

Agenda Item No.: 3A-3

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 6, 2011

Consent Regular
 Public Hearing

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Resolution No. R-910-11 of the Miami-Dade Board of County Commissioners, urging Florida counties that have not already enacted ordinances regulating scrap metals to do so.

Summary: N/A

Background and Justification: N/A

Attachments: Resolution from Miami-Dade Board of County Commissioners

Recommended By: Patty Hurdle 11/7/11
Agenda Coordinator Date

Approved By: [Signature] 11/7/11
Assistant County Administrator Date

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 14(A)(1)

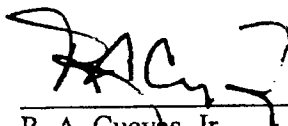
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Resolution urging Florida
counties that have not already
enacted ordinances regulating
scrap metals to do so
Resolution No. R-910-11

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls




MEMORANDUM

(Revised)

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

DATE: October 4, 2011

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

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)
10-4-11

RESOLUTION NO. R-910-11 _____

RESOLUTION URGING FLORIDA COUNTIES THAT HAVE
NOT ALREADY ENACTED ORDINANCES REGULATING
SCRAP METALS TO DO SO

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 in Miami-Dade County; and

WHEREAS, such thefts include copper wire and other metals from light poles which lead to street light outages and endanger the health, safety and welfare of the public particularly the elderly and children; and

WHEREAS, on the evening of September 7, 2011, a woman was hit by a car and fatally injured while crossing N.W. 7th Avenue at 59th Street in a 40-block stretch of N.W. 7th Avenue where street lights were not working because copper wire had been stolen from the light poles; and

WHEREAS, such thefts not only endanger the health and safety of the public, but also are economically burdensome on the people of Miami-Dade County because the County is required to expend funds to replace or repair stolen or vandalized street lights and signs owned by the County; and

WHEREAS, since 2009, the Miami-Dade County Public Works Department has spent thousands of dollars to repair or replace vandalized light poles; 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 adversely affects the economic recovery in Miami-Dade County by hampering the ability of property owners, banks and mortgage holders to market and sell foreclosed residential and commercial properties; and

WHEREAS, in 2010, over 800 burglaries of residential properties were reported to the Miami-Dade Police Department's Northside District alone; 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 secondary metals recyclers and scrap metal processors also known as secondary metals recyclers; and

WHEREAS, on April 5, 2011, this Board approved Ordinance No. 11-17, which regulated secondary metals recyclers and scrap metal processors, a copy of which is attached and incorporated by reference; and

WHEREAS, on September 20, 2011, this Board approved Resolution No. 751-11, which urged the Florida Legislature to increase the penalties for the illegal purchase of scrap metals, and which opposed state legislation that would preempt local scrap metal ordinances, a copy of which is attached and incorporated by reference; and

WHEREAS, this Board currently is considering an ordinance that would create a task force to formulate 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, a copy of which is attached and incorporated by reference; and

WHEREAS, scrap metal thefts are on the rise not just in Miami-Dade County, but across the State of Florida; and

WHEREAS, in August, 3,000 pounds of lead bars were stolen from a houseboat being repaired in a Pinellas Park parking lot; and

WHEREAS, also in August, copper thefts occurred on the Florida State University campus in Tallahassee; and

WHEREAS, in July, a man tried to sell brass bars used as roller coaster brake pads at Busch Gardens in Tampa; and

WHEREAS, in August, three thieves stole 200 feet of copper wire from Withlacochee River Electric Cooperative substations in northwest Pasco County; and

WHEREAS, the wire had a value of less than \$2,000 but caused about \$15,000 in equipment damage and knocked out power to thousands of customers for several hours; and

WHEREAS, scrap metal thefts have plagued utilities, businesses and governmental entities; and

WHEREAS, some Florida counties have passed scrap metal ordinances; and

WHEREAS, a coalition of businesses and local governments also has formed at the state level to combat increasing scrap metal thefts; and

WHEREAS, this Board wishes to discourage the sale and purchase of scrap metal in neighboring and other counties in Florida that was stolen in Miami-Dade County; and

WHEREAS, this Board urges counties across the State of Florida to pass scrap metal ordinances,

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

Section 1. Urges those Florida counties that have not already enacted ordinances regulating scrap metals to enact such ordinances.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution along with the attachments to the Chair of the Boards of County Commissioners in the 66 other Florida counties, with a copy to the Mayor, County Manager or County Administrator in each county.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

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Page No. 5

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 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

Christopher Agrippa

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM", written over a horizontal line.

