

MEMORANDUM

Agenda Item No. 11(A)(2)

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

**DATE:** April 16, 2013

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

**SUBJECT:** Resolution urging Congress to enact S. 394 and H.R. 867 in their current form or other similar legislation which would prohibit and deter the theft of metal and urging the Florida Legislature to enact current provisions of S.B. 1434 and H.B. 585 or other similar legislation which would limit the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day  
Resolution No. R-280-13

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/lmp



**MEMORANDUM**  
(Revised)

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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

Agenda Item No. 11(A)(2)

Veto \_\_\_\_\_

4-16-13

Override \_\_\_\_\_

RESOLUTION NO. R-280-13

RESOLUTION URGING CONGRESS TO ENACT S. 394 AND H.R. 867 IN THEIR CURRENT FORM OR OTHER SIMILAR LEGISLATION WHICH WOULD PROHIBIT AND DETER THE THEFT OF METAL AND URGING THE FLORIDA LEGISLATURE TO ENACT CURRENT PROVISIONS OF S.B. 1434 AND H.B. 585 OR OTHER SIMILAR LEGISLATION WHICH WOULD LIMIT THE NUMBER OF LEAD-ACID BATTERIES OR PARTS THEREOF THAT A SECONDARY METALS RECYCLER MAY PURCHASE IN CERTAIN TRANSACTIONS IN A SINGLE DAY

**WHEREAS**, skyrocketing prices for metals, including lead and copper, has resulted in a significant increase in the theft of lead, copper, aluminum, and other ferrous and nonferrous metals material; and

**WHEREAS**, metal theft is a national concern because it potentially harms critical infrastructure, including electrical substations, power lines, cellular towers, telephone land lines, highways, railroads, water wells, reservoirs, and sewage lines; and

**WHEREAS**, U.S. Senate Bill 394 (“S. 394”) and U.S. House of Representatives Bill 867 (“H.R. 867”) were filed for consideration during the 113<sup>th</sup> United States Congress by Senator Amy Klobuchar (D-Minnesota) and Representative Erik Paulsen (R – Minnesota) respectively; and

**WHEREAS**, S. 394 and H.R. 867 criminalize the theft of specified metal being used in or affecting interstate or foreign commerce where the theft harms critical infrastructure; and

**WHEREAS**, S. 394 and H.R. 867 prohibit recycling agents from purchasing specified metal unless the seller provides documentation of ownership or other proof of authority to sell

and there is a reasonable belief that such documentation or proof is valid, require recycling agents to keep purchase records, and prohibit certain cash transactions; and

**WHEREAS**, many construction sites utilize portable message boards, arrow boards or other messaging devices powered by lead-acid batteries; and

**WHEREAS**, lead-acid batteries are being stolen from message signs and sold as scrap metal; and

**WHEREAS**, these message signs provide important information in emergency road closure or lane closure situations, and if the sign suddenly loses power, it could create a life-threatening problem for unsuspecting drivers in Miami-Dade County and other jurisdictions; and

**WHEREAS**, Section 538.26, Florida Statutes deters metal theft by requiring secondary metals recyclers to obtain proof of ownership before purchasing items commonly obtained through theft, limiting hours of operations for secondary metals recyclers, and prohibiting secondary metals recyclers from purchasing from sellers who are minors, under the influence of alcohol, or are attempting to conceal their identity; and

**WHEREAS**, Senate Bill 1434 ("S.B. 1434") and House Bill 585 ("H.B. 585") have been filed for consideration during the 2013 session of the Florida Legislature by Senator Greg Evers (R-Pensacola) and Representative Charles David Hood, Jr. (R – Daytona Beach) respectively; and

**WHEREAS**, S.B. 1434 and H.B. 585 would amend Section 538.26, Florida Statutes by limiting the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day, thereby deterring the theft of lead-acid batteries; and

**WHEREAS**, metal theft remains a serious issue and enacting S. 394 and H.R. 867 in their current form or other similar legislation which would prohibit and deter the theft of metal and enacting S.B. 1434 and H.B. 585 or other similar legislation which would limit the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day will help keep our communities safe by deterring theft,

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

Section 1. Urges Congress to enact S. 394 and H.R. 867 in their current form or other similar legislation which would prohibit and deter the theft of metal.

Section 2. Urges the Florida Legislature to enact S.B.1434 and H.B. 585 or other similar legislation which would limit the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Florida Congressional Delegation, Senator Amy Klobuchar of the U.S. Senate, Representative Erik Paulsen of the U.S. House of Representatives, the Governor, the Florida Senate President, the Florida House Speaker, the Chair, Members of the Miami-Dade County State Legislative Delegation, Senator Greg Evers of the Florida Senate, and Representative Charles David Hood, Jr. of the Florida House of Representatives.

Section 4. Directs the County's federal and state lobbyists to advocate for the legislation set forth in Sections 1, and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package and the 2013 Federal Legislative Package to include this item.

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

It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

That the Chairperson thereupon declared the resolution duly passed and adopted this 16<sup>th</sup> day of April. 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: **Christopher Agrippa**  
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

Joni A. Mosely