

1                                   A bill to be entitled  
2           An act relating to transactions by secondhand dealers  
3           and secondary metals recyclers; amending s. 538.03,  
4           F.S.; defining the term "appropriate law enforcement  
5           official"; deleting exemptions from regulation as a  
6           secondhand dealer which relate to flea market  
7           transactions and auction businesses; conforming  
8           terminology; amending s. 538.04, F.S., relating to  
9           recordkeeping requirements; conforming terminology and  
10          clarifying provisions; amending s. 538.18, F.S.;  
11          revising and providing definitions; amending s.  
12          319.30, F.S.; conforming a cross-reference; amending  
13          s. 538.19, F.S.; revising requirements for the types  
14          of information that secondary metals recyclers must  
15          obtain and maintain regarding purchase transactions,  
16          including requirements for the maintenance and  
17          transmission of electronic records of such  
18          transactions; revising the period required for  
19          secondary metals recyclers to maintain certain  
20          information regarding purchase transactions involving  
21          regulated metals property; limiting the liability of  
22          secondary metals recyclers for the conversion of motor  
23          vehicles to scrap metal under certain circumstances;  
24          amending s. 538.235, F.S.; revising requirements for  
25          payments made by secondary metals recyclers to sellers  
26          of regulated metals property, to prohibit certain cash  
27          transactions; providing penalties; providing methods  
28          of payment for restricted regulated metals property;

29 | requiring that purchases of certain property be made  
 30 | by check or by electronic payment; providing  
 31 | procedures; amending s. 538.25, F.S.; requiring an  
 32 | application for registration as a secondary metals  
 33 | recycler to contain the address of a fixed business  
 34 | location; amending s. 538.26, F.S.; prohibiting  
 35 | secondary metals recyclers from purchasing regulated  
 36 | metals property, restricted regulated metals property,  
 37 | or ferrous metals during specified times, from certain  
 38 | locations, or from certain sellers; prohibiting the  
 39 | purchase of specified restricted regulated metals  
 40 | property without obtaining certain proof of the  
 41 | seller's ownership and authorization to sell the  
 42 | property; providing penalties; creating s. 538.28,  
 43 | F.S.; preempting to the state the regulation of  
 44 | secondary metals recyclers and purchase transactions  
 45 | involving regulated metals property; providing  
 46 | exceptions; providing for applicability; amending s.  
 47 | 538.23, F.S.; increasing the criminal penalties for  
 48 | specified violations relating to secondary metals  
 49 | recycling; providing increased criminal penalties for  
 50 | third and subsequent criminal violations; amending s.  
 51 | 812.145, F.S., relating to theft of copper or other  
 52 | nonferrous metals from a utility or communications  
 53 | services provider; revising and providing definitions;  
 54 | providing civil liability and penalties; prohibiting  
 55 | removing copper or other nonferrous metals from an  
 56 | electrical substation site without authorization of

57 | the utility; providing criminal penalties; providing  
 58 | an effective date.

59 |

60 | Be It Enacted by the Legislature of the State of Florida:

61 |

62 | Section 1. Subsection (1) of section 538.03, Florida  
 63 | Statutes, is amended, paragraphs (m) through (q) of subsection  
 64 | (2) of that section are redesignated as paragraphs (l) through  
 65 | (p), respectively, and present paragraphs (k), (l), and (n) of  
 66 | that subsection are amended, to read:

67 | 538.03 Definitions; applicability.—

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

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

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

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

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

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

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

95 |       (g)~~(a)~~ "Secondhand dealer" means any person, corporation,  
 96 | or other business organization or entity which is not a  
 97 | secondary metals recycler subject to part II and which is  
 98 | engaged in the business of purchasing, consigning, or trading  
 99 | secondhand goods.

100 |       (h)~~(f)~~ "Secondhand goods" means personal property  
 101 | previously owned or used, which is not regulated metals property  
 102 | regulated under part II and which is purchased, consigned, or  
 103 | traded as used property. Such secondhand goods do not include  
 104 | office furniture, pianos, books, clothing, organs, coins, motor  
 105 | vehicles, costume jewelry, cardio and strength training or  
 106 | conditioning equipment designed primarily for indoor use, and  
 107 | secondhand sports equipment that is not permanently labeled with  
 108 | a serial number. For purposes of this paragraph, "secondhand  
 109 | sports equipment" does not include golf clubs.