Jess M. McCarty

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**



MEMORANDUM

Amended
Agenda Item No. 7(C)

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

DATE: April 4, 2011

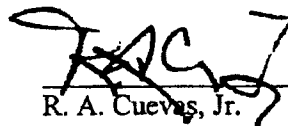
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to scrap
metal processors and junk
dealers; amending Sections
8A-203 and 8A-237 of the
Code; creating Sections
8A-9 – 8A-9.6 of the Code
regulating scrap metal
processors and junk dealers

Ordinance No. 11-17

The 3-8-11 Public Safety and Health Administration Committee amendment incorporates into the ordinance the legislative intent and findings contained in the whereas clauses.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson, and Co-Sponsors Commissioner Lynda Bell, Commissioner Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

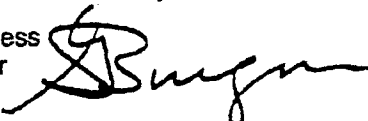
RAC/up

Memorandum



Date: April 4, 2011

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

From: George M. Burgess
County Manager 

Subject: Ordinance relating to scrap metal processors and junk dealers; amending Sections
8A-9-8A-9.6 of the Code of Miami-Dade County

The proposed ordinance regulating scrap metal processors and junk dealers will have a minimal fiscal impact to the County. The proposed ordinance requires scrap metal processors and junk dealers to maintain a legible record (approved by the Police Department) of all purchase transactions for a minimum of five years. In addition, cash transactions are prohibited and any payment made to a seller must be made by check. Any person violating the ordinance may be punished by a fine not to exceed \$500 or imprisonment in the County jail for not more than 60 days.


Alina Hudak
Assistant County Manager

Fis 2411



MEMORANDUM
(Revised)

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

DATE: April 4, 2011

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

SUBJECT: Amended
Agenda Item No.7 (C)

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 _____

Amended
Agenda Item No. 7(C)
4-4-11

ORDINANCE NO. 11-17

ORDINANCE RELATING TO SCRAP METAL PROCESSORS AND JUNK DEALERS; AMENDING SECTIONS 8A-203 AND 8A-237 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 8A-9 - 8A-9.6 OF THE CODE OF MIAMI-DADE COUNTY; FLORIDA; REGULATING SCRAP METAL PROCESSORS AND JUNK DEALERS; PROVIDING DEFINITIONS; PROVIDING FOR RECORDKEEPING AND INSPECTION; PROHIBITING CASH TRANSACTIONS AND RESTRICTING PURCHASES OF CERTAIN ITEMS; PROVIDING APPLICABILITY, ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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 create power outages and endanger the health, safety and welfare of the public particularly the elderly and children; and

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

WHEREAS, for example, since 2009, the County's Public Works Department has spent thousands of dollars to repair or replace vandalized light poles; and

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WHEREAS, such thefts damage or interrupt utilities which endanger the public's health, safety and welfare; and

WHEREAS, such thefts also result in increased costs to businesses and homeowners that have been victimized by thefts and have suffered damages; and

WHEREAS, the economic recession has resulted in many residential and commercial properties in foreclosure which are either unoccupied or under renovation and thus more likely targets for burglars to steal or vandalize personal property that contain ferrous and nonferrous metals material; and

WHEREAS, for example, air conditioning units have been vandalized because they contain copper material; and

WHEREAS, such criminal activity adversely affects the economic recovery in Miami-Dade County by hampering the ability of property owners, banks and mortgage holders to market and sell residential and commercial properties; and

WHEREAS, in 2010, over 800 burglaries of residential properties have been reported to the Miami-Dade Police Department's Northside District alone; and

WHEREAS, the 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, the theft of such metals material may result in its unlawful sale to junk dealers and scrap metal processors also known as secondary metals recyclers; and

WHEREAS, secondary metal recyclers are regulated under Chapter 538, Part II of the Florida Statutes; and

WHEREAS, under State law, secondary metals recyclers can pay up to \$1000 in cash for the purchase of regulated metals property; and

WHEREAS, this Board finds that prohibiting cash transactions for purchase of regulated metals property by junk dealers and scrap metal processors is necessary to enable law enforcement authorities to impede unlawful activity including the sale of stolen regulated metals property; and

WHEREAS, this Board finds that restricting certain items that may be purchased by junk dealers and scrap metal processors without proof that the sellers are authorized to sell such items is necessary to enable law enforcement authorities to impede unlawful activity including the sale of stolen regulated metals property; and

WHEREAS, this Board finds that implementation of this Ordinance as set forth herein will promote, protect and improve the health, safety and welfare of the people of Miami-Dade County, Florida,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

>>Section 1. That the above recitals of legislative intent and findings are fully incorporated herein as part of this ordinance.<<¹

Section ~~[[1]]>>2<<~~. Section 8A-203 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-203. Junk dealers; local business tax requirements~~[[; penalty]]~~.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~[(1)]~~ In construing this section, unless the context requires otherwise, the following words or phrases shall mean:

- ~~(a) Junk means old or scrap copper, brass, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other scrap ferrous or nonferrous material.~~
- ~~(b) Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.~~
- ~~(c) Person means any individual, agency, firm, association or corporation.~~
- ~~(d) Junk dealer means any person who is not a traveling junk dealer within the purview of Section 8A-203.1 and is engaged in the business of maintaining and operating a junkyard.~~
- ~~(e) Scrap metal processing plant means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundries.~~
- ~~(f) Scrap metal processor means a person maintaining and operating a scrap metal processing plant.~~
- ~~(g) Metals means copper, brass, and bronze pipe, piping and tubing and wire which is or can be used for transmission or distribution in a utility communications system.~~
- ~~(h) Transmission or distribution means that part of a utility or communications system which extends from the point of origin of such utility or communications system to the service entrance of the consumer or user.]]~~

~~[(2)]~~>>(1)<<Every person engaged in business as a scrap metal processor as defined in Section 8A-9.1 shall pay a local

business tax as provided for in the schedule of taxes,
Section 8A-223.1.

