

MEMORANDUM

Agenda Item No. 11(A)(20)

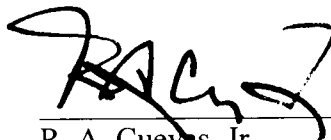
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 4, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging Florida Legislature
and the Florida Department of
Revenue to create a statewide
database to track daily purchase
transactions of regulated metals
property by secondary metals
recyclers and provide law
enforcement with real time access
to database

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 4, 2011

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County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11 (A) (20)
4-4-11

RESOLUTION NO. _____

RESOLUTION URGING FLORIDA LEGISLATURE AND THE
FLORIDA DEPARTMENT OF REVENUE TO CREATE A
STATEWIDE DATABASE TO TRACK DAILY PURCHASE
TRANSACTIONS OF REGULATED METALS PROPERTY BY
SECONDARY METALS RECYCLERS AND PROVIDE LAW
ENFORCEMENT WITH REAL TIME ACCESS TO DATABASE

WHEREAS, increasing worldwide demand for metals and the associated skyrocketing price of metals have contributed to increased criminal activity in areas such as theft of copper wiring from construction sites, underground telecommunication wires, utility wire and air conditioning units; and

WHEREAS, law enforcement officials have testified that increased criminal activity relating to theft of secondary metals and secondary metal products such as those described above is impacting the public health, safety and welfare of the residents of Miami-Dade County; and

WHEREAS, the secondary metals recycling business is a billion-dollar industry in which some businesses engage in hundreds of transactions purchasing regulated metals property on a daily basis; and

WHEREAS, the theft of secondary metals is a major statewide problem as evidenced by an amended state law that includes strict recordkeeping requirements and recently adopted local ordinances with even stricter regulations to further deter metal theft; and

WHEREAS, in 2008, a state law took effect that had goals of reducing secondary metal theft and increasing the penalties for violation of the state law (Chapter 2008-69, Laws of Florida, codified in Part II of Chapter 538, Florida Statutes); and

WHEREAS, the law requires the Florida Department of Revenue to register and regulate every secondary metal recycler in the State and to provide a list of registered secondary metal recyclers to local law enforcement upon request; and

WHEREAS, although such information may be helpful to identify secondary metal recyclers, it does not provide information on the daily transactions; and

WHEREAS, in this age of electronic communication, this Board believes that real-time information on daily transactions will be more helpful to law enforcement in curbing theft of secondary metals statewide,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board

Section 1. Urges the Florida Legislature and the Florida Department of Revenue to create a statewide database of all registered secondary metal recyclers that includes all daily purchase transactions of regulated metals property with real-time access to the database for local law enforcement.

Section 2. Directs the Clerk of the Board to transmit a certified copy of the resolution to the Governor; Senate President; House Speaker, Chair and Members of the Miami-Dade State Legislative Delegation and the Executive Director of the Florida Department of Revenue.

Section 3. Directs the County's State lobbyists to advocate for implementation or legislation set forth in Section 1 above, and authorizes and directs that the 2011 and 2012 State Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman

Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Rebeca Sosa

Lynda Bell

Carlos A. Gimenez

Barbara J. Jordan

Dennis C. Moss

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Henry N. Gillman