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

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

115 (2) This chapter does not apply to:

116 (k) Any auction business as defined in s. 468.382  
 117 operating as an auction business in the buying and selling of  
 118 estates, business inventory, surplus merchandise, or business  
 119 liquidations ~~Any person purchasing, consigning, or trading~~  
 120 ~~secondhand goods at a flea market regardless of whether at a~~  
 121 ~~temporary or permanent business location at the flea market.~~

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

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

128 1. The secondhand goods must be available on the website  
 129 for viewing by the public at no charge;

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

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

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

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

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

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

149           8.a. At least 48 hours after the estimated time of  
 150 contracting to offer the secondhand goods, the business must  
 151 verify that any item having a serial number is not stolen  
 152 property by entering the serial number of the item into the  
 153 Department of Law Enforcement's stolen article database located  
 154 at the Florida Crime Information Center's public access system  
 155 website. The business shall record the date and time of such  
 156 verification on the contract covering the goods. If such  
 157 verification reveals that an item is stolen property, the  
 158 business shall immediately remove the item from any website on  
 159 which it is being offered and notify the appropriate law  
 160 enforcement official agency; or

161           b. The business must provide the appropriate law  
 162 enforcement official agency with an electronic copy of the name,  
 163 address, phone number, driver ~~driver's~~ license number, and  
 164 issuing state of the person with whom the business contracted to  
 165 offer the goods, as well as an accurate description of the  
 166 goods, including make, model, serial number, and any other  
 167 unique identifying marks, numbers, names, or letters that may be  
 168 on an item, in a format agreed upon by the business and the

169 appropriate law enforcement official ~~agency~~. This information  
 170 must be provided to the appropriate law enforcement official  
 171 ~~agency~~ within 24 hours after entering into the contract unless  
 172 other arrangements are made between the business and the law  
 173 enforcement official ~~agency~~.

174 Section 2. Subsections (1), (6), and (7) of section  
 175 538.04, Florida Statutes, are amended to read:

176 538.04 Recordkeeping requirements; penalties.—

177 (1) A secondhand dealer ~~dealers~~ shall complete a  
 178 secondhand dealers transaction form at the time of the actual  
 179 transaction. A secondhand dealer shall maintain a copy of a  
 180 completed transaction form on the registered premises for at  
 181 least 1 year after the date of the transaction. However, the  
 182 secondhand dealer shall maintain a copy of the transaction form  
 183 for not less than 3 years. Unless other arrangements are ~~have~~  
 184 ~~been~~ agreed upon by the secondhand dealer and the appropriate  
 185 law enforcement official ~~agency~~, the secondhand dealer shall,  
 186 within 24 hours after acquiring ~~the acquisition of~~ any  
 187 secondhand goods, deliver to such official ~~the police department~~  
 188 ~~of the municipality where the goods were acquired or, if the~~  
 189 ~~goods were acquired outside of a municipality, to the sheriff's~~  
 190 ~~department of the county where the goods were acquired,~~ a record  
 191 of the transaction on a form approved by the Department of Law  
 192 Enforcement. Such record shall contain:

- 193 (a) The time, date, and place of the transaction.  
 194 (b) A complete and accurate description of the goods  
 195 acquired, including the following information, if applicable:  
 196 1. Brand name.

- 197           2. Model number.
- 198           3. Manufacturer's serial number.
- 199           4. Size.
- 200           5. Color, as apparent to the untrained eye.
- 201           6. Precious metal type, weight, and content if known.
- 202           7. Gemstone description, including the number of stones,  
203 if applicable.
- 204           8. In the case of firearms, the type of action, caliber or  
205 gauge, number of barrels, barrel length, and finish.
- 206           9. Any other unique identifying marks, numbers, or  
207 letters.
- 208           (c) A description of the person from whom the goods were  
209 acquired, including:
- 210           1. Full name, current residential address, workplace, and  
211 home and work phone numbers.
- 212           2. Height, weight, date of birth, race, gender, hair  
213 color, eye color, and any other identifying marks.
- 214           3. The right thumbprint, free of smudges and smears, of  
215 the person from whom the goods were acquired.
- 216           (d) Any other information required by the form approved by  
217 the Department of Law Enforcement.
- 218           (6) If the appropriate law enforcement official ~~agency~~  
219 supplies a secondhand dealer with appropriate software and the  
220 secondhand dealer has computer capability, the secondhand dealer  
221 must ~~transactions shall be~~ electronically transmit secondhand  
222 dealer transactions required by this section to such official  
223 ~~transferred~~. If a secondhand dealer does not have computer  
224 capability, the appropriate law enforcement official ~~agency~~ may