~~[[3]]~~>>(2)<<Every person engaged in business as a junk dealer
as defined in Section 8A-9.1 shall pay a local business tax
as provided for in the schedule of taxes, Section 8A-223.1.

~~[[Recordkeeping~~

~~(a) — Every person receipted as a junk dealer or scrap
metal processor when purchasing any article shall
keep a full and complete record of each transaction
showing from whom and when each article was
purchased or acquired and to whom sold and the
date of each sale.~~

~~(b) — Every person receipted as a junk dealer or scrap
metal processor when purchasing metals shall keep
the following additional information:~~

~~The record shall include a receipt signed by the
seller, and a copy of such receipt shall be given to
the seller. This receipt shall reflect the quality and
quantity of metals purchased, the seller's name and
address, the license number of the seller's motor
vehicle conveying the metals, and the number of the
seller's driver's license.~~

~~(c) — The records required to be kept by subparagraphs
(a) and (b) shall be maintained by the purchaser for
a period of not less than one (1) year and shall at all
times be subject to inspection by any law
enforcement officer Commissioned in the State.~~

~~(4) — Purchase of metals from minors in excess of ten dollars
(\$10.00) is prohibited.~~

~~(5) — Any person violating any provision of this section shall be
deemed guilty of a misdemeanor and, upon conviction
thereof, shall be punished by a fine not to exceed one
thousand (\$1,000.00) or by imprisonment in the County Jail
not to exceed six (6) months or both.]]~~

Section [2]]>>3<<. Section 8A-237 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8A-237. Junk dealers; local business tax requirements[[]
penalty.**

- (1) ~~In construing this section, unless the context requires otherwise, the following words or phrases shall mean:~~
- (a) ~~Junk means old or scrap copper, brass, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other scrap ferrous or nonferrous material.~~
 - (b) ~~Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.~~
 - (c) ~~Person means any individual, agency, firm, association or corporation.~~
 - (d) ~~Junk dealer means any person who is not a traveling junk dealer within the purview of Section 8A 203.1 and is engaged in the business of maintaining and operating a junkyard.~~
 - (e) ~~Scrap metal processing plant means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundries.~~
 - (f) ~~Scrap metal processor means a person maintaining and operating a scrap metal processing plant.~~
 - (g) ~~Metals means copper, brass, and bronze pipe, piping and tubing and wire which is or can be used for transmission or distribution in a utility communications system.~~

~~(h) — Transmission or distribution means that part of a utility or communications system which extends from the point of origin of such utility or communications system to the service entrance of the consumer or user.]~~

~~[(2)]>>(1)<<Every person engaged in business as a scrap metal processor as defined in 8A-9.1 shall pay a local business tax as provided for in the schedule of taxes, Section 8A-247.1.~~

~~[(3)]>>(2)<<Every person engaged in business as a junk dealer as defined in 8A-9.1 shall pay a local business tax as provided for in the schedule of taxes, Section 8A-247.1.~~

~~[(4) — [Recordkeeping]~~

~~(a) — Every person receipted as a junk dealer or scrap metal processor when purchasing any article shall keep a full and complete record of each transaction showing from whom and when each article was purchased or acquired and to whom sold and the date of each sale.~~

~~(b) — Every person receipted as a junk dealer or scrap metal processor when purchasing metals shall keep the following additional information:~~

~~The record shall include a receipt signed by the seller, and a copy of such receipt shall be given to the seller. This receipt shall reflect the quality and quantity of metals purchased, the seller's name and address, the license number of the seller's motor vehicle conveying the metals, and the number of the seller's driver's license.~~

~~(c) — The records required to be kept by subparagraphs (a) and (b) shall be maintained by the purchaser for a period of not less than one (1) year and shall at all times be subject to inspection by any law enforcement officer Commissioned in the State.~~

~~(5) — Purchase of metals from minors in excess of ten dollars (\$10.00) is prohibited.~~

- ~~(6) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand (\$1,000.00) or by imprisonment in the County Jail not to exceed six (6) months or both.]]~~

Section [[3]]>>4<<. Section 8A-9 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 8A-9. Short Title; Purpose.

- (1) Sections 8A-9 – 8A-9.6 shall be known and may be cited as the “Junk Dealers and Scrap Metal Processors Ordinance”.
- (2) The purpose of the Junk Dealers and Scrap Metal Processors Ordinance is to protect the public health, safety and welfare by impeding the sale of stolen regulated metals property and thereby deterring the theft of regulated metals property.

Sec. 8A-9.1 Definitions.

In construing this section, unless the context requires otherwise, the following words or phrases shall mean:

- (a) Ferrous metals means any metals containing significant quantities of iron or steel.
- (b) Fixed location means any site-occupied by a secondary metals recycler as owner of the site or as lessee of the site under a lease or other rental agreement providing for occupation of the site by the secondary metals recycler for a total duration of not less than 364 days.
- (c) Junk means old or scrap copper, brass, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other scrap ferrous or nonferrous material.
- (d) Junk dealer means any person who is not a traveling junk dealer within the purview of Sections 8A-204 or 8A-237.1 and is engaged in the business of maintaining and operating a junkyard and includes a secondary metals recycler as defined herein.

