



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Public Safety & Healthcare Admin
Committee

March 08, 2011

9:30 A.M.

Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Legislative Notes
Public Safety & Healthcare Admin Committee**

Meeting Agenda

March 08, 2011

Written analyses and notes for the below listed items are attached for your consideration:

Item Number

1E2 and 1E2 Sub

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

Legislative Notes



Agenda Item: 1(E)2 and 1(E)2 Sub.

File Number: 110085 and 110128

**Committee(s)
of Reference:** Public Safety & Healthcare Admin Committee

Date of Analysis: March 3, 2011

Districts: Countywide

Type of Item: Ordinance

Sponsor: Vice-Chairwoman Audrey M. Edmonson

Co-Sponsors: Commissioners Lynda Bell and Jean Monestime

Summary

This ordinance amends sections 8A-203 and 8A-237 of the Code of Miami-Dade County; creates sections 8A-9 to 8A-9.6 of the Code of Miami-Dade County; regulates scrap metal processors and junk dealers; provides recordkeeping and inspection; prohibits any cash transactions and restricts the purchase of certain items; and applies enforcement and penalties.

Background and Relevant Information

Chapter 538 *Secondhand Dealers and Secondary Metals Recyclers* of the Florida Statutes provides for the following:

- Requires secondary metals recyclers to gather more detailed information about the sellers of regulated metals and allowing that information to be stored on an electronic database.
- Expands the definition of regulated metals to include stainless steel beer kegs.
- Increases the penalty secondary metals recyclers face for repeated noncompliance with statutory requirements from a first degree misdemeanor to a third degree felony.
- Increases the penalty for sellers of regulated metals who give false information to secondary metals recyclers to second and third degree felonies based on the dollar amount received by the seller.
- Requires the Department of Revenue to release the names of any registered secondary metals recycler to a law enforcement official upon request.
- Requires all regulated metals be transported to a secondary metals recycler in a motor vehicle.
- Requires payments for all transactions in excess of \$1,000 be made by check.

Question: What will be the fiscal impact to the Miami-Dade Police Department for enforcing this proposed ordinance?

Additional Information

The Office of the Commission Auditor compiled information pertaining to scrap metal legislation and provides notes below.

In August 2010, the Orlando City Council adopted an ordinance (Ordinance 2010-19) which prohibits secondary metals recyclers from entering into cash transactions in excess of \$50 (rather than \$1,000, permitted by state law) with the same seller in a single day and requires any payment to a seller in excess of \$50 to be made by check and mailed to a seller's physical street address.

The Hillsborough County Commission approved an amendment (to the Hillsborough County Secondary Metals Recyclers) to electronically report all purchase transaction information to law enforcement.¹

According to the National Conference of State Legislatures, 25 states introduced scrap metal legislation in 2009. This legislation focused on increasing availability to law enforcement agencies of the records and identities of metal scrap dealers and sellers, and created penalties for metal theft and metal recyclers who purchase stolen property.

- Idaho enacted legislation that requires scrap dealers to have a record of all commercial accounts.
- Indiana enacted a bill that requires a valuable metals dealer to photograph the seller and to record the source of the valuable metal. The law also removes a provision exempting valuable metal transactions under \$100 from reporting requirements.
- Nevada enacted legislation that not only requires metal processors to maintain records of all purchases, but also requires metal purchasers to be licensed.
- Oregon enacted legislation that requires scrap metal businesses to create and maintain certain records of purchase or receipt of metal property or other transactions related to metal property.
- South Carolina law requires scrap metal purchasers to keep records. This law also prohibits unlawful purchase of nonferrous metals and makes it unlawful for a person to possess or transport specified quantities of nonferrous metals under certain circumstances.
- An Illinois law makes subject to seizure any vessel, vehicle or aircraft used in the attempt to steal or the theft of a precious metal or scrap metal.
- A new Texas law amends the Penal Code to punish as a felony theft of tubing, rod, and watergate stems valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze or copper.
- Utah law now makes a defendant liable for damages caused during the course of committing or attempting to commit theft of regulated metal; the victim also can bring civil action for damages.

Prepared by: Michael Amador-Gil

¹ April 21, 2010 HCC BCC Meeting, Item D-2, carried six to zero.