

MEMORANDUM

Agenda Item No. 11(A)(24)

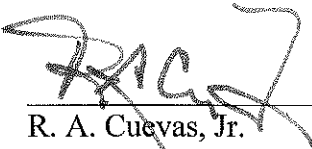
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 4, 2014

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

SUBJECT: Resolution urging the Florida
Legislature to enact HB 771 or
similar legislation making
amendments to statues related to
Secondary Metals Recyclers

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney


RAC/smm



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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

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Veto _____

3-4-14

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HB 771 OR SIMILAR LEGISLATION MAKING AMENDMENTS TO STATUTES RELATED TO SECONDARY METALS RECYCLERS

WHEREAS, skyrocketing prices for metals, especially copper, has resulted in a significant increase in the theft of copper, aluminum and other ferrous and nonferrous metals material in Miami-Dade County; and

WHEREAS, such thefts include metals material from light poles which endanger the health, safety and welfare of the public, particularly the elderly and children; and

WHEREAS, such thefts of metal materials occur at construction sites, vacant buildings, communication towers, electrical substations and foreclosed properties; and

WHEREAS, such thefts create power outages and communication breakdowns and damage or interrupt utilities; and

WHEREAS, such thefts are economically burdensome on the County since the County is required to expend funds to replace stolen street signs and vandalized street lights owned by the County; and

WHEREAS, thefts of copper wire and other metals also result in increased costs to businesses and homeowners; and

WHEREAS, many unoccupied residential and commercial properties in foreclosure become targets for burglars to steal or vandalize copper and other metals; and

WHEREAS, air conditioning units are particularly susceptible to being vandalized because they contain copper wire; and

WHEREAS, this criminal activity also affects the social and economic quality of life of the County's citizens by resulting in unsafe properties, business losses and higher insurance costs; and

WHEREAS, this criminal activity also has the potential to lead to higher property insurance costs; and

WHEREAS, the theft of copper and other metals sometimes results in its unlawful sale to junk dealers and scrap metal processors, also known as secondary metals recyclers, in violation of existing Florida law; and

WHEREAS, on April 5, 2011, the Board approved Ordinance No. 11-17 which regulated secondary metals recyclers and scrap metal processors and is codified in Section 8A-9 through 8A-9.6 of the Code of Miami-Dade County; and

WHEREAS, on December 13, 2011, the Board created a Task Force on Scrap Metal and Copper Wire Theft to provide recommendations on enforcing and amending ordinances regulating secondary metals recyclers and scrap metal processors; educating businesses and the community on the effect of such ordinances, and preventing the illegal sale of scrap metal and copper wire; and

WHEREAS, on June 4, 2013, the Board amended the ordinance regulating secondary metals recyclers and scrap metal processors to provide further restrictions on the purchase of secondary metals, including limiting the hours for purchase and prohibiting any purchases on Sundays; and

WHEREAS, Representative Neil Combee (R – Auburndale) has filed HB 771 related to secondary metals recyclers for consideration during the 2014 session; and

WHEREAS, HB 771 amends Florida Statute Chapter 538 Part II to include the following:

1. Prohibits secondary metals recyclers from purchasing regulated metals on Sundays;
2. Revises the types of electric light poles and wire the purchase of which is prohibited without obtaining proof of the seller's transaction;
3. Prohibits a secondary metals recycler from disposing of property identified by a hold notice or extended hold notice until the applicable hold period has expired;
4. Makes it a 3rd degree felony to provide false information related to a secondary metals transaction;
5. Makes it a 2nd degree felony to provide false information, ownership verification or altered identification involving a higher level restricted regulated metal;
6. Transfers state administration and oversight of secondary metals recycling from the Florida Department of Revenue to the Florida Department of Agriculture & Consumer Services (DOACS);
7. Allows state nonsworn investigators to inspect regulated metals property and records, in addition to law enforcement;
8. Requires a \$350 annual registration fee for each secondary metals recycler's business location;
9. Requires secondary metals recyclers to provide workers compensation and liability insurance; and

WHEREAS, this Board supports increased state regulation of secondary metals recyclers that serves to further protect the public health, safety and welfare by impeding the sale of stolen regulated metals and deter the theft of regulated metals property,

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 to enact HB 771 or similar legislation making amendments to statutes related to Secondary Metals Recyclers.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and Representative Neil Combee.

Section 3. Directs the County’s state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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:

- | | |
|----------------------|-------------------------|
| | Rebeca Sosa, Chairwoman |
| | Lynda Bell, Vice Chair |
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2014. 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. HRG

Henry N. Gillman