- (e) Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.
- (f) Nonferrous metals means metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof, excluding precious metals such as gold, silver and platinum.
- (g) Person means any individual, agency, firm, association or corporation.
- (h) Personal identification card means any government-issued photographic identification card.
- (i) Purchase transaction means a transaction in which a junk dealer, scrap metal processor or secondary metals recycler gives consideration for regulated metals property.
- (i) Regulated metals property means any item composed primarily of any nonferrous metals. The term shall include, without limitation, copper, brass, and bronze pipe, piping and tubing and wire which is or can be used for transmission or distribution in a utility or communications system. The term shall also include stainless steel beer kegs and manholes but shall not include aluminum beverage containers, or similar beverage containers.
- (k) Restricted regulated metals property means any regulated metals property listed in section 8A-9.4, the sale of which is restricted as provided in section. 8A-9.3.
- (l) Scrap metal processing plant means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundries.
- (m) Scrap metal processor means a person maintaining and operating a scrap metal processing plant and shall include a secondary metals recycler as defined herein.

(n) Secondary metals recycler means any person who:

- (1) Is engaged, from a fixed location or otherwise, in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or
- (2) Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.

Sec. 8A-9.2 Recordkeeping.

- (a) Every person engaging in or operating as a junk dealer or scrap metal processor shall maintain a legible record of all purchase transactions to which such junk dealer or scrap metal processor is a party.
- (b) The following information must be maintained on a form approved by the applicable law enforcement agency for each purchase transaction:
 - (1) The name and address of the junk dealer or scrap metal processor.
 - (2) The name, initials, or other identification of the individual entering the information on the ticket.
 - (3) The date and time of the transaction.
 - (4) The weight, quantity, or volume, and a description of the type of regulated metals property purchased in a purchase transaction.

- (5) The amount of consideration given in a purchase transaction for the regulated metals property.
- (6) A signed statement from the person delivering the regulated metals property stating that she or he is the rightful owner of, or is entitled to sell, the regulated metals property being sold. If the purchase involves a stainless steel beer keg, the seller must provide written documentation from the manufacturer that the seller is the owner of the stainless steel beer keg or is an employee or agent of the manufacturer.
- (7) The distinctive number from the personal identification card of the person delivering the regulated metals property to the junk dealer or scrap metal processor.
- (8) A description of the person from whom the regulated metals property were acquired, including:
 - a. Full name, current residential address, workplace, and home and work phone numbers.
 - b. Height, weight, date of birth, race, gender, hair color, and any other identifying marks.
 - c. The right thumbprint, free of smudges and smears.
 - d. Vehicle description to include the make, model, and tag number of the vehicle and trailer of the person selling the regulated metals property.
 - e. Any other information required by the form approved by the applicable law enforcement agency.
- (9) A photograph, videotape, or digital image of the regulated metals being sold.
- (10) A photograph, videotape, or similar likeness of the person receiving consideration in which such person's facial features are clearly visible.

- (c) For the purchase of articles other than regulated metals property, the purchaser shall keep a full and complete record showing from whom and when each article was purchased or acquired and to whom sold and the date of each sale.
- (d) The records required to be kept by sub-paragraphs (a), (b) and (c) and section 538.19, Florida Statutes, shall be maintained by the purchaser on a form approved by the applicable law enforcement agency for a period of not less than five (5) years and shall at all reasonable times be subject to inspection by any local law enforcement officer commissioned in the State and the Miami-Dade Inspector General's Office. Local law enforcement shall implement a regular inspection process of secondary metal recyclers. The process shall include a report being automatically generated and sent to the Florida Department of Revenue for every violation of this ordinance and of Part II of Chapter 538 of the Florida Statutes.
- (e) If the purchase transaction involves the transfer of regulated metals property from a secondary metals recycler registered with the State to another secondary metals recycler registered with the State, the secondary metals recycler receiving the regulated metals property shall record the name and address of the secondary metals recycler from which it received the regulated metals property in lieu of the requirements of paragraph (b)(8) above.
- (f) Every junk dealer and scrap metal processor shall post notice of the prohibition of cash transactions contained in this ordinance and the prohibition of certain acts and practices contained in section 538.26 of the Florida Statutes, at every junkyard, scrap metal processing plant and any other facility where a junk dealer or scrap metal processor conducts business. The notice shall be in English, Spanish and Creole.

Sec. 8A-9.3 Prohibitions of Cash Transactions.

- (a) A junk dealer or scrap metal processor shall not enter into any cash transaction <<[[in payment for purchase of regulated metals property.]]>>for the purchase of restricted regulated metals property listed in section 8A-9.4.

- (b) Consideration for the purchase of restricted regulated metals property~~<< [[by a junk dealer or scrap metal processor]] >>~~shall be made by check issued to the seller of the regulated metals property and payable to the seller~~<<[[.]]>>~~or by a voucher issued to the seller which can be used at an on-site electronic device which produces, retains and stores an accounting of all of the information required in section 8A-9.2.

Sec. 8A-9.4 Restrictions on Purchases.