225 provide the secondhand dealer with a computer and all equipment  
 226 necessary to ~~equipment for the purpose of~~ electronically  
 227 transmit ~~transferring~~ secondhand dealer transactions. The  
 228 appropriate law enforcement official ~~agency~~ shall retain  
 229 ownership of the computer, unless otherwise agreed upon, and  
 230 the secondhand dealer shall maintain the computer in good  
 231 working order, except for ordinary wear ~~and tear excepted~~. A ~~If~~  
 232 ~~the~~ secondhand dealer who transmits ~~transfers~~ secondhand dealer  
 233 transactions electronically, ~~the secondhand dealer~~ is not  
 234 required to also deliver ~~to the appropriate law enforcement~~  
 235 ~~agency~~ the original or paper copies of the secondhand  
 236 transaction forms to the appropriate law enforcement official.  
 237 However, such official may, for purposes ~~the purpose~~ of a  
 238 criminal investigation, ~~the appropriate law enforcement agency~~  
 239 ~~may request that~~ the secondhand dealer to deliver the ~~produce an~~  
 240 original ~~of a~~ transaction form that was ~~has been~~ electronically  
 241 transmitted ~~transferred~~. The secondhand dealer shall deliver the  
 242 ~~this~~ form to the appropriate law enforcement official ~~agency~~  
 243 within 24 hours after receipt of the request.

244 (7) If the original transaction form is lost or destroyed  
 245 by the appropriate law enforcement official ~~agency~~, a copy may  
 246 be used by the secondhand dealer as evidence in court. When an  
 247 electronic image of a customer's identification is accepted for  
 248 a transaction, the secondhand dealer must maintain the  
 249 electronic image in order to meet the recordkeeping requirements  
 250 applicable to the original transaction form. If a criminal  
 251 investigation occurs, the secondhand dealer shall, upon request,  
 252 provide a clear and legible copy of the image to the appropriate

253 law enforcement official agency.

254 Section 3. Section 538.18, Florida Statutes, is amended to  
255 read:

256 538.18 Definitions.—As used in this part, the term:

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

267 (2)~~(9)~~ "Department" means the Department of Revenue.

268 (3)~~(1)~~ "Ferrous metals" means any metals containing  
269 significant quantities of iron or steel.

270 (4)~~(2)~~ "Fixed location" means any site occupied by a  
271 secondary metals recycler as owner of the site or as lessee of  
272 the site under a lease or other rental agreement providing for  
273 occupation of the site by the secondary metals recycler for a  
274 total duration of not less than 364 days.

275 (5)~~(3)~~ "Money" means a medium of exchange authorized or  
276 adopted by a domestic or foreign government as part of its  
277 currency.

278 (6)~~(4)~~ "Nonferrous metals" means metals not containing  
279 significant quantities of iron or steel, including, without  
280 limitation, copper, brass, aluminum, bronze, lead, zinc, nickel,

281 and alloys thereof, excluding precious metals subject to  
 282 regulation under part I.

283 ~~(7)(5)~~ "Personal identification card" means a valid  
 284 Florida driver license, a Florida identification card issued by  
 285 the Department of Highway Safety and Motor Vehicles, an  
 286 equivalent form of identification issued by another state, a  
 287 passport, or an employment authorization issued by the United  
 288 States Bureau of Citizenship and Immigration Services that  
 289 contains an individual's photograph and current address ~~any~~  
 290 ~~government-issued photographic identification card.~~

291 ~~(8)(6)~~ "Purchase transaction" means a transaction in which  
 292 a secondary metals recycler gives consideration for regulated  
 293 metals property.

294 ~~(9)(7)~~ "Regulated metals property" means any item composed  
 295 primarily of any nonferrous metals. ~~The term does, but shall~~ not  
 296 include aluminum beverage containers, used beverage containers,  
 297 or similar beverage containers; ~~however,~~ the term includes  
 298 ~~shall include~~ stainless steel beer kegs and items made of  
 299 ferrous metal obtained from any restricted regulated metals  
 300 property.

301 ~~(10)~~ "Restricted regulated metals property" means any  
 302 regulated metals property listed in s. 538.26(5)(b) the sale of  
 303 which is restricted as provided in s. 538.26(5)(a).

