no smudges and smears, can be downloaded
359 onto a paper form in the image of the form approved by the
360 Department of Law Enforcement as provided in subsection (2).



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(4) A secondary metals recycler shall maintain or cause to be maintained the information required by this section for not less than 3 5 years from the date of the purchase transaction.

~~(5) If a purchase transaction involves the transfer of regulated metals property from~~ A secondary metals recycler registered with the department who purchases a motor vehicle from a licensed salvage motor vehicle dealer as defined in s. 320.27 or to another secondary metals recycler registered with the department and uses a mechanical crusher to convert the vehicle to scrap metal must obtain a signed statement from the seller stating that the seller has surrendered the vehicle's certificate of title to the Department of Highway Safety and Motor Vehicles as provided in s. 319.30 or has otherwise complied with the titling requirements provided by law for conversion of the vehicle to scrap metal. A, the secondary metals recycler is not liable for the seller's failure to comply with the titling requirements provided by law for conversion of a motor vehicle to scrap metal if the secondary metals recycler obtains and maintains the seller's signed statement ~~receiving the regulated metals property shall record the name and address of the secondary metals recycler from which it received the regulated metals property in lieu of the requirements of paragraph (2)(h).~~

Section 6. Section 538.235, Florida Statutes, is amended to read:

538.235 Method of payment.—

(1) A secondary metals recycler may ~~shall~~ not enter into any cash transaction:

(a) In excess of \$1,000 ~~in payment~~ for the purchase of



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regulated metals property; or

(b) In any amount for the purchase of restricted regulated metals property.

(2) Payment in excess of \$1,000 for the purchase of regulated metals property shall be made by check issued to the seller of the metal and payable to the seller.

(3) Payment for the purchase of restricted regulated metals property shall be made by check issued to the seller of the metal and payable to the seller or by electronic payment to the seller's bank account or the seller's employer's bank account.

(a) Each check shall be mailed by the secondary metals recycler directly to the street address of the seller which is on file with the secondary metals recycler, unless otherwise provided in this part. A check may not be mailed to a post office box. Electronic payments shall be transmitted to an account for which the seller is listed as an account holder or an employee or agent of the seller.

(b) Each check or electronic payment shall be mailed or transmitted by the secondary metals recycler to the seller within 3 days after the purchase transaction, unless otherwise provided in this section.

(c) The secondary metals recycler may provide a check at the time of the purchase transaction rather than mailing the check as required in paragraph (a), if the seller is:

1. An organization, corporation, or association registered with the state as a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organization or association, or is a nonprofit corporation or association;



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419 2. A law enforcement officer acting in an official
420 capacity;

421 3. A trustee in bankruptcy or an executor, administrator,
422 or receiver who has presented proof of such status to the
423 secondary metals recycler;

424 4. A public official acting under judicial process or
425 authority who has presented proof of such status to the
426 secondary metals recycler;

427 5. A sheriff acting under the authority of a court's writ
428 of execution, or by virtue of any process issued by a court, if
429 proof thereof has been presented to the secondary metals
430 recycler; or

431 6. A manufacturing, industrial, or other commercial vendor
432 that generates regulated materials in the ordinary course of
433 business.

434 Section 7. Section 538.26, Florida Statutes, is amended to
435 read:

436 538.26 Certain acts and practices prohibited.—It is
437 unlawful for a secondary metals recycler to do or allow any of
438 the following acts:

439 (1) Purchase regulated metals property, restricted
440 regulated metals property, or ferrous metals on weekdays before
441 7 a.m. or after 6 p.m., on Saturdays before 7 a.m. or after 1
442 p.m., or on Sundays. ~~between the hours of 9 p.m. and 6 a.m.~~

443 ~~(2) Fail to pay any sales tax owed to the department or~~
444 ~~fail to have a sales tax registration number.~~

445 ~~(3) Purchase regulated metals property at a location other~~
446 ~~than the place of business set forth on the registration.~~

447 (2)(4) Purchase regulated metals property, restricted



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regulated metals property, or ferrous metals from any seller who presents such property for sale at the registered location of the secondary metals recycler when such property was not transported in a motor vehicle.

~~(3)(5) Purchase regulated metals property, restricted regulated metals property, or ferrous metals in return for money from a trailer, a vehicle, or any location other than a fixed location or from any person who is required to prove ownership pursuant to subsection (4). However, regulated metals may be purchased from a nonfixed location, or from such person, with any negotiable or nonnegotiable instrument, including a check or draft or any other type of instrument purchased with money and sold for the purpose of making payments or transfers to others.~~

(4) (a) Purchase any restricted regulated metals property listed in paragraph (b), unless the secondary metals recycler obtains reasonable proof that the seller:

1. Owns such property. Reasonable proof of ownership may include, but is not limited to, a receipt or bill of sale; or

2. Is an employee, agent, or contractor of the property's owner who is authorized to sell the property on behalf of the owner. Reasonable proof of authorization to sell the property includes, but is not limited to, a signed letter on the owner's letterhead, dated no later than 90 days before the sale, authorizing the seller to sell the property.