A junk dealer or scrap metal processor shall not purchase any of the following items of restricted regulated metals property without obtaining reasonable proof that the seller owns the property (such as a receipt of bill of sale) or reasonable proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business or entity owning the property and the seller is authorized to sell the item of regulated metal property on behalf of the person, business, or entity.~~<< [[owning the property:]] >>~~Reasonable proof of authorization to sell the property includes, but is not limited to, a signed letter on the owner's letterhead, dated no later than 90 days before the sale, authorizing the seller to sell the property. The scrap metal processor or junk dealer shall require reasonable proof of ownership for each individual item of restricted regulated metals property that is offered for purchase.

- (a) manhole cover.
- (b) An electric light pole or other utility structure and its fixtures, wires and hardware.
- (c) A guard rail.
- (d) A street sign, traffic sign, or traffic signal and its fixtures and hardware.
- (e) Communication, transmission, distribution, and service wire, including copper or aluminum busbars, connectors and grounding plates or grounding wire.
- (f) A funeral marker or funeral vase.
- (g) An historical marker.

- (h) Railroad equipment, including, but not limited to, a tie plate, signal house, control box, switch plate, E clip, or rail tie junction.
- (i) Any metal item that is marked with any form of the name, initials, or logo of a governmental entity, utility company, cemetery or railroad.
- (j) A copper or aluminum condensing or evaporator coil, including tubing or rods, from a heating or air conditioning unit.
- (k) An aluminum or stainless steel container or bottle designed to hold propane for fueling forklifts.
- (l) Stainless steel beer kegs.
- (m) A catalytic converter or any part of a catalytic converter.
- (n) Metallic wire that was burned in whole or in part to remove insulation.
- (o) Brass or bronze commercial valves or fittings, referred to as "FDC valves" that are commonly used on structures for access to water for the purpose of extinguishing fires.
- (p) Brass or bronze commercial potable water backflow preventer valves that are valves commonly used to prevent backflow of potable water into municipal domestic water service systems from commercial structures.
- (q) A shopping cart.

Sec. 8A-9.5 Applicability and enforcement.

This << [[section]] >> ordinance shall apply to and be enforced in both the incorporated areas and unincorporated areas of Miami-Dade County. << [[and unincorporated areas, and in the unincorporated areas shall be enforced by the County and in the incorporated areas shall be enforced by the municipalities unless the County is notified by municipalities, in the form of a resolution of the governing council or commission that it is desirous of having the County enter into an Interlocal Agreement to enforce this section in which event enforcement within the incorporated areas shall be by the County if such Interlocal Agreement is approved by the County.]] >> This ordinance shall not apply to

purchase transactions from sellers exempt pursuant to section 538.22, Florida Statutes.

Sec. 8A-9.6 Penalty.

Any person violating sections 8A-9.2, 8A-9.3 or 8A-9.4 shall, upon conviction, be punished by a fine not to exceed five-hundred dollars (\$500.00) or imprisonment in the County jail for not more than 60 days, or by both such fine and imprisonment. Each violation shall be deemed a separate offense for which a separate fine shall be assessed regardless of whether two or more violations occurred in one transaction. Any person who is convicted of a second or subsequent violation of sections 8A-9.2, 8A-9.3 or 8A-9.4 shall, upon conviction, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County jail not to exceed six (6) months or by both such fine and imprisonment.

Any person who violates or fails to comply with any provision of this ordinance shall also be subject to a fine in the amount of one thousand dollars (\$1,000.00) in accordance with Chapter 8CC of this Code. Chapter 8CC is hereby amended to include such fine. Each item of restricted regulated metals property listed in section 8A-9.4 that a scrap metal processor or junk dealer purchases in violation of this ordinance shall be deemed a separate violation for which a separate fine shall be assessed.<<

Section [[4]]>>5<< If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section [[5]]>>6<< It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section [[6]]>>7<< This ordinance shall become effective thirty (30) days after approval unless vetoed by the Mayor within ten (10) days of enactment, and if vetoed, shall

18 25

become effective only upon an override by this Board>> provided however that if SB 1528, HB 753 or similar legislation preempting ordinances that regulate purchase transactions involving regulated metals property is enacted by the Florida Legislature during the 2011 legislative session and signed into law by the Governor, then sections 2 and 3 of this ordinance shall not take effect and all subsections of sections 8A-203 and 8A-237 of the Code of Miami-Dade County shall remain in effect<<.

PASSED AND ADOPTED:

April 4, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:

Henry N. Gillman

Prime Sponsor:
Co-Sponsors:

Vice Chairwoman Audrey M. Edmonson
Commissioner Lynda Bell
Commissioner Jose "Pepe" Diaz
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan
Commissioner Jean Monestime
Commissioner Dennis C. Moss
Senator Javier D. Souto

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(10)


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

DATE: September 20, 2011

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

SUBJECT: Resolution urging the Florida
Legislature to increase the penalties
for the illegal purchase of scrap
metals; opposing state preemption
of local scrap metal ordinances
Resolution No. R-751-11

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



R. A. Cuevas, Jr.
County Attorney

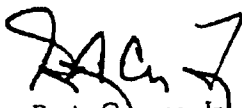
RAC/cp



MEMORANDUM
(Revised)