304 ~~(11)(8)~~ "Secondary metals recycler" means any person who:

305 (a) Is engaged, from a fixed location ~~or otherwise~~, in the  
 306 business of purchase transactions or gathering or obtaining  
 307 ferrous or nonferrous metals that have served their original  
 308 economic purpose or is in the business of performing the

309 manufacturing process by which ferrous metals or nonferrous  
 310 metals are converted into raw material products consisting of  
 311 prepared grades and having an existing or potential economic  
 312 value; or

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

321 (12) "Utility" means a public utility or electric utility  
 322 as defined in s. 366.02 or a person, firm, corporation,  
 323 association, or political subdivision, whether private,  
 324 municipal, county, or cooperative, that is engaged in the sale,  
 325 generation, provision, or delivery of gas, electricity, heat,  
 326 water, oil, sewer service, or telephone, telegraph, radio,  
 327 telecommunications, or communications service.

328 Section 4. Paragraph (u) of subsection (1) of section  
 329 319.30, Florida Statutes, is amended to read:

330 319.30 Definitions; dismantling, destruction, change of  
 331 identity of motor vehicle or mobile home; salvage.—

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

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

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

337           538.19 Records required; limitation of liability.—

338           (1) A secondary metals recycler shall maintain a legible

339 paper record of all purchase transactions to which such

340 secondary metals recycler is a party. A secondary metals

341 recycler shall also maintain a legible electronic record, in the

342 English language, of all such purchase transactions. The

343 appropriate law enforcement official may provide data

344 specifications regarding the electronic record format, but such

345 format must be approved by the Department of Law Enforcement. An

346 electronic record of a purchase transaction shall be

347 electronically transmitted to the appropriate law enforcement

348 official no later than 10 a.m. of the business day following the

349 date of the purchase transaction. The record transmitted to the

350 appropriate law enforcement official must not contain the price

351 paid for the items. A secondary metals recycler who transmits

352 such records electronically is not required to also deliver the

353 original or paper copies of the transaction forms to the

354 appropriate law enforcement official. However, such official

355 may, for purposes of a criminal investigation, request the

356 secondary metals recycler to make available the original

357 transaction form that was electronically transmitted. This

358 original transaction form must include the price paid for the

359 items. The secondary metals recycler shall make the form

360 available to the appropriate law enforcement official within 24

361 hours after receipt of the request.

362           (2) The following information must be maintained on the a

363 form approved by the Department of Law Enforcement for each

364 purchase transaction:

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

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

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

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

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

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

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

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

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

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

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

391 4. Vehicle description to include the make, model, and tag  
392 number of the vehicle and trailer of the person selling the

393 regulated metals property.

394 5. Any other information required by the form approved by  
395 the Department of Law Enforcement.

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

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

401 ~~(3) Any secondary metals recycler that maintains an~~  
402 ~~electronic database containing the information required in~~  
403 ~~paragraph (2) (h), along with an oath of ownership with a~~  
404 ~~signature of the seller of the secondary metals being purchased~~  
405 ~~by the secondary metals recycler and a right thumbprint that has~~  
406 ~~no smudges and smears on the oath of ownership for each purchase~~  
407 ~~transaction, shall be exempt from the records requirement of~~  
408 ~~paragraph (2) (h).~~ A secondary metals recycler complies with the  
409 requirements of this section if it maintains an electronic  
410 database containing the information required by subsection (2)  
411 ~~paragraph (2) (h)~~ as long as the electronic information required  
412 by subsection (2) ~~paragraph (2) (h)~~, along with an electronic  
413 oath of ownership with an electronic signature of the seller of  
414 the secondary metals being purchased by the secondary metals  
415 recyclers and an electronic image of the seller's right  
416 thumbprint that has no smudges and smears, can be downloaded  
417 onto a paper form in the image of the form approved by the  
418 Department of Law Enforcement as provided in subsection (2).

