

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 739 — Secondhand Dealers

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Passidomo and others (CS/CS/CS/SB 948 by Rules Committee; Fiscal Policy Committee; Commerce and Tourism Committee; and Senator Richter)

The bill (Chapter 2016-59, L.O.F.) revises the laws that govern transactions by secondhand dealers. The bill:

- Amends the definition of “secondhand goods” to include gift cards and credit memos;
- Defines the term “automated kiosk”;
- Enlarges the definition of “secondhand dealer” to include any secondhand dealer who is engaged in the business of purchasing secondhand goods by means of an automated kiosk;
- Requires secondhand dealers to maintain digital photos of the goods they acquire;
- Provides recordkeeping requirements for goods procured by a secondhand dealer at an automated kiosk;
- Extends the time period for which a secondhand dealer must hold certain items from 15 to 30 days from initial acquisition, and requires any item procured at an automated kiosk to be held for 30 days;
- Subjects secondhand dealers to noncriminal penalties, punishable by a fine of up to \$2,500; and
- Allows a secondhand good to be kept at a location outside of the jurisdiction of the appropriate law enforcement agency if there is an agreement between the law enforcement official and the secondhand dealer, and if the secondhand dealer can deliver the good to appropriate law enforcement within 2 days of a request.

These provisions were approved by the Governor and take effect on July 1, 2016.

Vote: Senate 40-0; House 115-0