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

DATE: September 20, 2011


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

SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
9-20-11

RESOLUTION NO. R-751-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
INCREASE THE PENALTIES FOR THE ILLEGAL PURCHASE
OF SCRAP METALS; OPPOSING STATE PREEMPTION OF
LOCAL SCRAP METAL ORDINANCES

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 in Miami-Dade County; and

WHEREAS, such thefts include copper wire and other metals from light poles which lead to street light outages and endanger the health, safety and welfare of the public particularly the elderly and children; and

WHEREAS, on the evening of September 7, 2011, a woman was hit by a car and badly injured while crossing N.W. 7th Avenue at 59th Street in a 40-block stretch of N.W. 7th Avenue where street lights were not working because copper wire had been stolen from the light poles; and

WHEREAS, such thefts not only endanger the health and safety of the public, but also are economically burdensome on the people of Miami-Dade County because the County is required to expend funds to replace or repair stolen or vandalized street lights and signs owned by the County; and

WHEREAS, since 2009, the Miami-Dade County Public Works Department has spent thousands of dollars to repair or replace vandalized light poles; 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 adversely affects the economic recovery in Miami-Dade County by hampering the ability of property owners, banks and mortgage holders to market and sell foreclosed residential and commercial properties; and

WHEREAS, in 2010, over 800 burglaries of residential properties were reported to the Miami-Dade Police Department's Northside District alone; 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 secondary metals recyclers and scrap metal processors also known as secondary metals recyclers; and

WHEREAS, on April 5, 2011, the Board approved Ordinance No. 11-17 which regulated secondary metals recyclers and scrap metal processors; and

WHEREAS, the Board currently is considering an ordinance that would create a task force to formulate 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, current state law, section 538.26, Florida Statutes, prohibits secondary metals recyclers from:

- Purchasing regulated metals between the hours of 9 p.m. and 6 a.m.;
- Purchasing regulated metals at a location other than the recycler's registered place of business;
- Knowingly or intentionally purchasing regulated metals property from any seller who presents such property for sale at the registered location of the secondary metals recycler when such property was not transported in a motor vehicle, unless the seller can prove ownership of the regulated metals property; and

WHEREAS, the first or second offense for violating section 538.26 is only a first degree misdemeanor, punishable by up to one year imprisonment and a fine of up to \$1,000, while the third or subsequent offense is a third degree felony, punishable by up to five years imprisonment and a fine of up to \$5,000; and

WHEREAS, these penalties need to be increased to more effectively deter the purchase of illegal scrap metal; and

WHEREAS, bills were filed for consideration during the 2011 session that would have increased state regulation of secondary metals recyclers, SB 622 by Senator Alan Hays (R – Umatilla), SB 1528 by Senator Thad Altman (R – Melbourne), and HB 343 by Representative Larry Metz (R – Eustis), but these bills did not pass; and

WHEREAS, in addition to increasing state regulation of secondary metals recyclers, these bills also would have preempted local ordinances adopted after March 1, 2011; and

WHEREAS, this Board supports increased state regulation of secondary metals recyclers, but opposes any bill that would preempt local government's ability to address local issues,

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 increase the penalties for the illegal purchase of scrap metals.

Section 2. Opposes state legislation that would preempt local scrap metal ordinances.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to support the legislation set forth in Section 1 above, oppose any preemption of scrap metal ordinances as set forth in Section 2 above, and authorizes and directs that the 2012 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption.

The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

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

Agenda Item No. 11(A)(10)
Page No. 5

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty

4 33



MEMORANDUM

Agenda Item No. 7(B)

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

DATE: October 4, 2011

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

SUBJECT: Ordinance creating a task
force on scrap metal and
copper wire theft to formulate
recommendations to the
Board on enforcement of
ordinances regulating junk
dealers and scrap metal
processors

This item was amended by the Public Safety and Healthcare Administration Committee to add the City of Homestead and Florida Power and Light as members on the task force, raising it to a total of twenty three (23) members.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairwoman Audrey M. Edmonson, and Co-Sponsors Commissioner Lynda Bell, Commissioner Esteban L. Bovo, Jr., Commissioner Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Chairman Joe A. Martinez and Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

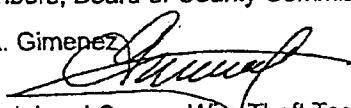
RAC/up

Memorandum



Date: October 4, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Scrap Metal and Copper Wire Theft Task Force

This report provides information regarding Public Safety & Healthcare Administration Committee Item 1E1: Ordinance creating the Miami-Dade County Task Force on Scrap Metal and Copper Wire Theft (Task Force). This Item was adopted on first reading by the Board of County Commissioners on June 7, 2011. According to Section 2-11, 37(b) of the Miami-Dade County Code, the following information is required to be provided to the Board of County Commissioners (BCC) when a new board is proposed.

1. Will the establishment of the board, as a Task Force, create sufficient betterment to the community to justify the BCC's delegation of a portion of its authority?

The proposed Task Force is advisory in nature and therefore does not require a delegation of authority from the BCC. Any non-binding recommendations from the Task Force will be presented to the BCC, in accordance with standard procedures.

2. Is there another board or agency, either public or private, which is already in existence that could serve the same purpose?

No. There is no other County Board or agency that could serve the same purpose. The proposed Task Force members will have unique, broad based knowledge of this particular issue and can make specific non-binding recommendations to the BCC.