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

1. A manhole cover.

2. An electric light pole or other utility structure and



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its fixtures, wires, and hardware that are readily identifiable
as connected to the utility structure.

3. A guard rail.

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

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

6. A funeral marker or funeral vase.

7. A historical marker.

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

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

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

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

12. A stainless steel beer keg.

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

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

15. A brass or bronze commercial valve or fitting, referred



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to as a "fire department connection and control valve" or an
"FDC valve," that is commonly used on structures for access to
water for the purpose of extinguishing fires.

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

17. A shopping cart.

18. A brass water meter.

19. A storm grate.

20. A brass sprinkler head used in commercial agriculture.

Section 8. Section 538.28, Florida Statutes, is created to
read:

538.28 Local government regulation; preemption.—

(1) The regulation of purchase transactions involving
regulated metals property is preempted to the state. Except as
provided in subsection (2), an ordinance or regulation adopted
by a county or municipality relating to the purchase or sale of
regulated metals property or the registration or licensure of
secondary metals recyclers is void.

(2) This part does not preempt an ordinance or regulation
originally enacted by a county or municipality before March 1,
2012, and which meets the requirements found in this part.

Section 9. For the purpose of incorporating the amendments
made by this act to sections 538.19 and 538.235, Florida
Statutes, in references thereto, paragraph (a) of subsection (1)
of section 538.23, Florida Statutes, is reenacted and amended to
read:

538.23 Violations and penalties.—



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

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

commits a misdemeanor of the first degree, punishable as provided in s. 775.082.

Section 10. Subsection (2) of s. 812.145, Florida Statutes, is amended to read:

812.145 Theft of copper or other nonferrous metals.—

(2) A person who knowingly and intentionally takes or assists with the taking of copper or other nonferrous metals from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider, interrupting or interfering with utility service or communications services, or interfering with the ability of a utility or communications services provider to provide service, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. (1) A public or private owner of metal property is not civilly liable to a person who is injured during the theft or attempted theft of metal property.

(2) A public or private owner of metal property is not civilly liable to a person for injuries caused by a dangerous condition created as a result of the theft or attempted theft of the owner's metal property when the owner did not know, and



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could not have reasonably known, of the dangerous condition.

(3) This section does not create or impose a duty of care upon an owner of metal property which would not otherwise exist under common law.

Section 12. This act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to transactions by secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; requiring that a secondary metals recycler conform to the requirements for a secondhand dealer; defining the term "appropriate law enforcement official"; deleting exemptions from regulation as a secondhand dealer which relate to flea market transactions and auction businesses; conforming terminology; amending s. 538.04, F.S., relating to recordkeeping requirements; conforming terminology and clarifying provisions; amending s. 538.18, F.S.; revising and providing definitions; amending s. 319.30, F.S.; conforming a cross-reference; amending s. 538.19, F.S.; revising requirements for the types of information that secondary metals recyclers must obtain and maintain regarding purchase transactions, including requirements for the maintenance and transmission of electronic records of such



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transactions; revising the period required for secondary metals recyclers to maintain certain information regarding purchase transactions involving regulated metals property; limiting the liability of secondary metals recyclers for the conversion of motor vehicles to scrap metal under certain circumstances; amending s. 538.235, F.S.; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property to prohibit certain cash transactions; providing penalties; providing methods of payment for restricted regulated metals property; requiring that purchases of certain property be made by check or by electronic payment; providing procedures; amending s. 538.26, F.S.; prohibiting secondary metals recyclers from purchasing regulated metals property, restricted regulated metals property, or ferrous metals during specified times or from certain locations; prohibiting the purchase of specified restricted regulated metals property without obtaining certain proof of the seller's ownership and authorization to sell the property; providing penalties; creating s. 538.28, F.S.; preempting to the state the regulation of secondary metals recyclers and purchase transactions involving regulated metals property; exempting county and municipal ordinances and regulations enacted before March 1, 2012, from preemption; reenacting and amending s. 538.23(1)(a), F.S., relating to violations and penalties, to incorporate the amendments made by this act to ss.



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538.19 and 538.235, F.S., in references thereto;
correcting a cross-reference; amending s. 812.145,
F.S.; including persons who assist in the taking of
certain metals as a felony of the first degree;
limiting the liability of a public or private owner of
metal property for injuries occurring during the theft
or attempted theft of metal property and for injuries
occurring as the result of the theft or attempted
theft; providing that no additional duty of care is
imposed on the owner of metal property; providing an
effective date.