

By the Committee on Business Regulation & Consumer Affairs  
and Representatives Dockery and Putnam

1                                   A bill to be entitled  
2           An act relating to secondhand dealers; amending  
3           s. 538.03, F.S.; revising a definition;  
4           amending s. 538.04, F.S.; exempting secondhand  
5           dealers from certain recordkeeping requirements  
6           for transactions involving secondhand sports  
7           equipment; providing an exception; providing an  
8           effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Paragraph (g) of subsection (1) of section  
13   538.03, Florida Statutes, is amended to read:

14           538.03 Definitions; applicability.--

15           (1) As used in this part, the term:

16           (g) "Secondhand goods" means personal property  
17   previously owned or used, which is not regulated metals  
18   property regulated under part II and which is purchased,  
19   consigned, or pawned as used property. Such secondhand goods  
20   shall be limited to watches; diamonds, gems, and other  
21   precious stones; fishing rods, reels, and tackle; audio and  
22   video electronic equipment, including television sets, compact  
23   disc players, radios, amplifiers, receivers, turntables, tape  
24   recorders; video tape recorders; speakers and citizens' band  
25   radios; computer equipment; radar detectors; depth finders;  
26   trolling motors; outboard motors; sterling silver flatware and  
27   serving pieces; photographic equipment, including cameras,  
28   video and film cameras, lenses, electronic flashes, tripods,  
29   and developing equipment; microwave ovens; animal fur coats;  
30   marine equipment; video games and cartridges; power lawn and  
31   landscape equipment; office equipment such as copiers, fax

1 machines, and postage machines but excluding furniture; sports  
2 equipment; golf clubs; weapons, including knives, swords, and  
3 air guns; telephones, including cellular and portable;  
4 firearms; tools; calculators; musical instruments, excluding  
5 pianos and organs; lawnmowers; bicycles; typewriters; motor  
6 vehicles; gold, silver, platinum, and other precious metals  
7 excluding coins; and jewelry, excluding costume jewelry.

8 Section 2. Subsection (5) is added to section 538.04,  
9 Florida Statutes, to read:

10 538.04 Recordkeeping requirements; penalties.--

11 (1) Secondhand dealers shall maintain records of all  
12 transactions of secondhand goods on the premises. Within 24  
13 hours of the acquisition of any secondhand goods by purchase  
14 or pledge as security for a loan, a secondhand dealer shall  
15 deliver to the police department of the municipality where the  
16 goods were purchased or, if the goods were purchased outside  
17 of a municipality, to the sheriff's department of the county  
18 where the goods were purchased, a record of the transaction on  
19 a form approved by the Department of Law Enforcement. Such  
20 record shall contain:

21 (a) The time, date, and place of the transaction.

22 (b) A complete and accurate description of the goods  
23 acquired, including any serial numbers, manufacturer's  
24 numbers, or other identifying marks or characteristics.

25 (c) A description of the person from whom the goods  
26 were acquired, including:

27 1. Full name, address, workplace, and home and work  
28 phone numbers.

29 2. Height, weight, date of birth, race, gender, hair  
30 color, eye color, and any other identifying marks.

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1 (d) Any other information required by the form  
2 approved by the Department of Law Enforcement.

3 (2) The secondhand dealer shall require verification  
4 of the identification by the exhibition of a government-issued  
5 photographic identification card such as a driver's license or  
6 military identification card. The record shall contain the  
7 type of identification exhibited, the issuing agency, and the  
8 number thereon.

9 (3) The seller shall sign a statement verifying that  
10 the seller is the rightful owner of the goods or is entitled  
11 to sell or pledge the goods.

12 (4) Any person who knowingly gives false verification  
13 of ownership or who gives a false or altered identification,  
14 and who receives money from a secondhand dealer for goods sold  
15 or pledged commits:

16 (a) If the value of the money received is less than  
17 \$300, a misdemeanor of the first degree, punishable as  
18 provided in s. 775.082 or s. 775.083.

19 (b) If the value of the money received is \$300 or  
20 more, a felony of the third degree, punishable as provided in  
21 s. 775.082, s. 775.083, or s. 775.084.

22 (5) Secondhand dealers are exempt from the provisions  
23 of this section for all transactions involving secondhand  
24 sports equipment except secondhand sports equipment that is  
25 permanently labeled with a serial number.

26 Section 3. This act shall take effect upon becoming a  
27 law.

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