3. The cost, both direct and indirect, of establishing and maintaining the board.

There is no additional cost for staff to support the Task Force, as it will be facilitated by existing staff. The members serve without compensation, but are entitled to reimbursement of necessary expenses incurred in the discharge of their duties.

4. Is it necessary for the board to enable the County to obtain state or federal grants or other financing?

No. As proposed, the Task Force is not being created to enable the County to seek state or federal grants or other financing.

5. Should the board have bonding authority?

Based on the duties of the proposed Task Force, bonding authority is not required.

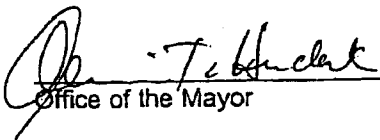
Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

6. Explain whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the BCC.

The proposed Task Force would not have the final authority to enter into contracts. Any contracts would have to be ratified by the BCC and should follow the County's established procurement procedures.

7. Is the creation of a new board the best method of achieving the benefit desired?

As the issue of scrap metal collection and resale is constantly evolving with new trends emerging daily, the knowledge of the individual Task Force members of the issue within their particular jurisdiction is best suited to continually review and provide recommendations. The Task Force's non-binding recommendations will provide the opportunity to alleviate issues, which creates public safety concerns and negatively impacts community stakeholders.



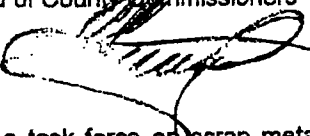
Office of the Mayor

Memorandum



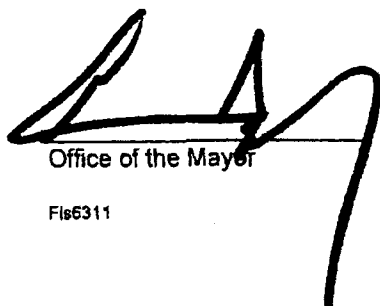
Date: October 4, 2011

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

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance creating a task force on scrap metal and cooper wire theft to formulate recommendations to the Board of County Commissioners

The proposed ordinance creates the Miami-Dade County Task Force on Scrap Metal and Copper Wire Theft ("Task Force") that would formulate recommendations regarding ordinances regulating junk dealers and scrap metal processors, propose amendments, and educate businesses and the community on the effect of such ordinances and the prevention of illegal sales of regulated and restricted regulated metals. The proposed ordinance may have a fiscal impact to the County. The members of the Task Force will serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. The funding source for these reimbursements would come from either fines or charges as a result of enforcement actions. However, at this time it is difficult to determine the net reimbursement requirements.



Office of the Mayor

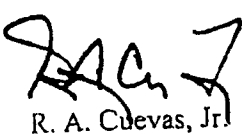
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MEMORANDUM
(Revised)

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

DATE: October 4, 2011

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

SUBJECT: Agenda Item No. 7(B)

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. 7(B)
10-4-11

ORDINANCE NO. _____

ORDINANCE CREATING A TASK FORCE ON SCRAP METAL AND COPPER WIRE THEFT TO FORMULATE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS ON ENFORCEMENT OF ORDINANCES REGULATING JUNK DEALERS AND SCRAP METAL PROCESSORS, PROPOSED AMENDMENTS, EDUCATION OF BUSINESSES AND THE COMMUNITY ON THE EFFECT OF SUCH ORDINANCES, AND THE PREVENTION OF ILLEGAL SALES OF REGULATED AND RESTRICTED REGULATED METALS

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 create power outages and endanger the health, safety and welfare of the public particularly the elderly and children; and

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

WHEREAS, for example, since 2009, the County's Public Works Department has spent thousands of dollars to repair or replace vandalized light poles; and

WHEREAS, such thefts damage or interrupt utilities which endanger the public's health, safety and welfare; and

WHEREAS, such thefts also result in increased costs to businesses and homeowners that have been victimized by thefts and have suffered damages; and

WHEREAS, the economic recession has resulted in many residential and commercial properties in foreclosure which are either unoccupied or under renovation and thus more likely targets for burglars to steal or vandalize personal property that contain ferrous and nonferrous metals material; and

WHEREAS, for example, air conditioning units have been vandalized because they contain copper material; and

WHEREAS, such criminal activity adversely affects the economic recovery in Miami-Dade County by hampering the ability of property owners, banks and mortgage holders to market and sell residential and commercial properties; and

WHEREAS, in 2010, over 800 burglaries of residential properties have been reported to the Miami-Dade Police Department's Northside District alone; and

WHEREAS, the 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, the theft of such metals material may result in its unlawful sale to junk dealers and scrap metal processors also known as secondary metals recyclers;

WHEREAS, on April 5, 2011, the Board approved Ordinance No. 11-17 which created Sections 8A-9 through 8A-9.6 to regulated junk dealers and scrap metal processors; and

WHEREAS, this Board finds that the creation of a task force to formulate recommendations on enforcing and amending ordinances regulating junk dealers 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 will promote, protect and improve the health, safety and welfare of the people of Miami-Dade County, Florida,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Creation.

There is hereby created the Miami-Dade County Task Force on Scrap Metal and Copper Wire Theft ("Task Force").

Section 2. Membership; Appointments; Vacancies; and Qualifications.

