Secondary Metals Recyclers

**Who regulates secondary metals recyclers?**

Local law enforcement and three state agencies have statutory obligations regarding Florida's secondhand dealers, mail-in secondhand dealers, and secondary metals recyclers. (Chapter 538, F.S.)

**Local law enforcement -** Enforces secondhand dealer, mail-in secondhand dealer, and secondary metals recycler compliance with registration, recordkeeping, holding period, and inspection requirements. Citizens or business owners should contact their local police or sheriff's department with questions about these requirements.

Florida Department of Revenue (DOR) – Maintains the statewide registration system for secondhand dealers, mail-in secondhand dealers, and secondary metals recyclers. Additional information can be found at their Secondhand Dealers and Secondary Metals Recyclers Website:

<http://dor.myflorida.com/dor/taxes/secondhand_dealers_recyclers.html>

**Florida Department of Highway Safety & Motor Vehicles (DHSMV) -** Oversees recordkeeping, proof of ownership, reporting, and enforcement of state laws related to the dismantling or destruction of motor vehicles, recreational vehicles, and mobile homes by salvage motor vehicle dealers and secondary metals recyclers (Chapter 319, F.S.). Depending on the type of materials obtained, certain businesses may be required to register as a **salvage motor vehicle dealer** in addition to registration as a secondary metals recycler. (Section 320.27, F.S) <https://www.flhsmv.gov/motor-vehicles-tags-titles/dealers-installers-manufacturers-distributors-importers/>

Florida Department of Law Enforcement (FDLE) - Approves transaction forms that document the sale/purchase of secondary metals. Secondary metals recyclers must complete and maintain these forms for specified time periods (Chapter 538, F.S.).

**What is the difference between the “FDLE approved form”, an “alternate form”, and an “electronic format”?**

FDLE Approved Form – a form designed and approved by FDLE. It is available in a PDF format that can be completed electronically, but it is usually printed and maintained as a hard copy document. [(Link here)](http://www.fdle.state.fl.us/SMI/Documents/FLORIDA-SECONDARY-METALS-RECYCLER-PURCHASE-TRANSAC.aspx)

Alternate Form – a form designed by a dealer, or by a third-party on behalf of the dealer. It is often generated by software used for electronic record keeping, but might also be a hard copy form completed by hand. These forms should be submitted to FDLE for review to ensure they meet the statutory requirements for record keeping.

Electronic Format – data elements that are transmitted electronically from the dealer to the local law enforcement agency. A list of required elements is provided on the FDLE website. [(Link here)](http://www.fdle.state.fl.us/SMI/Documents/Secondary-Metals-Recycling-Form-Data-Element-List.aspx)

**Where can I get a copy of the FDLE approved transaction form for secondary metals recyclers?**

A PDF version of the FDLE approved form is available on the FDLE Website. [(Link here)](http://www.fdle.state.fl.us/SMI/Documents/FLORIDA-SECONDARY-METALS-RECYCLER-PURCHASE-TRANSAC.aspx)

**Is the secondary metal recyclers form posted on FDLE’s Website the only acceptable form?**

No. Alternate forms may be used, but they must include all the information contained on the FDLE approved form. Dealers may submit requests for review and approval of alternative forms to:

MetalsForms@fdle.state.fl.us

or

Florida Department of Law Enforcement

Investigations and Forensic Sciences Program

Office of Policy and Planning

P. O. Box 1489

Tallahassee, FL 32302-1489

**I use a software program to keep track of the transactions for my business. Do I still need to use the paper FDLE approved form?**

No. However, the software program must be able to print a version of the transaction form that includes all the information contained in the FDLE approved form. The signature and thumbprint must be readable and free of smudges. Alternate forms may be submitted to FDLE for review and approval.

MetalsForms@fdle.state.fl.us

or

Florida Department of Law Enforcement

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**My local law enforcement agency says the form I am using is not good enough. Will FDLE settle this disagreement?**

If there is a disagreement between a dealer and local law enforcement about the sufficiency of a form, the dealer may submit the form to FDLE for review. FDLE will provide the dealer with a written response as to the approval or disapproval of the electronic form based on whether the form meets the statutory requirements of Section 538.19, Florida Statutes.

**What are the electronic record format requirements effective July 1, 2012?**

FDLE has posted a table of the data elements that are required to be electronically collected, submitted and stored [(link here)](http://www.fdle.state.fl.us/SMI/Documents/Secondary-Metals-Recycling-Form-Data-Element-List.aspx). These data elements meet the minimum statutory requirements. Any electronic records specifications must meet or exceed these requirements. If your electronic version meets or exceeds the data elements in the table provided, it is approved by FDLE.

**What are the “Restricted Regulated Metals” that require me to obtain reasonable proof of ownership or authorization to sell?**

Effective July 1, 2012, Section 538.26 (5)(b), Florida Statutes, identifies twenty types of items as “restricted regulated metals”. The following regulated metals are designated as restricted:

* A manhole cover
* An electric light pole or other utility structure and its fixtures, wires, and hardware that are readily identifiable as connected to the utility structure
* A guard rail
* A street sign, traffic sign, or traffic signal and its fixtures and hardware
* Communication, transmission, distribution, and service wire from a utility, including copper or aluminum bus bars, connectors, grounding plates, or grounding wire
* A funeral marker or funeral vase
* Railroad equipment, including, but not limited to, a tie plate, signal house, control box, switch plate, E clip, or rail tie junction
* Any metal item that is observably marked upon reasonable inspection with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad
* A copper, aluminum, or aluminum-copper condensing or evaporator coil, including its tubing or rods, from an air conditioning or heating unit, excluding coils from window air-conditioning or heating units and motor vehicle air-conditioning or heating units
* An aluminum or stainless steel container or bottle designed to hold propane for fueling forklifts
* A stainless steel beer keg
* A catalytic converter or any nonferrous part of a catalytic converter unless purchased as part of a motor vehicle
* Metallic wire that has been burned in whole or in part to remove insulation
* A brass or bronze commercial valve or fitting, referred to as a “fire department connection and control valve” or an “FDC valve,” that is commonly used on structures for access to water for the purpose of extinguishing fires
* A brass or bronze commercial potable water backflow preventer valve that is commonly used to prevent backflow of potable water from commercial structures into municipal domestic water service systems
* A shopping cart
* A brass water meter
* A storm grate
* A brass sprinkler head used in commercial agriculture

**What constitutes “reasonable proof of ownership” or “reasonable proof to sell” in regard to restricted regulated metals?**

 Section 538.26(5)(a), Florida Statutes, provides the following definitions.

“Reasonable proof of ownership may include, but is not limited to, a receipt or bill of sale;”

“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.”

FDLE will not make determinations on the adequacy of proof of ownership or reasonable proof to sell. Dealers with concerns should contact their local law enforcement agency or seek legal counsel.