419 (4) A secondary metals recycler shall maintain or cause to  
420 be maintained the information required by this section for not

421 less than 3 ~~5~~ years from the date of the purchase transaction.  
 422 (5) ~~If a purchase transaction involves the transfer of~~  
 423 ~~regulated metals property from~~ A secondary metals recycler  
 424 registered with the department that purchases a motor vehicle  
 425 from a licensed salvage motor vehicle dealer as defined in s.  
 426 320.27 or to another secondary metals recycler registered with  
 427 the department and uses a mechanical crusher to convert the  
 428 vehicle to scrap metal must obtain a signed statement from the  
 429 seller stating that the seller has surrendered the vehicle's  
 430 certificate of title to the Department of Highway Safety and  
 431 Motor Vehicles as provided in s. 319.30 or otherwise complied  
 432 with the titling requirements provided by law for conversion of  
 433 the vehicle to scrap metal. A, the secondary metals recycler is  
 434 not liable for the seller's failure to comply with the titling  
 435 requirements provided by law for conversion of a motor vehicle  
 436 to scrap metal if the secondary metals recycler obtains and  
 437 maintains the seller's signed statement ~~receiving the regulated~~  
 438 ~~metals property shall record the name and address of the~~  
 439 ~~secondary metals recycler from which it received the regulated~~  
 440 ~~metals property in lieu of the requirements of paragraph (2) (h).~~

441 Section 5. Section 538.235, Florida Statutes, is amended  
 442 to read:

443 538.235 Method of payment.—

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

446 (a) In excess of \$1,000 ~~in payment~~ for the purchase of  
 447 regulated metals property; or

448 (b) In any amount for the purchase of restricted regulated



449 metals property.

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

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

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

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

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

472       1. An organization, corporation, or association registered  
 473 with the state as a charitable, philanthropic, religious,  
 474 fraternal, civic, patriotic, social, or school-sponsored  
 475 organization or association, or any nonprofit corporation or  
 476 association;

477 | 2. A law enforcement officer acting in an official  
 478 | capacity;

479 | 3. A trustee in bankruptcy, executor, administrator, or  
 480 | receiver who has presented proof of such status to the secondary  
 481 | metals recycler;

482 | 4. A public official acting under judicial process or  
 483 | authority who has presented proof of such status to the  
 484 | secondary metals recycler;

485 | 5. A sheriff acting under the authority of a court's writ  
 486 | of execution, or by virtue of any process issued by a court, if  
 487 | proof thereof has been presented to the secondary metals  
 488 | recycler; or

489 | 6. A manufacturing, industrial, or other commercial vendor  
 490 | that generates regulated materials in the ordinary course of  
 491 | business.

492 | Section 6. Subsection (1) of section 538.25, Florida  
 493 | Statutes, is amended to read:

494 | 538.25 Registration.—

495 | (1) A ~~no~~ person may not ~~shall~~ engage in business as a  
 496 | secondary metals recycler at any location without registering  
 497 | with the department. The department shall accept applications  
 498 | only from a fixed business address. The department may not  
 499 | accept an application that provides an address of a hotel room  
 500 | or motel room, a vehicle, or a post office box.

501 | (a) A fee equal to the federal and state costs for  
 502 | processing required fingerprints must be submitted to the  
 503 | department with each application for registration. One  
 504 | application is required for each secondary metals recycler. If a

505 secondary metals recycler is the owner of more than one  
 506 secondary metals recycling location, the application must list  
 507 each location, and the department shall issue a duplicate  
 508 registration for each location. For purposes of subsections (3),  
 509 (4), and (5), these duplicate registrations shall be deemed  
 510 individual registrations. A secondary metals recycler shall pay  
 511 a fee of \$6 per location at the time of registration and an  
 512 annual renewal fee of \$6 per location on October 1 of each year.  
 513 All fees collected, less costs of administration, shall be  
 514 transferred into the Operating Trust Fund.

515 (b) The department shall forward the full set of  
 516 fingerprints to the Department of Law Enforcement for state and  
 517 federal processing, provided the federal service is available,  
 518 to be processed for any criminal justice information as defined  
 519 in s. 943.045. The cost of processing such fingerprints shall be  
 520 payable to the Department of Law Enforcement by the department.  
 521 The department may issue a temporary registration to each  
 522 location pending completion of the background check by state and  
 523 federal law enforcement agencies, but shall revoke such  
 524 temporary registration if the completed background check reveals  
 525 a prohibited criminal background. The Department of Law  
 526 Enforcement shall report its findings to the Department of  
 527 Revenue within 30 days after the date fingerprint cards are  
 528 submitted for criminal justice information.

529 (c) An applicant for a secondary metals recycler  
 530 registration must be a natural person who has reached the age of  
 531 18 years or a corporation organized or qualified to do business  
 532 in the state.