The Task Force shall be comprised of twenty >>three (23)<<¹ [~~one (21)~~] members from the following categories of representatives:

- (1) One (1) member of the Miami-Dade County Board of County Commissioners appointed by the Chair;
- (2) One (1) selected by each of the following municipalities:
 - (a) City of Miami,
 - (b) City of Hialeah,
 - (c) City of Miami Gardens,
 - (d) City of North Miami,
 - (e) City of Miami Beach, [~~and~~]
 - (f) City of Medley [~~+~~] >>and<<
 - >>(g) City of Homestead:<<
- (3) One (1) selected by the League of Cities;

¹ Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

(4) One (1) from the Miami-Dade Office of the State Attorney selected by the Miami-Dade Office of the State Attorney;

(5) One (1) selected by the Miami-Dade County Inspector General's Office;

[[and]]

>>(6) One (1) from Florida Power & Light selected by Florida Power & Light;

and<<

[[~~(6)~~]]>>(7)<< One (1) representative from each of the following County departments appointed by the Mayor or the Mayor's designee:

(a) Miami-Dade County Police Department, and

(b) Miami-Dade County Public Works Department.

[[~~(7)~~]]>>(8)<< The following representatives shall be appointed by majority vote of the Board of County Commissioners:

(a) Five (5) representatives from the scrap metals industry each possessing at least five (5) years experience in the scrap metals industry;
and

(b) Four (4) representatives from the community with an understanding of the impact of copper wire and scrap metal theft on neighborhoods.

[[~~(8)~~]]>>(9)<< *Vacancies.* Vacancies shall be filled in the same manner by which the original members were appointed.

[[~~(9)~~]]>>(10)<< *Qualifications of Members.* Each member of the Task Force shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives this requirement by a two-thirds (2/3).

9 42

vote of its membership. No applicant shall be selected for the Task Force if he or she has ever had in any jurisdiction any prior charge, indictment, citation, prosecution, plea of guilty or nolo contendere of a felony, misdemeanor, or ordinance violation, for larceny, theft, possession of or dealing in stolen goods or any crime related to scrap metal processors or junk dealers, regardless of whether adjudication was withheld. The members of the Task Force shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

Section 3. Organization.

- (1) The Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance.
- (2) A chairperson and a vice chairperson shall be selected by the Task Force at its first meeting. The chairperson and vice chairperson shall serve at the will of the Task Force.
- (3) The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence or inability of the chairperson.
- (4) In order to transact any business or to exercise any power vested in the Task Force, a quorum consisting of a majority of those persons duly appointed to the Task Force shall be present, provided that at least one-half (1/2) of the full Task Force membership has been appointed.

- (5) The Task Force may appoint committees to accomplish its tasks. Members of a committee may consist of members of the Task Force and/or other persons with specialized knowledge that would benefit the committee.
- (6) The Mayor or the Mayor's designee shall supply such support staff to the Task Force as may be necessary to fulfill its purpose. The staff shall maintain and keep the records of the Task Force; prepare in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, or correspondence as the Task Force may direct; and generally administer the business and affairs of the Task Force, subject to budgetary limitations.
- (7) The County Attorney's Office shall provide legal counsel, as needed, to the Task Force.

Section 4. Meetings.

The Task Force shall meet no less than every 90 days. Additional meetings may be held at the discretion of the Task Force.

Section 5. Powers and duties.

The purpose of the Task Force is to provide non-binding written recommendations to the Board of County Commissioners on:

- (1) Enforcement of ordinances regulating junk dealers and scrap metal processors, including Sections 8A-203, 8A-237, and 8A-9 through 8A-9.6 of the Code of Miami-Dade County, Florida;
- (2) Proposed amendments to ordinances regulating junk dealers and scrap metal processors;

- (3) Methods of educating local businesses and the community on the effect of ordinances regulating junk dealers and scrap metal processors; and
- (4) Methods of preventing the illegal sale of regulated metals and restricted regulated metals as defined in Sections 8A-9.1 and 8A-9.4 of the Code of Miami-Dade County, Florida.
- (5) The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 6. Reports.

The Task Force shall submit its first written recommendations to the Board of County Commissioners no later than 180 days from the effective date of this ordinance and shall submit written recommendations to the Board of County Commissioners every 180 days thereafter.

Section 7. Applicability of County rules and procedures.

The Task Force shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County.

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

17/95

Section 9. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 11. This ordinance shall stand repealed three (3) years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:

Joni A. Mosely

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson

Co-Sponsors: Commissioner Lynda Bell
Commissioner Esteban Bovo, Jr.
Commissioner Jose "Pepe" Diaz
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan
Chairman Joe A. Martinez
Senator Javier D. Souto

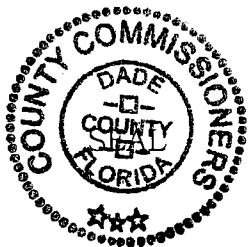
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STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, HARVEY RUVIN, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution R-910-11, which was adopted by the Miami-Dade Board of County Commissioners at its meeting held on October 4, 2011, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 27th day of October, A.D., 2011.

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida



By Fara C. Beaz
Deputy Clerk

Board of County Commissioners
Miami-Dade County, Florida